

Planning Report

For: PLANNING AND REGULATION COMMITTEE – 1 DECEMBER 2014

By: DEPUTY DIRECTOR FOR ENVIRONMENT & ECONOMY (STRATEGY & INFRASTRUCTURE PLANNING)

Development Proposed:

Proposed extension to site area of aggregate recycling facility for processing and stockpiling waste materials and recycled products and variation of conditions 1 and 15 of planning permission MW.0184/12 to provide for revisions to the approved site fencing, landscaping and drainage system.

Division Affected: Eynsham

Contact Officer: David Periam **Tel:** Oxford 895151

Location: Sheehans Recycled Aggregates Plant, Dix Pit, Stanton Harcourt, Witney OX29 5BB

Application No: MW.0003/14 **District Ref:** 14/0142/P/CM

Applicant: Chris Sheehan, Sheehan Haulage and Plant Hire Ltd

District Council Area: West Oxfordshire

Date Received: 23 January 2014

Consultation Period: 30 January – 20 February 2014 and 20 October – 11 November 2014

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• Part 1 – Facts and Background

Location (see Site plan 1)

1. The village of Stanton Harcourt lies about 700 metres to the north east of the application site and the towns of Witney and Eynsham are located about 5 kilometres (3 miles) to the northwest and northeast respectively. Oxford is about 10 kilometres (6 miles) to the east. The West Oxfordshire District Local Plan landscape character assessment places the application site within the Lower Windrush Valley and Eastern Thames Fringes Landscape Character Area. The Oxfordshire Wildlife and Landscape Study identifies the site as falling within the landscape areas of Lowland Village Farmlands and River Meadowlands and the particular local landscape character of Stanton Harcourt.
2. The application site has previously been worked (for sand & gravel extraction and subsequent infilling) but is now restored. The application area covers 3.3 ha including the existing permitted site to which variations of conditions are proposed, with the extension area covering 1.8 ha and includes the existing recycled aggregates plant and the field immediately to its north-west which is currently rough grassland. It adjoins to the east the Controlled Reclamation Landfill site (Con Rec), which is currently the subject of an enforcement notice requiring the removal of material and its restoration.
3. It is part of the Dix Pit Waste Management complex, about 150 Hectares of land to the east of the River Windrush that has been worked extensively for sand, gravel and clay. The central area has been restored to a lake, and the remainder has been, or is in the process of being, restored by land filling.
4. In addition to the Con Rec site, which is on the north-western side of the complex, there is a landfill site to the east, while to the south there is a former block making works (Conbloc), a batching plant, a waste transfer station, a household waste recycling centre and various workshops and small scale industrial units. All these units are served by a purpose-built, tarmacked haul road running up to Blackditch near the junction with the B4449. Blackditch also provides access to the Lakeside (Oasis) Industrial Estate on the edge of Stanton Harcourt about 700 metres to the north-east of the application site. A fishing lake run by the Vauxhall Angling Club lies to the west. Agricultural land lies to the north-west.
5. Beard Mill, which is a grade II listed building, lies approximately 446 metres to the north-west of the application site (320 metres to the property boundary) and is separated from the application site by the B4449 and a lake. There are two other houses on the northern side of the B4449, Keppel Cottage and The Old Vicarage, at a distance from the application site of approximately 500 metres to the nearest façade.

6. Stanton Harcourt Public Bridleway 12, runs immediately to the north of the application site and crosses the existing vehicle access to the recycled aggregates plant from the Blackditch access road.

History

7. The original application for the recycled aggregates plant [Ref: MW.0091/09, DC Ref: 09/0330/P/CM] was refused on 28 September 2009 but granted on appeal on 23rd March 2011. A revised application for the facility [Ref: MW.0184/12, DC Ref: 12/1638/P/CM] was granted planning permission on 21st March 2013. There is also a routing agreement which requires lorries associated with the facility to not travel through Sutton during the morning and afternoon peak hours. A section 73 planning application to planning permission no. MW.0184/12 for the external lighting of the facility is yet to be determined (application no. MW.0069/13) as is an application for a Certificate of Proposed Lawful Use or Development for B2 (General Industrial) use for the erection of a covered bay.

Details of the Development

8. The applicant states that due to the success of the existing recycled aggregates facility, a lack of space within the existing permitted site has become apparent. Whilst the customer base for the recycled products is building, this has not kept pace with the waste materials imported to the site. There is insufficient space to stockpile the recycled products separately to maintain their specification and also to prevent them becoming mingled with the waste material feed stockpiles. As a result, the applicant has been stockpiling the incoming materials on the adjoining landfill site as a temporary measure. Whilst it is expected that the situation of production outstripping demand will improve with time, it is considered that additional space will be beneficial in order to ensure good separation of stockpiles of recycled products so that their specification and high quality can be well maintained.
9. The proposed extension area would be used to provide more space for the crushing and screening operations that are necessary to provide the full range of recycled products required by the applicant's customers and to the high quality demanded. The pre-processing operations to provide suitable feedstock for the plant would continue in its current location to the north of the wash plant to enable transfer of the primary treated feedstock to the processing plant with ease. The extension area would be used for the storage of unprocessed material for the manufacture of dry fines and Class 6F1 and 6F2 crushed material (which is not put through the wash plant) and storage of the processed materials; and the storage of both unprocessed waste asphalt and road planings from Highways contracts which would be processed through the existing wash plant into a suitable product for re-blending into new asphalt and then the storage of the processed material. It is planned that the manufacturing of the fines and Class 6F1 and 6F2, would take place in the south eastern and western parts of the extension area (as an extension of the existing crushing and screening area), and the finished product would also be

stockpiled in the western part, whilst the northern part of the site would accommodate the asphalt road planings – both processed and unprocessed. Some topsoil screening would also be carried out. Stockpiles would not exceed the height currently permitted of eight metres above the base of the site.

10. As a consequence of the extension area, the existing fence line to the north of the permitted site would be relocated and extended to surround the extended site. This would be 2.7 metres high metal palisade fencing as existing. Following concerns raised by your officers with regard to the landscape and visual amenity impact of the application as originally proposed, a Landscape Visual Impact Assessment (LVIA) has been carried out. As a result of this, the applicant advises that additional planting is proposed to provide an improved setting to the overall recycling complex, so that it sits comfortably within the wider landscape as follows:

- Retain land on higher elevations of the site as soft landscaping;
- Retain and protect all existing trees;
- Plant groups of native trees;
- Retain and actively manage tall ruderal vegetation on the higher elevations of the site;
- Retain existing hedgerows and replant gappy stretches; and
- Introduce enhanced wetland planting to the surface water storage pond.

The proposed planting would be with native species and the stock would be 8 to 10 cm girth in size at one metre from ground level and 2.5 to 3 metres in height at planting which it is advised would provide a reasonable quantity of screening after about 10 years in combination with existing planting carried out 3 to 4 years ago. It is considered that the ground conditions are suitable to promote good growth rates. The local landscape is found to have a moderate to low sensitivity, and overall the LVIA concludes that the proposed development as revised with the above landscape proposals would not have any significant landscape or visual impacts. This conclusion stands whether or not the contours of the over-tipped adjoining landfill site remain as at present or are reduced in accordance with the enforcement notice requirements.

11. The revised scheme means a reduction in the space available for the proposed ancillary stockpiling and processing activities, and therefore it is proposed that the balance of the space required is sought within an existing lower area within the adjoining Con Rec landfill site, which would be the subject of a separate application for final restoration of the landfill site, which the applicant advises is to be submitted shortly.
12. The application is accompanied by a flood risk assessment. The existing site has an approved drainage system but amendments would be made to it involving extension of the ditching around the perimeter of the extended site which would drain via an interceptor into the existing surface water drainage pond. These variations lead to the substitution of existing approved

documents and so the variations proposed to conditions 1 and 15 of the existing planning permission.

13. The proposed extension and amendments, including the importation of 20,000 tonnes per annum of road sweepings (5,000 tonnes) and waste asphalt and planings (15,000 tonnes) , would not lead to any increase in the overall permitted throughput of 100,000 tonnes of waste imported per annum or vehicle movements. The site would operate between the hours of 7.00 am and 6.00 pm Mondays to Fridays and 7.00 am to 1.00 pm on Saturdays as for the existing permitted development.
14. Should planning permission be granted, the applicant would expect it to be time limited in accordance with the existing planning permission i.e. 31st December 2029 for expiration and 31st December 2030 for restoration.
15. In support of the application, the applicant states he would like to offer a scheme of corporate social responsibility for land within his ownership at and adjoining the application site to include scheduled maintenance and clearance of public rights of way and the clearance/dredging of ditches with a view to improving greater collection of surface water run-off and assist the amelioration of flooding that is experienced in the Windrush Valley. The applicant has also offered to make a contribution of £10,000 to be split between the Parish Council for local community use and the Lower Windrush Valley Project. Following discussions with the Rights of Way Officer, the applicant is also prepared to consider the diversion of the public bridleway so as to run to the west of the application site alongside the River Windrush.
16. With regard to planning policy, the applicant considers that the proposal would be integrated into an already developed site in the countryside and is intended to support a highly sustainable facility which seeks to conserve resources and provide a balance in environmental quality in accordance with policy NE1 of the West Oxfordshire Local Plan (WOLP). The facility enables the production of a real substitute for primary aggregate thereby reducing the demand for more mineral extraction and consequential harm to the countryside to which that gives rise. With regard to WOLP policy NE3 which requires that proposals respect the local landscape character, the applicant considers that it is compliant. The site would be well screened by existing trees and vegetation and proposed planting and the raised landform of the Con Rec site. All existing planting would be retained and additional planting with local indigenous species would sustain and in time reinforce the local landscape character and provide screening to the bridleway. The proposed extension would have minimal additional impact over and above that already caused by the existing development and would be located where landscape impact is minimised. The West Oxfordshire Landscape Assessment identifies that the site falls within the Reconstruct category of landscape quality and condition which are pockets of landscape which have undergone major change in character and do not fit comfortably within the rural landscape. As it would be screened by existing and proposed planting,

it is also considered that the development accords with policy W5 of the Oxfordshire Minerals and Waste Local Plan (OMWLP).

17. It is considered that the development would not cause any unacceptable disturbance to amenity in accordance with the aims of policies W3 and PE3 of the OMWLP; the site is over 350 metres from the nearest sensitive property and the distance would attenuate any potential emissions from site operations. It is also considered that the development accords with OMWLP and WOLP policies with regard to protection of the water environment.
18. The application is supported by a phase 1 habitat survey and ecological assessment which concludes that there would be no adverse effects on habitats or protected species and includes recommendations for mitigation and compensation which would be implemented. Together with the new planting this would improve the ecological character of the area. It is therefore considered that this complies with NPPF policy (paragraph 109).
19. The applicant considers that the recycled aggregates plant facility is very sustainable, manufacturing aggregate products from waste which have been shown to be suitable as a substitute for natural mineral for a range of purposes including coarse sand, ballast and structural concrete manufacture. The plant provides Type 1 aggregate material which is not otherwise available locally and sand which was used for the production of sand bags during the flooding of the winter of early 2014. With regard to recycled road planings, which comprise asphalt reclaimed from highways maintenance and reconstruction work of roads, the plant has the necessary capability to improve the percentage of recycled asphalt re-used for road building by processing and rebinding the road planings to manufacture a high specification heavy duty replacement product, suitable for base and binder courses of public highways, and thereby creating on behalf of the Highways Authority a closed loop recycling of existing road surfaces.
20. Highway sweepings are processed to create a further useable form of material from through the filter press, which is currently being used for landfill cover and engineering, but also has the potential to be used for manufacture of bricks and other building products.
21. The applicant references the February 2014 Review and Update of the (May 2012) Oxfordshire Waste Needs Assessment background document which confirms at paragraph 7.2 of the Construction, Demolition and Excavation Waste Chapter that these types of systems, should be the focus for further improvement in recovery of demolition waste. The document furthermore identifies in the following paragraph 7.3 that excavation waste is the most problematic stream to divert from landfill, because of clay type materials that are not amenable to recycling through currently adopted processing methods due to its cohesive properties, and that this material requires disposal to landfill if alternative routes are not available. The plant offers such an alternative route, and should be encouraged, as suggested further in paragraph 7.3 of the Construction, Demolition and Excavation Waste

Chapter of the Waste Needs Review document, by ensuring the availability of new sites or expansion of existing capacity.

22. The applicant also considers that the development complies with NPPF policy with regard to delivering sustainable development (paragraphs 9,186, 187 & 197 of the NPPF) and PPS10. In light of the measures proposed to address the landscape and visual concerns and the highly sustainable benefits that the additional site area would bring, the applicant hopes that the planning balance weighs in favour of the proposed development and that planning permission is forthcoming for the proposed site extension and variations to conditions on the existing development.

• Part 2 – Other Viewpoints

Representations

23. Representations have been received from two parties. The resident of the closest property objects to the application on the following grounds:
- i) Need – the application effectively doubles the size of the existing site, but the existing site is designed to operate to the existing capacity of 100,000 tonnes per annum on its existing footprint. The proposed changes in terms of a wider range of processing activities and stockpiling large quantities of material are significant and not essential to the existing satisfactory running of the site and not just minor modifications. It is questioned whether the increased profits the applicant would obtain from the grant of planning permission are justified against the adverse impact on its rural surroundings. The original appeal decision recognised this and set limitations on the development. A compelling need for the development over and above that originally consented has not been justified and to permit this application would ignore this planning balance. If the site is now too small for the operation, then it should re-locate elsewhere.
 - ii) Visual impact – the site is most visible from the north along the B4449 and Beard Mill but only the tops of the existing stockpiles and processing plant can currently be seen due to the existing contours of the landfill site. The extension area would not benefit from this shielding and will be in full view to the north and the restoration of this land to grazing pasture will be defaced. Contrary to the applicant's original assertion, the site is not well screened by existing vegetation and that which has been more recently planted is sparse and immature and will never screen the eight metre high stockpiles contemplated. The visual impact will be dramatic, unsightly and out of keeping with its rural setting contrary to the District's Landscape Character Assessment and impact on the amenity of local users of the countryside. The LVIA carried out is deficient and understates the existing visibility of the site from the north. The additional planting proposed will not render the visual impact acceptable and the LVIA's conclusion that there will be significant landscape and visual

impacts is challenged. The site is a restored mineral working and to allow this development would set a poor precedent for future mineral working.

- iii) Noise – The existing plant emits significant noise pollution despite the attenuation of the existing land contours. As the proposed extension would bring the development closer to the nearest property at Beard Mill, this will significantly worsen and the proposed landscaping will have no mitigating effect.
 - iv) Listed residential buildings – Beard Mill is a Grade II Listed 16th Century water mill which has been restored by the current owner and won a RIBA Downland prize in 2007 for its architectural merit. The applicant has neglected to mention the property or show its position on any plans.
 - v) Applicant's track record – The applicant has failed to live up to promises made in previous planning applications and have breached planning conditions with enforcement action having been taken on several matters, many of which are unresolved. The applicant's representations in the current application therefore lack credibility and it would seem reckless for the County Council to assume better performance in the future should planning permission be granted to the enlarged proposal.
 - vi) The B4449 is already carrying too many HGVs which have little room to pass and render it unsafe for other road users. The proposed expansion of the site can only exacerbate this situation.
24. The Vauxhall Angling Club which fishes the lake to the west objects on the following grounds:
- i) The LVIA makes incorrect assumptions. The applicant has no rights to do anything with the vegetation surrounding the lake and the omission of any detailed consideration of the impact on the lake is telling. The applicant has not sought to engage with the Angling Club.
 - ii) The Angling Club may well open up the northern bank in question to allow for easier fishing and will on no account be filling in any gaps in the tree line or bankside vegetation therefore restricting the long standing angling activities. The submission is entirely unclear as to precisely where any landscaping will take place and seems to be contradictory in terms of its maps and written statements. It is also believed that there is existing land drainage in this area which does not appear to be commented on.
 - iii) There would be a detrimental impact to the lake due to the proposed development's proximity. Having heavy vehicles moving and piling materials, with all of the associated noise, dirt, air pollutants next to a fishing lake and anglers would be unacceptable. Local anglers come to

fish the lake for the peace and tranquillity it offers, not to feel part of an industrial site.

Consultations

25. A summary of consultation responses received in relation to this application can be found at Annex 1.

Part 3 – Relevant Planning Documents

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

26. Planning applications should be decided in accordance with the Development Plan unless material considerations indicate otherwise.
27. The relevant development plan documents are:
- The West Oxfordshire District Local Plan (WOLP) 2011
 - The Oxfordshire Minerals and Waste Local Plan (OMWLP)1996
28. The Draft Oxfordshire Minerals and Waste Local Plan Core Strategy (OMWCS) has been out to consultation. This document is at an early stage of preparation and as such the weight which can be given to the policies it contains is very limited. It is anticipated that it will be submitted to government for examination in the spring of 2015. Notwithstanding the very limited weight that this plan currently has, it is appropriate to consider draft policies which are relevant to this development.
29. The Draft West Oxfordshire Local Plan (DWOLP) October 2012 is also a material consideration albeit that it also carries very limited weight.
30. The Government's National Planning Policy Framework (NPPF) and the National Policy for Waste (NPPW) are material considerations in taking planning decisions.
31. The National Waste Management Plan for England 2013 is also relevant.

Relevant Policies

32. The relevant policies are:

OMWLP 1996

W3 – Location of waste re-use/recycling facilities

W4 – Location of re-use/recycling facilities in the open countryside

PE3 – Buffer zones

PE5 – Setting and nature conservation value of watercourses

PE11 – Rights of way network

PE14 – Sites of nature conservation importance
PE18 – Regulation of development through imposition of conditions. Code of Practice.
SH2 – Transport impact in Sutton

WOLP 2011

NE1 – Safeguarding the countryside
NE3 – Local landscape character
BE2 – General Development Standards
BE8 – Listed Buildings
T1 – Traffic generation

OMWCS

W1 – Management of Oxfordshire's waste
W3 – Diversion of waste from landfill
W4 – Waste management capacity requirements
W6 – Siting of waste management facilities
C1 - Sustainable Development
C4 – Water Environment
C5 – General environment & amenity protection
C7 - Biodiversity
C8 – Local Landscape
C9 – Historic Environment
C10 – Transport
C11 – Rights of Way

DWOLP

Core Policy 1 – Presumption in favour of Sustainable Development
Core Policy 17 – Landscape Character
Core Policy 22 – Environmental Protection
Core Policy 24 – Transport and Movement

Part 4 – Analysis and Conclusions

Comments of the Deputy Director (Strategy and Infrastructure Planning)

33. The key planning issues are whether the development complies with policy on waste and also with environmental and amenity policies. The application site is partly a restored site located in the open countryside. I consider that the key planning issues to be considered are whether it is consistent with planning policy with regard to waste development, the development of restored land in the open countryside and local landscape, amenity and traffic impacts.

Waste Policy

34. Paragraph 1 of the NPPW supports sustainable development and moving the management of waste up the waste hierarchy of prevention, preparing for re-use, recycling, other recovery and disposal only as a last resort. Policy C1 of the OMWCS also supports sustainable waste development. Policy CP1 of the DWOLP carries a general presumption in favour of sustainable development.
35. The applicant states that the proposed development would not lead to any additional throughput in excess of the existing 100,000 tonnes per annum limitation, although the importation and recycling of 20,000 tonnes per annum of road sweepings and waste asphalt road planings would be new waste streams. The development would serve to help reduce the amount of waste going to final disposal and so move the waste streams up the waste hierarchy in accordance with the aims of the NPPW. I therefore consider that in principle, the application is in accordance with these stated aims set out in the NPPW and these policies.
36. Paragraph 1 of the NPPW also seeks to see waste disposed of in accordance with the proximity principle. Policy W3 of the OMWLP seeks to see that re-use/recycling sites are located close to the source of the waste and/or the market for the re-used/recycled material. The existing facility chiefly serves the Oxford city area which is both the main source of waste and the main market for the recycled products. I consider that the extended site would also be equally well located to serve the source of the waste in accordance with policy W3 and the NPPW. Paragraph 7 of the NPPW also advises that waste planning authorities should only require applicants for new or enhanced waste management facilities to demonstrate a quantitative or market need for the proposal when proposals are not consistent with an up-to-date development plan.
37. Policy 1 of the OMWCS states that provision will be made for waste management facilities that allow Oxfordshire to be net self-sufficient in the management of its municipal waste, commercial and industrial waste, construction, demolition and excavation waste and agricultural waste over the period to 2030. Policy W2 of the OMWCS states that provision will be made for capacity to manage Oxfordshire's municipal waste, commercial and industrial waste and construction demolition waste in accordance to provide for the maximum diversion of waste from landfill. The target given for the period to 2030 is 70% for construction, demolition and excavation waste. Policy W4 of the OMWCS states that new facilities for the re-use and recycling of waste will be encouraged. Core Policy 22 of the DWOLP states that planning permission will be granted for appropriately located development that makes provision for the management and treatment of waste and recycling, in accordance with the Oxfordshire Joint Municipal Waste Strategy and local waste management strategy.
38. Whilst this application relates to an existing facility and its extension and only very limited weight can be given to developing policies, it is clear that there is

a need for further waste re-use and recycling facilities to come forward to manage the waste generated in the county over the coming years. I therefore consider that in terms of need there is a case for permission to be granted if the application is otherwise in accordance with policies and material considerations.

Restored land, Open countryside, and Landscape

39. Policy W4 of the OMWLP states that waste re-use/recycling and ancillary proposals will not normally be permitted in the open countryside unless there is an established overriding need and there is no other suitable site available and the development is to form part of a mineral extraction/landfill site which is to be removed on completion of extraction/landfill. WOLP policy NE1 states that proposals located in the countryside should maintain or enhance the value of the countryside for its own sake: its beauty, its local character and distinctiveness, the diversity of its natural resources, and its ecological, agricultural and outdoor recreational values. Paragraph 4 of the NPPW identifies that priority should be given to previously developed land, sites identified for employment uses and redundant agricultural and forestry buildings and their curtilages. Policy W6 of the OMWCS states that amongst other locations, priority will be given to siting waste management facilities on land that is already in a waste management use but that those at land in a temporary use as a mineral or landfill site should be removed before that other use is required to cease. It goes on to state that waste management facilities will not be permitted on green field land unless there is an overriding need which cannot be met in any other way.

40. The application site is a restored grassed field in the open countryside and so does not meet the NPPF definition for previously developed land which excludes mineral extraction/landfill sites which have been subject to restoration requirements. Whilst the impact in the open countryside was found to be acceptable for the previous applications for the existing development, these did not propose the possible expansion on to the neighbouring field which will clearly extend the developed footprint. The extension area has therefore not been previously considered. Whilst it is good that the applicant's operation is being successful in diverting waste from final disposal it is apparent that the applicant has found it hard to contain all the waste processing operations within the permitted area and had allowed them to expand into the Con Rec site, although it is noted that since the County Council took enforcement action on the Con Rec site, most of this has been pulled back into the permitted area other than some storage of materials. The proposed development would neither maintain nor enhance the countryside for its own sake and is contrary to the above policies. Whilst there is an identified need for further facilities to come forward to treat waste and divert it from final disposal, this application does not propose any increase in the tonnage of waste to be treated over that already permitted albeit it is stated that two additional waste streams would also be treated within the existing restriction. The primary driver appears to be to provide more space for the permitted operations to be carried out in. Whilst the provision of some

additional space should make it easier to separate out the different elements of the development, including the storage of unprocessed and processed materials, I do not consider an expansion over an area of 1.8 ha on a restored site in the open countryside justifies an exception to the above policies.

41. I therefore consider that to permit the development proposed would be contrary to development plan policies W4 of the OMWLP and NE1 of the WOLP, paragraph 4 of the NPPW and draft policy W6 of the OMWCS.
42. Policy PE18 of the OMWLP and its associated Code of Practice requires applications where appropriate to include a landscaping scheme to screen the proposed development from dwellings, roads, footpaths, recreation areas and important viewpoints. Paragraph 7 of the NPPW states that in determining waste planning applications consideration should be given to the impact on the local environment and on amenity. Appendix B of the NPPW states that locational criteria for waste management facilities should include consideration of design-led solutions to produce acceptable development which respects landscape character.
43. WOLP policy NE3 states that development will not be permitted if it would harm the local landscape character of the District. Policy BE2 of the WOLP states that development will only be permitted if the landscape surrounding and providing a setting for existing towns and villages is not adversely affected and development in the open countryside will be easily assimilated into the landscape. Policy C8 of the OMWCS states that proposals for minerals and waste development shall demonstrate that they respect and where possible enhance local landscape character and that they shall include measures to mitigate adverse impacts on landscape, including careful siting, design and landscaping. Core policy 17 of the DWOLP seeks to conserve and enhance the District's landscape quality, character and distinctiveness.
44. The impact of the existing permitted area and its associated buildings, structures, plant and stockpiles, now that the development has been implemented, is industrial and incongruous in the open countryside and local landscape albeit that it was considered to be acceptable when the previous planning permissions were granted. The extension area has not been previously considered. The existing site is partly screened by both existing vegetation and the contours of the Con Rec landfill site. The County Council considers that parts of the Con Rec site have been in places substantially over-tipped beyond the pre-settlement contours permitted by the planning permission and has served an enforcement notice to secure the removal of material and re-grading to permitted contours. This would therefore mean that the screening effect of the existing landform from some viewpoints may be greater than was anticipated when planning permission was granted to the existing recycled aggregates plant. Views of the existing buildings, structures, plant and stockpiles exist very clearly from the bridleway (although it is noted that the applicant is willing to seek a diversion of the bridleway) and the Blackditch access road. Views of the higher elements can also be viewed from the B4449 to the west and from Beard Mill.

45. The proposed extension area extends some 160 metres further to the north-west than the existing permitted area and so the development in this area would be considerably closer to the B4449 and Beard Mill than the existing site. The views into this area from the north are such that the Con Rec landfill site contours play only a limited part in screening the extension area. The existing screening is by its nature stronger when trees are in leaf.
46. The applicant has proposed substantial additional screen planting to complement that which has already been carried out and has stated that the new planting would take ten years to reach a height and thickness where, in combination with existing landscaping, it would provide sufficient screening to the site, by which time any planning permission issued to this permission would have only a further 4 to 5 years of life anyway prior to removal and restoration, if it were to be time limited as for the existing permission. The County Council's landscape advisor has asked for more information to be provided in order to assess whether the development would be acceptable in terms of its landscape impact. I have passed his comments on to the applicant and will update the committee orally with regard to any further information which may be received.

Amenity

47. OMWLP policy PE18 states that in determining applications the County Council will have regard to the appropriate provisions in the Code of Practice. This sets out details of measures to protect amenity to dwellings and other noise sensitive buildings and uses, including buffer zones, landscaping, standard hours, noise, dust and odour. Policy C5 of the OMWCS makes similar provision. Policy PE3 states that appropriate buffer zones will be safeguarded around waste disposal sites for protection against unacceptable losses of residential or natural amenity. The related text in paragraph 4.8 of the OMWLP suggests a minimum buffer zone of 100 metres to individual dwellings. OMWLP policy W3 c) of the OMWLP states that proposals for re-use/recycling will normally be permitted provided that it will not cause unacceptable nuisance in terms of noise, dust, fumes, smell, visual intrusion or traffic. Policy BE2 of the WOLP states that new development should clearly respect and, where possible, improve the character and quality of its surroundings and provide a safe, pleasant, convenient and interesting environment. Paragraph 7 of the NPPW states that in determining waste planning applications consideration should be given to the impact on amenity.
48. As noted above, there are already views towards the existing permitted facility from the B4449 and Beard Mill. Objection has been received from a local resident that this is visually intrusive and will become more so if the extension area were to be permitted. Whilst the views are and would be to some extent broken by existing vegetation, the effect of this is also currently limited by the distance involved and has been deemed acceptable when the previous planning permissions for the recycled aggregate plant site were permitted. However, this will be lessened the closer the development progresses

towards the B4449 and Beard Mill. The nearest facade of Beard Mill would nonetheless be at a considerably greater distance than the standard 100 metres buffer zone to individual dwellings and as well as the existing planting surrounding the fishing lake, the frontage of Beard Mill to the B4449 does have a substantial belt of existing trees which serve to screen views towards the application site. Land on the southern side of Beard Mill would be more open to views albeit still at some distance from the operations. Taking these factors together, whilst I am sympathetic to the concern raised, I do not think that the proposed development would result in an unacceptable impact to the amenity of residents of Beard Mill. This would of course also be subject to any planning permission containing conditions limiting the hours of operation as for the existing development and controls on the generation of noise to be within acceptable limits as measured at appropriate points.

49. The fishing lake would however be 160 metres closer to the development than at present with the extension area being approximately 25 metres from the water's edge. As set out above, the proposed screening between the lake and the working area would take a substantial time to grow to the point where it would be likely to be beneficial. Part of the experience of fishing is to do so in a relatively peaceful environment and objection has been received from the angling club which fishes the lake. As well as the visual impact of the development, there would inevitably be noise generated closer to the fishing lake than at present and it is hard to see how this could be mitigated. There is also the possibility of some dust generation in drier weather. Whilst it could be argued that similar impacts exist already to recreational users of the bridleway and that these would continue even if the bridleway were to be diverted, fishing lake users would be in situ for some hours as opposed to passing relatively transiently through the wider area. I therefore consider that there would be an unacceptable amenity impact to users of the fishing lake contrary to policies W3 c), PE3 and PE18 of the OMWLP, BE2 of the WOLP, paragraph 7 of the NPPW and draft policy C5 of the OMWCS.

Traffic

50. WOLP policy T1 states that proposals which would generate significant levels of traffic will not be permitted in locations where travel by means other than private car is not realistic. It is not considered that the traffic generation proposed in this development is significant in the context of the site location and existing movements. Core policy 24 of the DWOLP makes similar provision. Policy C10 of the OMWCS seeks to limit the impact of lorry movements associated with waste management developments. There has been no objection to the application from the Highways Authority.
51. OMWLP policy SH2 states that planning permission will not be granted for development which would significantly increase traffic in Sutton, or prolong traffic intrusion. The existing recycled aggregates plant is subject to a routeing agreement which requires lorries not to travel through Sutton at peak hours. Should planning permission be forthcoming to this application then it should be subject to the same requirements being first provided through a routeing

agreement. Therefore, the development, subject to a routing agreement, would be in accordance with OMWLP policy SH2.

The water environment and biodiversity

52. Policy W3 d) seeks to see that proposals for re-use/recycling will not pose an unacceptable risk to the water environment. Policy C4 of the OMWCS makes similar provision. Neither the Environment Agency nor the County Council in its capacity as Lead Local Flood Authority has any objection to the application.
53. Policy PE5 of the OMWLP seeks to avoid harm to the immediate setting and mature conservation value of watercourse of significant visual or nature conservation value. Policy PE14 of the OMWLP seeks to protect sites of nature conservation importance. Policy C4 of the OMWCS seeks to protect surface and groundwater resources required for habitats and policy C7 seeks to protect habitats and species and achieve maintenance of and enhancements to local habitats as part of developments.
54. Whilst BBOWT has raised objection, the County Council's Ecologist planner has raised no objection subject to conditions and Natural England has no objections but would seek biodiversity enhancements. It is therefore considered that subject to these matters being required by conditions attached to any planning permission which may be forthcoming, the development would be in accordance with these policies.

Rights of Way

55. Policy PE11 of the OMWLP states that any proposal for permanent diversion should fulfil the functions of recreational and communications use of the right of way and improvements to the rights of way network will be encouraged. Policy C11 of the OMWCS makes similar provision. The applicant has proposed the diversion of the existing bridleway such that it would run to the west of the application site alongside the River Windrush. This is supported by both the Rights of Way officer and the Lower Windrush Valley Project officer. This proposal is clearly to be welcomed and in accordance with the above policy, but I do not consider that the benefit of any diversion would overcome the objections identified to the application set out above.

Listed Building

56. Policy BE8 of the WOLP states that development should not detract from the setting of a listed building. Policy C9 of the OMWCS seeks to protect the historic environment including listed buildings. Objection has been raised to the application on the grounds of the impact on the setting of Beard Mill which is a grade II listed building. Whilst this is a material consideration, I consider that the proposed development, whilst coming closer to Beard Mill, would still be at a substantial distance away and would be separated by the intervening

lake. I note that the District Council, which is the Listed Building authority, has not raised objection on this ground. I do not therefore consider that the development would be contrary to policy BE8 of the WOLP.

The applicant's past performance

57. Objection has also been raised on the grounds that the applicant has previously breached planning control and therefore that this must limit the credibility that can now be given to the proposals in this application. As set out above, the County Council has served an enforcement notice against unauthorised tipping in excess of that permitted on the Con Rec site. As mentioned above, some of the processing of materials and stockpiling has been allowed to spread across the bridleway, with consequent movement of vehicles across it, onto the Con Rec site. Issues have also arisen with regard to the use of lighting outside the permitted hours, although the applicant has sought to address this through a revised application. The County Council has the power to take enforcement action, but generally seeks first to resolve breaches of planning control through negotiation. I do not consider that in this instance the applicant's past performance would justify refusal of planning permission to this application but this is a material consideration.

Conclusions

58. There is clearly a balance to be struck between the need for waste management developments which contribute to increasing the amount of waste diverted from final disposal up the waste hierarchy and so sustainability and the adverse impacts of such developments. The applicant is seeking to amend and extend the existing permitted recycling facility and, if permitted, whilst the overall throughput permitted would not be increased, additional waste streams would be treated. The area in which it is proposed to extend the operations is however a restored mineral working and constitutes a green field in the open countryside. The proposed development would clearly neither maintain nor enhance the open countryside for its own sake. Whilst the existing development was also on similar land, I do not consider that this sets a precedent for the County Planning Authority to accept the loss, albeit temporary, of the additional area proposed. Waste policy, including that set out in the recently published NPPW clearly seeks to see previously developed land and other sites given priority for waste development. I also consider that there would be an adverse impact on the amenity of users of the adjoining fishing lake which could not be mitigated. The development is therefore contrary to a number of development plan, national and draft policies and I do not consider that an exception to policy has been justified. The application should therefore be refused for these reasons.

Recommendation

59. **It is RECOMMENDED that Application MW.0003/14 (14/0142/P/CM) be refused planning permission for the following reasons:**

- i) The development would be partly on a restored mineral extraction and landfill site and in the open countryside. It would neither maintain nor enhance the countryside for its own sake, would not be on a currently operational mineral extraction or landfill site and would not be on previously developed land contrary to the provisions of saved policy W4 of the Oxfordshire Minerals and Waste Local Plan 1996, saved policy NE1 of the West Oxfordshire Local Plan 2011, paragraph 4 of the National Planning Policy for Waste and draft policy C6 of the Draft Oxfordshire Minerals and Waste Local Plan Core Strategy.**

- ii) The development would have an adverse impact on the amenity of users of the adjoining fishing lake contrary to saved policies W3 c), PE3 and PE 8 of the Oxfordshire Minerals and Waste Local Plan 1996, saved policy BE2 of the West Oxfordshire Local Plan 2011, paragraph 7 of the National Planning Policy for Waste and draft policy C5 of the Draft Oxfordshire Minerals and Waste Local Plan Core Strategy.**

BEVHINDLE

Deputy Director for Environment & Economy (Strategy & Infrastructure Planning)

November 2014

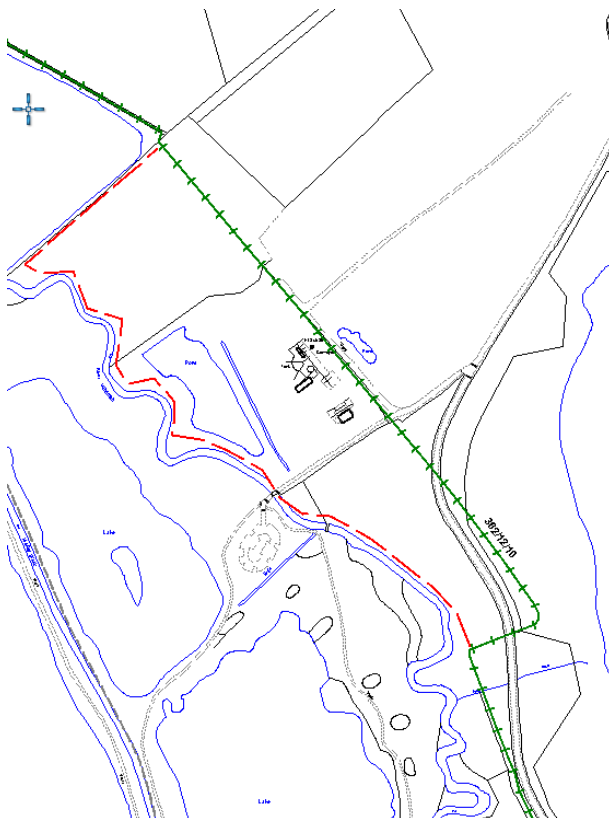
Annex 1 – Consultation Responses

1. West Oxfordshire District Council objects to the application on the grounds of the visual harm which would be caused to the rural character and appearance of the area contrary to policies BE2, NE1 and NE3 of the WOLP and the West Oxfordshire Landscape Assessment.
2. Stanton Harcourt Parish Council strongly opposes the application. The original permission for the recycle aggregates plant was granted on appeal despite the site being in restoration and the development constituting building in the countryside. Whilst the plant is efficient, it affects residents adversely. The proposed expansion should recognise the social responsibilities as outlined in the NPPF to local communities. The development adds another layer to the disproportionately large industrial estate on the edge of a small, rural village.

Observations:

- i) There will be an inevitable increase in noise pollution & lorry movements;
 - ii) The existing tree screening does not screen the existing stockpiles which it is considered exceed the permitted height and are clearly visible from the B4449;
 - iii) The site is not connected to the mains water supply and water is taken from the local village mains standpipes to the inconvenience of local residents as considerable pressure is lost. Mains water must be connected forthwith. There should be no pumping of water into the River Windrush from the site or from any ditches with access to the River Windrush;
 - iv) All routeing requirements on the appeal decision should be honoured such that no lorries pass through Sutton on the B4449 at forbidden times. Access should be granted to weighting data to ensure that this is respected;
 - v) The existing lighting does not have planning permission (i.e. it is not as approved). The planning application for the lights should be submitted to ensure that the current situation is rectified to the satisfaction of all affected parties;
 - vi) The restoration of the adjoining landfill site should be negotiated in collaboration with the Parish and County Councils;
 - vii) The bridleway as it is presently situated is dangerous to the passage of horses and has therefore lost its purpose. It is regretted that the Valley has few bridlepaths.
3. Transport Development Control has no objections in principle subject to the existing routing agreement covering any new contractors/ operators travelling to and from the site.
 4. The County Council as Lead Local Flood Authority has no objection to the application.

5. The County Council's Principal Archaeologist has no comments on the application.
6. The County Council's Arboricultural Officer has no objections to the application.
7. The Rights of Way Officer comments that Stanton Harcourt Public Bridleway 12, runs adjacent to this site and whilst is still available for use, has been negatively impacted upon, from a primarily a horse rider point of view due to the increase in noise and visual deterrents to horses. Whilst legally the route remains available, the changes to the land around it has led to many people being put off using this path. The further extension to this site does not obstruct access to the bridleway but it will naturally intensify this local feeling. The applicants have mentioned within their applications that they are willing to offer a scheme of 'corporate social responsibility'. This is a very welcomed offer and therefore the Countryside Access team would like to look at the possibility of the landowner pursuing a diversion of bridleway 12 to the west of the application site on land that is in their control. This is something that could be accommodated by the highway authority under the grounds of public interest. However this would need to be done in conjunction with the bridleway to the south on land owned by All Souls College. The reason for this is that this is a long standing issue, where there are two dangerous crossings of the road, very close to each other. Below is an annotated map extract showing what we would like to achieve.



It is clear that there would be huge benefits to users of the network and the applicant. The users of the bridleway would have a far safer recreational route that does not come into contact with the large vehicles entering and exiting the site. Whilst it still can be argued that it borders a busy site, the amenity value of the route would be significantly improved to the current situation.

The benefit to the applicant is the removal of public rights across the main entrance/ exit point of the application site. This would then reduce the health and safety implications that currently exist. Whilst the public are managed within the law, this must provide significant restrictions to their operations.

It is important to point out that any diversion application can't be guaranteed success due the statutory procedure involved.

Whilst this may not be what the applicant had in mind under the 'scheme of corporate social responsibility' this would provide a great benefit to users of the local network.

8. County Council's Ecologist Planner comments as follows:

Restoration Scheme

- The applicant has confirmed that they are anticipating that if consent is granted that it would be for temporary use. Therefore, it is important that there is a restoration scheme that is appropriate in terms of ecology and landscape. The applicant has said that they envisage that the proposed restoration would be a return to grassland and that this could include measures to enhance the biodiversity of the land. The applicant has agreed that the site should be restored as part of a comprehensive restoration of the wider site and not piecemeal.
- If you are minded to permit, a detailed restoration plan could be dealt with by condition. This should include what measures would there be to enhance the biodiversity value of the site e.g. management of the site, seeding and planting, wetland scrapes/ponds

Habitats

- The habitat plan in Appendix 4 shows "yard/hard-standing/bare ground" to the west of the existing yard as being very close to the River Windrush. The applicant has confirmed that the area to the west of the ditch line and around the surface water pond as shown on the plan at Appendix 4 of the ecology report has not been hard surfaced and is as permitted.
- The applicant's ecologist proposes that a Wildlife Area is created beside the River Windrush – this area would also be within a buffer zone. If minded to permit, a condition should be applied to require this. The details of the proposed planting could be dealt with by condition within the submission of the scheme for the protection and

enhancement of the buffer zone during construction and operation. The applicant has confirmed that they have no objection to some planting within the proposed wildlife area beside the River Windrush.

- The amended site plan (Site Plan - As Proposed, Drawing Number 176CRNA/3) proposes additional planting to the original scheme. I support the proposed additional planting. This planting, along with other additional planting on the site, should be of native species of local provenance.
- In my previous response I asked that the pond that has been created between the existing site and the River Windrush be enhanced to provide additional compensatory habitat. I understand that this cannot be attached as a condition if you are minded to permit this current application. However, the applicant has said that they are happy to carry out further works in consultation with me and incorporate any reasonable requirements along the lines outlined in the consultation response. They suggested that this could be done through site visits to discuss the works when taking place. I consider that an officer from the Environment Agency should also attend, due to potential for impacts on flooding/water storage. Therefore, if you are minded to permit, please ask the applicant to contact me and the EA sufficient time in advance of works taking place, so that we can arrange to be on site when works are taking place.

Species

- There are records of water vole and otter near the site. Therefore it is important that there is no disturbance to the River Windrush, the lake to the north-west and the peripheral habitats. The buffer zone should be enhanced to provide additional mitigation for the impacts of noise, dust and vibration. An appropriate method of working on site should be used to minimise the risk of harm to otters and other large mammals. If minded to permit, please attach the conditions below.
- Reptiles may be present on site and an appropriate mitigation strategy has been proposed within the Phase 1 Habitat Survey Report (December 2013, Windrush Ecology).
- I agree with the applicant's ecologist that there should be no lighting on the western and northern boundaries (5.2.2.1) to reduce the impact on bats and other species. If you are minded to permit, a condition requiring a lighting strategy in line with para. 5.2.2.1 of the Phase 1 Habitat Survey Report (December 2013, Windrush Ecology) should be applied.

Conditions

1. No works shall be carried out other than in accordance with the approved mitigation and enhancement scheme as set out in Section 5 (Recommendations) of the *Phase 1 Habitat Survey Report (December 2013, Windrush Ecology)* for the entire site. Section 5 includes the need for a buffer zone, the creation of a wildlife area.

Reason: to ensure the protection of flora and fauna and to ensure that the development does not result in the loss of biodiversity in accordance with Oxfordshire Minerals & Waste Local Plan policy PE5 and PE14 and NPPF paragraphs 9, 109 and 118.

2. No works of site clearance, demolition or development shall take place other than in accordance with the reptile mitigation and enhancement strategy as set out in 5.2.2.1 of *Phase 1 Habitat Survey Report (December 2013, Windrush Ecology)*.

Reason: To ensure that reptiles are protected from the effects of development and that the development does not result in a loss of biodiversity in accordance with Oxfordshire Minerals & Waste Local Plan policy PE14 and NPPF paragraphs 9, 109 and 118.

3. No works of site clearance, demolition or development shall take place unless or until a scheme for the Wildlife Area and the buffer zone around the site as proposed in section 5.2.1 of the *Phase 1 Habitat Survey Report (December 2013, Windrush Ecology)* has been submitted to and approved in writing by the Waste Planning Authority. The scheme shall be designed to ensure that there is no disturbance to the River Windrush, the lake to the north-west and the peripheral habitats. The buffer zone shall be enhanced to provide additional mitigation for the impacts of noise, dust and vibration. An appropriate method of working on site shall be included to minimise the risk of harm to otters and other large mammals. Nothing shall be stored or placed in the area within the buffer zone. No work shall take place other than in accordance with the approved scheme.

Reason: To ensure that the nature conservation value and amenity of the River Windrush and neighbouring site are protected from the effects of development in accordance with Oxfordshire Minerals & Waste Local Plan policy PE3, PE5 and PE14 and NPPF paragraphs 9, 109 and 118.

4. No works of site clearance, demolition or construction shall take place unless or until a lighting strategy in line with paragraph 5.2.2.1 of the *Phase 1 Habitat Survey Report (December 2013, Windrush Ecology)* has been submitted to and approved in writing by the Waste Planning Authority. No works shall be carried out other than in accordance with the approved scheme.

Reason: to ensure the protection of fauna and to ensure that the development does not result in the loss of biodiversity in accordance with Oxfordshire Minerals & Waste Local Plan policy PE14 and NPPF paragraphs 9, 109 and 118.

5. The existing trees, bushes and hedgerows within the site, as shown on approved plan (Site Plan - As Proposed, Drawing Number 176CRNA/3) shall be retained and shall not be felled, lopped, topped or removed in areas outside the current or succeeding phase of development. Any such vegetation removed without consent, dying, being severely damaged or seriously diseased shall be replaced with trees or bushes of the same size and species, in the planting season immediately following such occurrences.

Reason: To ensure that flora and fauna are protected from the effects of development in accordance with Oxfordshire Minerals & Waste Local Plan policy PE3 and PE5 and PE14 and to ensure the development does not result in a loss of biodiversity in accordance with NPPF paragraphs 9, 109 and 118.

6. No works of site clearance, demolition or construction shall take place unless or until a landscaping planting scheme (to include species mix (species should be of local provenance and appropriate to the local area), plant size, planting layout & spacing, and methods of establishment for both new planting and species mix, position, size and protection methods for existing planting) has been submitted to and approved in writing by the Waste Planning Authority. The scheme shall show the planting proposed on the Site Plan- As Proposed (Drawing Number 176CRNA/3). Any scheme that is approved shall be implemented in the planting season immediately following the approval in writing of that scheme.

Reason: to ensure that the development results in no loss of biodiversity and amenity to improve the appearance of the site in the interests of visual amenity, to screen the workings, and the assist in absorbing the site back into the local landscape in accordance with Oxfordshire Minerals & Waste Local Plan policy PE3 and NPPF paragraphs 9, 109 and 118

7. No development shall commence unless or until a site restoration plan (to include species mix (species should be of local provenance and appropriate to the local area), plant size, planting layout & spacing, and methods of establishment for both new planting) has been submitted to and approved in writing by the Waste Planning Authority. The scheme shall show the development site restored to grassland, with the landscape planting buffer areas (as detailed in the submission in relation to the landscaping planning scheme) and biodiversity enhancements retained. The approved scheme shall be implemented in the planting season immediately following the completion of development at the site.

Reason: to ensure that the site is restored and managed appropriately in accordance with Oxfordshire Minerals & Waste Local Plan policy PE13 and to ensure the development results in no loss of biodiversity and biodiversity enhancement in accordance with NPPF paragraphs 9, 109 and 118

Informatives

- If any protected species (e.g. reptiles, breeding birds, bats, badgers, dormice, otters, water voles, amphibians) 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).
- Any deep excavations should be suitably ramped and any pipe-work associated with the development covered overnight to minimise the risk of badgers being inadvertently killed and injured within the active site after dark. This is to ensure the protection of badgers and avoid committing a criminal offence under the Badger Act 1992.

European Protected Species

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

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

Our records and the habitat on the proposed development site and ecological survey results indicate that European Protected Species are unlikely to be present in the development area of the site or be affected by the proposed development. Therefore no further consideration of the Conservation of Species & Habitats Regulations is necessary.

9. The County Council's landscape consultant concludes as follows:

To adequately assess the proposal the following are required:

- (a) Cross sections, from key viewpoints to identify
How the proposals would achieve the proposed mitigation over the following periods:
 - At Year 1 following completion of the works
 - At Year 5
 - At Year 10
 - At Year 15
- (b) Photo enhancement to clearly demonstrate the effectiveness of the planting at each phase
- (c) A Management Plan to include the following:
 - Plant selection and methods of establishment at Year 1
 - Programme of any thinning of nurse crops to enable plant survival
 - The expectations at Year 5, 10 and 15
 - A review of all existing retained tree stock with a full consideration of the health and state of all trees and shrubs and a management programme setting out any thinning and possible replanting.

10. The Environment Agency has no objection to the application.

11. Natural England has no objection to the application but comments as follows:

Local sites

If the proposal site is on or adjacent to a local site, e.g. Local Wildlife Site, Regionally Important Geological/Geomorphological Site (RIGS) or Local Nature Reserve (LNR) the authority should ensure it has sufficient information to fully understand the impact of the proposal on the local site before it determines the application.

Biodiversity enhancements

This application may provide opportunities to incorporate features into the design which are beneficial to wildlife, such as the incorporation of roosting opportunities for bats or the installation of bird nest boxes. The authority should consider securing measures to enhance the biodiversity of the site from the applicant, if it is minded to grant permission for this application. This is in accordance with Paragraph 118 of the National Planning Policy Framework. Additionally, we would draw your attention to Section 40 of the Natural Environment and Rural Communities Act (2006) which states that *'Every public authority must, in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity'*. Section 40(3) of the same Act also states that *'conserving biodiversity includes, in relation to a living organism or type of habitat, restoring or enhancing a population or habitat'*.

Landscape enhancements

This application may provide opportunities to enhance the character and local distinctiveness of the surrounding natural and built environment; use natural resources more sustainably; and bring benefits for the local community, for example through green space provision and access to and contact with nature. Landscape characterisation and townscape assessments, and associated sensitivity and capacity assessments provide tools for planners and developers to consider new development and ensure that it makes a positive contribution in terms of design, form and location, to the character and functions of the landscape and avoids any unacceptable impacts.

12. Thames Water has no objection to the application.
13. The Lower Windrush Valley Project officer welcomes the willingness of Sheehans to offer a scheme of corporate responsibility and contributions to the Lower Windrush Valley Project and would be pleased to discuss specific improvement or maintenance projects with the company in regard to landscape, biodiversity and public access. The site lies within the Lower Windrush Conservation Target Area so environmental improvements that can be delivered by the LWVP will have a greater impact as they will contribute to this landscape scale approach. She note that there was agreement for a sum of £10,000 to be allocated as a contribution to the project but this did not materialise in the final agreement. She would, therefore, suggest a sum of £12,000 to make some allowance for inflation; either as a general contribution to project funds, or for a specific project to be determined with the company.

Habitats

As the application site lies in close proximity to the river Windrush and has a new pond I would ask that specialist advice should be sought from the Freshwater Habitats Trust to maximise the environmental potential of these valuable and fragile habitats.

Following clarification from the applicant, the second response from the Windrush Valley Project Officer is as follows:

Re: previous applications

1) I note that Drawing No 108CSR/4 Feb 2009 as approved showed a proposal for a hedge to be planted along the eastern edge of the bridleway and also a hedge running from NW to SE across the previously reclaimed land. It does not appear that either of these proposals has been carried out as yet. Will these be addressed in this application?

2) I note in the response from Stanton Harcourt parish council that in their opinion Bridleway 12 is no longer fit for purpose due to the traffic and noise from the site that can potentially be very upsetting for horses. This application will extend the length of bridleway that will be subject to this noise disturbance.

Access around the valley as a whole is limited in several places by barriers such as main roads, of which the B4449 is a good example; this is not a suitable road for horse and rider and is not a very pleasant ride for cyclists. I would therefore like to take this opportunity to ask if it would be possible to look at a creative approach to this bridleway to make an exit/entry point on the B4449 further to the east than the existing bridleway, opposite the junction with the Cogges Lane.

I would support the suggestion from Dan Weeks about diverting bridleway 12 round the west of the site and then add a permissive path along the northern boundary of the applicant's land to the point opposite Cogges Lane where there is currently a field gate for access to the field.

If the diversion to the west is found not to be possible I would suggest a permissive path from the road access to the site round the eastern side of the applicant's land to the field gate opposite Cogges Lane, although this would still require a crossing point on the site access road.

If a suitable agreement to changes to this bridleway could be established there would then be the potential to develop:

a) a circular route from Northmoor through Stanton Harcourt round Dix Pit and through Linch Hill back to Northmoor and

b) a linear route from Northmoor through Linch Hill round Dix Pit along the Cogges Lane and to South Leigh and also to link into the bridleways that will be created in the extension to the Smiths Bletchington Gill Mill Quarry site.

This proposal would show a high level of corporate social responsibility responding to the views and needs of the local community and contributing to the wider aims of the Lower Windrush Valley Project for improving public access across the valley as a whole.

3) Re: the pond and wildlife area beside the river it would be useful to meet with the applicant to discuss possibilities for improving the habitat condition of these areas and how to maintain them over the years to come, before making more specific recommendations.

14. The Berkshire, Buckinghamshire and Oxfordshire Wildlife Trust (BBOWT) submitted a holding objection to the application and comments as follows

1. Insufficient information provided on restoration of site

Confirmation is needed to clarify that consent is being sought for a period up until 2029 and not permanently as this has not been made clear in the documents submitted to support this application. No after care plans or restoration plans have been proposed and no details have been provided of the proposed after use of the site.

Policy PE13 of Oxfordshire County Council's Minerals and Waste Local Plan Saved Policies (Sept 2007) states:

"Mineral workings and landfill sites should be restored within a reasonable timescale to an after-use appropriate to the location and surroundings. Proposals for restoration, aftercare and after-use should be submitted at the

same time as any application for mineral working. Planning permission will not be granted for mineral working or landfill sites unless satisfactory proposals have been made for the restoration and after-use, and means of securing them in the long-term.”

Policy R8 of the Draft Oxfordshire Minerals and Waste Local Plan (Feb 2014) which is currently being consulted on also states:

“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 aims to provide for a net gain in biodiversity, taking into account:

- *the characteristics of the site prior to mineral working;*
- *the character of the surrounding landscape;*
- *the amenity of local communities including opportunities to provide for local amenity uses;*
- *the capacity of the local transport network;*
- *flood risk and opportunities for increased flood storage capacity;*
- *bird strike risk and aviation safety;*
- *the conservation and enhancement of biodiversity appropriate to the local area; and*
- *Opportunities to protect and/or improve geodiversity.*

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.”

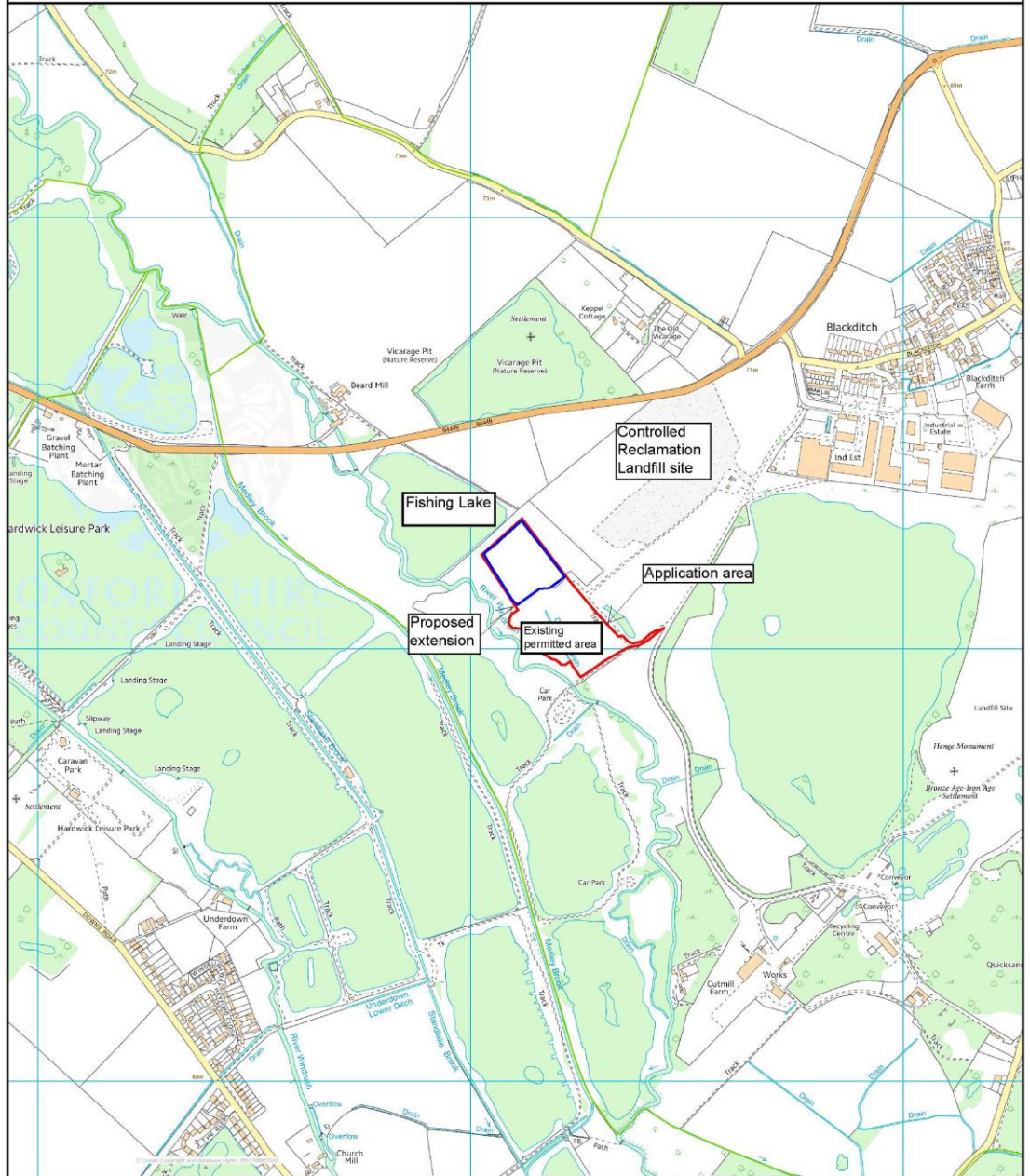
Information on the proposed after use of the site, its after-care and restoration plans must be submitted prior to permission being granted. The site is within the Lower Windrush Valley Conservation Target Area (CTA) an area identified as being important for wildlife and therefore where targeted conservation work will have the greatest benefit. The restoration of the site must enhance the local biodiversity, as well as avoiding any impact on the River Windrush.

Further comments

We also support comments made by the Lower Windrush Valley Project Officer and Oxfordshire County Council’s Ecologist in relation to:

- Securing contributions to the Lower Windrush Valley Project
- Securing all mitigation and compensation proposals outlined in the ecology report including a buffer zone to protect the River Windrush and creation of a wildlife area adjacent to the R. Windrush
- Securing further compensation through the enhancement of the habitat of the existing pond for biodiversity.

Application no. MW.0003/14
Sheehans Recycled
Aggregates Plant, Dix Pit.



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Scale 1/12362 Date 14/11/2014

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