

**For: PLANNING AND REGULATION COMMITTEE – 22 JUNE 2015**

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

**Development Proposed:**

**Construction of haul road and widening of existing field entrance for temporary use in restoration of Woodeaton Quarry.**

**Division Affected:** Otmoor  
Wheatley

**Contact Officer:** David Periam                      **Tel:** Oxford 815151

**Location:** Woodeaton Quarry, Woodeaton

**Application No:** MW.0149/14 (OCC) P14/S4003/CM (SODC)  
14/02087/CM (Cherwell)

**District Council Area:** Cherwell  
South Oxfordshire

**Applicant:** McKenna Environmental Ltd.

**Date Received:** 5 December 2014

**Consultation period:** 18 December 2014 – 12 January 2015

**Contents**

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

**Recommendation Summary:**

The report recommends that the application be approved.

## **Part 1 – Facts and Background**

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

1. Woodeaton Quarry is located to the immediate north west of the small village of Woodeaton, 5 miles (8 km) north east of Oxford. It is located within the Oxford Green Belt.
2. The application site is part of a field which lies between the B4027 and Woodeaton Quarry.
3. The site is located in the Oxford Green Belt.
4. The proposed new haul road is located in Cherwell District Council area, however Woodeaton Quarry and a small part of the application site is located in South Oxfordshire.

### **Site and Setting (see site plan Annex 1)**

5. The original quarry access is into the south east of the site near Woodeaton village. There is also a potential access way using existing farm tracks from the B4027 into the north of the site. The application site for the proposed new haul road runs adjacent and to the south of the farm track access and joins the B4027 at an existing gated access.
6. Woodeaton Quarry lies to the south of the application site. This is a disused quarry which has been worked for limestone and clay and left unrestored with some sheer and unstable slopes. The whole site is designated as a geological SSSI due to the exposed quarry faces.
7. The field in which the application site lies has been designated as a Scheduled Ancient Monument (SAM) as it was the site of a Romano-Celtic temple. The field also contains a water works reservoir, approximately 100 metres south east of the point where the proposed haul road would access onto the B4027.
8. The nearest properties to the proposed new road include Pegtop Farm, approximately 500 metres east. The nearest property on the B4027 is Hillside Farm, approximately 750 metres north west along the road from the access point. The closest dwelling in Woodeaton village is Taverners, approximately 400 metres from the point where the new road would access the quarry.

### **Planning Background**

9. Woodeaton Quarry has been worked intermittently since the 1940s and has permission for extraction until 2042. However, it has not been worked since 2000 and was left in an unrestored and hazardous condition. New conditions were attached by the First Secretary of State in 2005, under the Review of Old Mineral Permissions (ROMP) procedure and following an appeal.

10. In 2012 an application (MW.0015/12) was submitted to restore the quarry without further mineral working, by infilling with imported inert waste. It was proposed that the farm track would be used to access the quarry. This application was considered by Planning and Regulation committee on 16<sup>th</sup> April 2012 and it was resolved to grant planning permission subject to conditions, a Section 106 agreement and a routeing agreement. These agreements have not yet been completed and therefore the permission for that development has not been issued.

### **Details of the Development**

11. It is now proposed to construct an alternative haul route to allow the development proposed by application MW.0015/12 to take place. This is proposed because the applicant has had difficulty in securing access using the farm track route to the B4027. The applicant has stated that an alternative access route is necessary to enable the restoration proposals to go ahead as ongoing negotiations with the owner of the farm track route have been unsuccessful.
12. The proposed new haul road would be temporary for the duration of restoration works at Woodeaton Quarry. These are expected to take up to ten years to complete. The proposed new haul road would be 5 metres wide and would be laid directly onto the soil to prevent damage to archaeological remains. It would be constructed of recycled aggregate sub-base with a recycled tarmac surface layer with geotextile layers, to avoid soil compaction. There would be three passing places along the route.
13. There is an existing entrance onto the B4027 which would be modified to accommodate HGVs. This would include widening and an entry taper for the left-in only turn of arriving vehicles, upgrading of the entrance apron and provision of suitable visibility splays.
14. The entrance from the quarry to the farm track route would be closed up and planted with vegetation.
15. There would be no change to any other aspects of the development proposed under application MW.0015/12. The wider routeing proposals would remain the same and HGVs delivering imported waste material would take the route left out of the site onto the B4027 then down Bayswater Road to the A40 roundabout ('Hamburger Roundabout'). This would avoid vehicles travelling through Woodeaton village. The main quarry access to the south of the site would not be used. As set out in the original application the vehicle movements would average 20 movements per day.

## **Part 2 – Other Viewpoints**

### **Third Party Representations**

16. Seven letters of representation have been received. These are detailed and addressed in Annex 1. Copies of the letters are available in the Members' Resource Centre.
17. Cllr Anne Purse (local member for Wheatley) advised in a telephone call (27/01/2015) that she was unhappy with the proposal to remove vegetation for the visibility splays, given that the development did not appear to be necessary if the existing farm access route could be used to access the quarry.

### **Consultation Responses**

18. Consultation responses have been received from a number of statutory and non-statutory consultees. The full text of these responses can be seen on the eplanning website and they are summarised in Annex 2.

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

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

19. Planning applications should be decided in accordance with the Development Plan unless material considerations indicate otherwise.
20. The relevant development plan documents are:
  - Oxfordshire Minerals and Waste Local Plan (saved policies) (OMWLP)
  - Cherwell Local Plan 1996 (saved policies) (CLP)

Although the quarry itself is in SODC, along with a very small part of the application area, the vast majority of the application area for this application for the alternative access road falls into the administrative boundaries of Cherwell. It is therefore considered appropriate to consider the proposals against relevant policy from Cherwell. Consideration has nonetheless been given to the SODC policies and it is concluded that there is no issue arising which is not covered in consideration of the Cherwell District policies.

21. The adopted Cherwell Local Plan dates from 1996 and the saved policies are still relevant to decision making in this area.
22. NPPF paragraph 14 on the presumption in favour of sustainable development and paragraphs 79-92 on the Green Belt are relevant.
23. National Planning Policy for Waste (NPPW) provides the government's policy on waste.

24. National Planning Practice Guidance (NPPG) provides further guidance on waste planning.
25. The Draft Oxfordshire Minerals and Waste Local Plan Core Strategy (OMWCS) was subject to consultation in February/March 2014. This document is now at a more advanced stage of preparation and further weight can now be given to the policies it contains. At the meeting of the full County Council on 24th March 2015, the OMWCS was approved for publication and submission to the Secretary of State for independent examination following consideration of any representations received. It is therefore appropriate to consider draft policies which are relevant to this development.
26. The Cherwell Non-Statutory Local Plan (NSCLP) is not part of the development plan but has been approved for use in development control.
27. There is an emerging Cherwell Local Plan (ECLP) which has not yet been adopted but is at an advanced stage. It was submitted for formal examination in January 2014 and proposed modifications were submitted for examination in October 2014.

### **Relevant Policies**

28. The relevant policies are:
  - Oxfordshire Minerals & Waste Local Plan (OMWLP) 1996
    - PE9 – Scheduled Ancient Monuments
    - PE13 – Restoration of landfill sites within a reasonable time
    - PE14 – Protection of nature conservation interest
    - PE18 – Code of Practice
    - W7 – Control of landfill sites
  - Cherwell Local Plan 1996
    - GB1 – Green Belt
    - ENV1 - Amenity
    - TR1 – Highway mitigation
    - C25 – Historic Environment
    - C2 – Protected species
  - Non Statutory Cherwell Local Plan (NSCLP)
    - GB1 – Green Belt
    - EN3 - Amenity
    - TR4 – Highway mitigation
    - TR5 - Highways
  - Oxfordshire Minerals and Waste Core Strategy (OMWCS)
    - M10 – Restoration of mineral workings
    - C5 – Amenity
    - C7 – Biodiversity and Geodiversity
    - C9 – Historic Environment
    - C10 - Transport

- Emerging Cherwell Local Plan (ECLP)  
ESD10 - Amenity  
ESD14 – Green Belt

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

##### **Comments of the Deputy Director for Environment & Economy (Strategy & Infrastructure Planning)**

29. The key planning issues are:
- (i) Green Belt
  - (ii) Restoration of mineral workings
  - (iii) Need for the development
  - (iv) Impacts on neighbouring residents.
  - (v) Highways
  - (vi) The Historic Environment
  - (vii) Biodiversity and Geodiversity
- (i) Green Belt
30. CLP policy GB1 sets out the purposes of the Green Belt and states that within the Green Belt approval will not be given, except in very special circumstances, for development other than for agriculture, forestry, recreation, cemeteries, or for other uses of land which preserve the openness of the Green Belt and do not conflict with the purposes of including land in it. NSCLP policy GB1 similarly states that within the Green Belt proposals for inappropriate development will not be permitted unless the applicant can demonstrate that very special circumstances exist. Development proposals within or conspicuous from the Green Belt which, although not prejudicial to its main purpose, might be visually detrimental by reason of their siting, materials or design will not be permitted. Policy ESD14 confirms that applications in the Oxford Green Belt will be assessed in accordance with the NPPF.
31. The NPPF sets out the importance that the Government attaches to Green Belts and states that their essential characteristics are their openness and their permanence. NPPF paragraph 90 states that engineering operations are not inappropriate in the Green Belt provided that they preserve its openness and do not conflict with the purposes of including land in the Green Belt.
32. The proposed construction of the haul road is considered to be an engineering operation. As this development is temporary and is for a road, which is an open structure lying at ground level, it is not considered that the proposal would harm either the openness or the permanence of the Green Belt in this location. Although the road would be slightly raised above the existing ground level in order to ensure that there is no impact on archaeological remains, it is considered that the slight change in ground levels would not have a material impact on the openness of the Green Belt. The temporary road would need to

be fully removed and the site restored at the end of the permission and this can be achieved by planning condition.

33. Therefore, the development preserves the openness of the Green Belt and does not conflict with the purposes of including land within it, in accordance with CLP policy GB1 and the NPPF. Very special circumstances do not need to be demonstrated as the development is not considered to be inappropriate.

(ii) Restoration of Mineral Workings

34. OMWLP policy PE13 states that mineral workings and landfill sites should be restored within a reasonable timescale to an after-use appropriate to the location and surroundings. This is also reflected in the emerging plan; OMWCS policy M10 states that mineral workings will be restored to a high standard and in a timely manner.
35. The principle of the infilling of this quarry was accepted in the determination of the 2012 application and does not need to be revisited in relation to this application. Only the current proposal for a new haul road needs to be assessed. The development of this new haul road would facilitate the restoration of a quarry that has been left unrestored for a long time.
36. Therefore, the proposed development would contribute towards the aims of OMWLP policy PE13 and OMWCS policy M10 being met.

(iii) Need for the development

37. It has been argued by some objectors that this development is not necessary for the restoration of the quarry, as the access road included in the 2012 application would be more suitable and cause less impacts as the farm tracks already exist
38. There is a disagreement between the applicant and the owner of the land that the farm track route uses about the sequence of events that led to the applicant seeking an alternative access route. The landowner states in their representation that he has always been and remains willing to negotiate over the use of the farm track access. The applicant states that their preference would have been to use the existing farm track rather than submit a new application for an alternative access, but it has not been possible to reach agreement with the owner of the farm track.
39. In determining this application, the suitability of the proposed new access route needs to be assessed against planning policy and other material considerations. It does not have to be demonstrated that the new route is better than the farm track route nor that the farm track route is not available, only that it is acceptable. Therefore, the details of why negotiations stalled on the farm track route are not relevant. For whatever reason it has not been possible to complete legal agreements and issue a planning permission for the farm track route and this application for an alternative must be considered.

40. Should permission be granted for this alternative haul road and access point, this should be subject to a condition ensuring that the alternative access is only implemented in the event that the original application MW.0015/12 is amended to state that this access would be used rather than the farm track access. This would avoid a situation where there was planning permission for use of both access routes, as this would not be necessary for the restoration of the quarry.

(iv) Impact on Neighbouring Residents

41. OMWLP policy PE18 states that in determining applications the County Council shall have regard to the Code of Practice. This sets out how developments should be carried out to ensure that hours of operation, noise, dust and transport do not cause a nuisance to local residents or harm the environment. OMWCS policy C5 states that proposals shall demonstrate that they would not have an unacceptable adverse impact on the environment, residential amenity and other sensitive receptors. CLP policy ENV1 and NSCLP policy EN3 state that development which is likely to cause materially detrimental levels of noise, vibration, smell, fumes or other environmental pollution will not normally be permitted.
42. The proposed development is located some distance from the nearest sensitive receptors. It is also located very close to the existing farm access track which was originally proposed to provide access to the quarry for restoration and has been found to be acceptable. Use of the proposed haul road would not be intensive as the number of vehicle movements per day would be relatively low. It is not considered that the construction and use of the proposed road would cause any significant adverse impacts on any neighbouring properties. The development is considered to be in accordance with OMWLP policy PE18, OMWCS policy C5, CLP policy ENV1 and NSCLP policy EN3.

(v) Highways

43. OMWLP policy W7(h) states that in relation to proposals for landfilling, the proposed access to the site and the transport routes for carrying the waste to it, must be suitable for the volume and nature of the traffic. OMWCS policy C10 states that developments should maintain and where possible improve the safety of all road users, the efficiency of the road network and amenity. NSCLP policy TR4 and CLP policy TR1 require that any necessary mitigation measures are secured in relation to highways for new developments. NSCLP policy TR5 states that developments must not compromise the safe movement and free flow of traffic and comply with relevant road safety standards.
44. There was some concern at the time of the original application about the use of the local roads to import waste. However, this was addressed at the time of considering the application for the restoration of the quarry. This application now has a resolution to grant permission subject to the completion of a routing agreement to ensure that vehicles would access the network of A-roads, turn right out of the site onto the B4027, Bayswater Road to the A40 roundabout and that lorries be sheeted and to conditions including limitations on the annual amounts of waste imported and exported. The issue under consideration with



this application is whether the alternative access point onto the B4027 is safe and suitable.

45. Transport Development Control have considered the proposals for a new access onto the B4027 and have no objections to the proposals, subject to matters including the maintenance of visibility splays which can be required by condition.
46. Following concerns raised about drainage onto the highway, a revised plan was submitted showing gullies and the widened access. Drainage would be to an existing ditch on the highway verge. These proposals are acceptable to the drainage team.
47. There have been concerns raised in representations that the new access point would require the clearance of vegetation to provide acceptable visibility splays and this clearance is not necessary when there is the existing farm track access point nearby which could provide access to the quarry. However, the farm access track would also require visibility splays to be maintained. There has been no objection from the Ecologist Planner or the Arboricultural Officer to the proposed new access and associated vegetation clearance.
48. The proposal is considered to be acceptable in terms of highways safety and suitability and is in accordance with OMWLP policy W7 (h), OMWCS policy C10 and CLP TR1 and NSCLP policies TR4 and TR5.

(vi) The Historic Environment

49. OMWCS policy C9 states that proposals for minerals and waste development will not be permitted unless it is demonstrated that they will not have an unacceptable adverse impact on the historic environment. OMWLP policy PE9 states that Scheduled Ancient Monuments, other archaeological remains of national importance and their settings should be preserved in situ. CLP policy C25 states that the council will have regard to the desirability of maintaining the overall historic character of the site and settings of scheduled ancient monuments, including protection, enhancement and preservation where appropriate.
50. The site is located within an area designated as a Scheduled Ancient Monument. However, the proposals include details of how the road would be constructed to avoid any disturbance beneath the ground by raising it above the existing surface. There would be a minor impact on the setting of the monument whilst the road was in place, but this would be temporary for the 10 years that the quarry restoration would be ongoing. However, this must be weighed against the benefits of facilitating the quarry restoration and there has been no objection from Historic England (formerly English Heritage) or the archaeology team. The applicant has secured Scheduled Monument Consent from Historic England in relation to these works. Therefore, I consider that subject to the development being carried out as proposed, there would be no unacceptable adverse impact on the historic environment, in accordance with OMWLP policy PE9, OMWCS policy C9 and CLP C25.

(vii) Biodiversity and Geodiversity

51. OMWCS policy C7 states that development should conserve and where possible enhance biodiversity. Development should ensure that there is no adverse impact on a SSSI and development should avoid harm to protected, priority or notable species and habitats. OMWLP policy PE14 states that sites of nature conservation importance should not be damaged. CLP policy C2 states that development which would adversely affect protected species would not normally be permitted. ECLP policy ESD10 states that a net gain in biodiversity will be sought, relevant species surveys will be sought and development which would result in damage to the habitats of species of principle importance to biodiversity will not be permitted unless the benefits of the development clearly outweigh the harm.
52. An Ecological Assessment was submitted following a request from the Ecologist Planner. This sets out the potential impacts of the development on species and habitats. It confirms that Great Crested Newts were not present and makes a number of recommendations, including that the proposed construction should take place outside of sky lark breeding season. These recommendations could be secured by conditions on any permission granted.
53. The Ecological Report identifies the site as Lowland Meadow UK Priority Habitat, although this appears to have resulted from a relatively recently sown seed mix and so it is likely it could be successfully recreated. The development would cause some loss of biodiversity on the site itself when the meadow is replaced by a haul road. However, the development is temporary and the application site forms only part of the wider field. Therefore, subject to a condition to ensure that the haul road is removed when no longer needed and the site is restored with a suitable seed mix, the short term impact on biodiversity is not considered to be significant.
54. Subject to conditions, the development is considered to accord with OMWLP policy PE14, OMWCS policy C7, CLP policy C2 and ECLP policy ESD10.
55. In relation to geodiversity, OMWCS policy C7 states that development shall ensure that no damage is caused to sites designated for geological interest. The quarry is a designated geological SSSI, however this development is in an adjacent field and would not have any direct impact. The proposals for the restoration of the quarry include the retention of exposed quarry faces and no change is proposed to this. There has been no objection from Oxford Geology Trust. Therefore, I consider that the development is acceptable in terms of geodiversity and accords with OMWCS policy C7 in this respect.
56. Natural England have suggested a condition to ensure that the existing restoration plans for the designated Woodeaton Quarry SSSI, as detailed in planning application MW.0015/12 must be adhered to in full, in order to protect and enhance the SSSI. A condition to ensure compliance with the restoration plan will be attached to any permission granted for the quarry restoration and there is no need to duplicate it on this consent.

**Amendments to the application to infill the quarry**

57. The application for infilling the quarry was considered by Planning and Regulation committee on 16<sup>th</sup> April 2012. It was resolved to grant permission for that development subject to conditions, informatives, a Section 106 agreement and a routeing agreement. If this application for an alternative haul road is approved, it is recommended that the committee also confirm that the resolution on MW.0015/12 also applies to any amendment to that application to show the use of the alternative new access road.
  
58. There have been some changes to development plan policy since April 2012 when MW.0015/12 was considered. Since that date the National Planning Policy for Waste (NPPW) has been published and replaces Planning Policy Statement 10 and the South East Plan is no longer in force. There has been no change to the status of the saved policies of the OMWLP. Officers have considered whether these changes materially affect the consideration of the application and it has been concluded that they do not and the recommendation would be the same under current policy. Therefore, the principle of that development does not need to be considered again, only the acceptability of any amendment to use the new road proposed by the current application.
  
59. Therefore, a second recommendation has been included below to delegate powers to The Deputy Director (Strategy and Infrastructure) to accept amendments to application MW.0015/12 to allow the alternative access road to be used. This recommendation should be considered in addition to the first recommendation, should it be resolved that MW.0149/14 be approved. The conditions, informatives, Section 106 and routeing agreement originally required for MW.0015/12 will still be needed. However, the resolution for that application should be amended so that it is clear that the reference to 'northern access' is not restricted to the access shown on the original plans and could also mean the access proposed by application MW.0149/14 (also to the north, but further east along the B4027), should MW.0015/12 be amended to include the use of the alternative access.

**Conclusions**

60. The proposed development is in accordance with policies relating to amenity, highways and biodiversity and geodiversity. The development would facilitate the restoration of a former mineral working, which would have an overall environmental benefit.

**Recommendation 1**

61. **It is RECOMMENDED that**
  - (a) **Application No. MW.0149/14 be approved subject to conditions as set out below:**
    1. **Complete accordance with plans**

2. **Commencement within 3 years**
3. **Use for traffic to Woodeaton Quarry in association with the development permitted by MW.0015/12 only, and only if the original access permitted under MW.0015/12 is not used**
4. **Restoration following cessation of use**
5. **No deposit of mud on the highway**
6. **Operating hours (0730-1800 Mondays to Fridays, 0830-1300 Saturdays)**
7. **Visibility splays – as per submitted plan and kept clear from obstruction**
8. **Archaeological watching brief**
9. **Development to be carried out in accordance with the recommendations of the Ecology Report**
10. **Updated ecological surveys to be provided if the development is not commenced within one year of the date of consent**

**Informatives – Protected Species, bird nesting;**

- (b) **the Deputy Director for Environment & Economy (Strategy & Infrastructure Planning) be authorised to approve any amendments to application MW.0015/12 to allow the use of the alternative access road which is the subject of application MW.0149/14;**
- (c) **References to the ‘northern quarry access’ in the resolution on application MW.0015/12 are amended to ‘northern access shown on MW.0015/12 plans or alternative access shown on MW.0149/14.’**

Bev Hindle  
Deputy Director (Strategy & Infrastructure Planning)

June 2015

## Representations

Seven letters of representation have been received objecting to the proposals. The following points were raised, the officer response is provided in italics.

- The change in access to the quarry would require a new application for the quarry restoration.

*As the permission has not been issued for the 2012 application the applicant could amend it rather than submit a new application.*

- The negotiations over the right of access should have been concluded before the 2012 planning permission was determined and proof of rights of access over the land for the alternative access should be provided prior to determination of this application.

*The planning process is separate to the process for acquiring land or rights of access over land. The applicant is not required to demonstrate that they have a right to use land in the application area, however they would be unable to implement any planning permission granted without resolving this.*

- The justification for the 2012 application was that there was an urgent need as the applicant's other site was full. However, two years later the development has not commenced.

*The reasons for approving the 2012 application did not rely on the applicant's need to find a new site for inert waste disposal. Rather, it was considered beneficial to restore a quarry which had been left in a dangerous state and to prevent any further mineral working at the site which is in close proximity to Woodeaton village and has caused amenity problems in the past.*

- An adequate access already exists, there is no justification for the harm to the Green Belt that creating a new access would cause.

*As addressed in the main report, it does appear that it has not been possible to come to an agreement over use of the farm track and so an alternative access is sought. The development is not considered to comprise inappropriate development in the Green Belt. It is not necessary for the proposed access road to be better than the existing farm track, however, it must be acceptable in terms of planning policy.*

- Unnecessary felling of trees and hedgerows; there is an existing haul road and access point which could be used. This would also cause visual impact.

*There has been no objection to the felling of hedgerows and trees by the Ecologist Planner or the arboricultural officer and it is not considered that this would have a significant landscape impact. As above, it is not necessary for the proposed access road to be better than the existing farm track; however, it must be acceptable in terms of planning policy.*

- Access point now closer to dangerous road junction from Noke, potential noise impact on Noke

- Trucks emerging from this new access would be unable to see traffic approaching from the east

*The safety of the proposed access has been considered by Transport Development Control and they have no objection. The junction is at least 500 metres from Noke village and it is not considered that this would create a noise impact.*

- Concern about potential high vehicle numbers and their route to the site
- Impact of HGVs on villages
- Concern about speed of vehicles
- Mud and dust on the highway would make it dangerous

*No change to vehicle number or to the route is proposed. These concerns were covered by the 2012 application for the infilling and restoration of the quarry and the transport impact of the HGVs associated with the quarry restoration was found to be acceptable.*

- Damage to a wildflower meadow

*There has been no objection to this application from Natural England or the Ecologist Planner. The development would only affect a part of the field in which it is located.*

- Effect on scheduled monument

*There has been no objection to this application from English Heritage (now Historic England). A condition could be used to ensure that the development is carried out in accordance with the submitted details.*

- Concerned about drainage problems caused as a result of the methods of working to prevent damage to the scheduled monument, with water flowing onto the highway or adjacent land

*There has been no objection to this application from the County Drainage Engineer following the submission of additional drainage details.*

- Impact of a past track across this land can still be seen in aerial photographs and will probably be seen almost perpetuity due to compacted ground.
- Concerned about soil compaction - impact of a past track across this land can still be seen in aerial due to compacted ground.

*The proposed new haul road has been specifically designed to ensure that the ground below does not become compacted. The former track seen on aerial photography was probably in use for a longer time and would not have been designed to avoid compaction. The applicant has advised that the construction uses layers of geogrid and geotextile membranes which ensure that the axle loads of the vehicles are spread laterally rather than vertically, to dissipate the weight, and allows air and water to flow through whilst preventing the intermingling of the road with the underlying ground. The use of geogrid is a similar system to that which is used to protect tree root zones, when the running of vehicles over them in construction sites cannot be avoided.*

- New road would be visible from Beckley and Elsfeld, not as well screened as the farm track route

*The development is not considered to have a significant landscape impact due to the relatively low volume of traffic using the road.*

- Possible presence of Great Crested Newts

*A survey for Great Crested Newts was conducted and they were not found.*

- Dispute details of the negotiation process over the right to use the existing farm track

*This is addressed in the main report.*

## Consultation Responses

*Cherwell District Council* – No response received.

*Cherwell District Council – Environmental Health* – No observations to make.

*South Oxfordshire District Council – Planning* – No objection subject to the road being temporary linked to the life of the quarry and the land then being restored to agricultural use.

*South Oxfordshire District Council – Environmental Health* – No observations or objections to make.

*Woodeaton Parish Meeting* – Object. There are insufficient grounds for the creation of a new access in the Green Belt and the applicant could have reached agreement on the use of the existing access.

*Noke Parish Meeting* – Object. There is already an existing access to the quarry and so the environmental impact of the proposed new road is not justified. Specifically concerned about drainage issues caused by the new access, damage to the soil and the ancient monument and the removal of trees to create a safe access onto the B4027.

*CPRE* – No response received.

### *Oxford Green Belt Network*

First Response - No objection. Regret the need for a further haul road but understand the circumstances and have no comments to make.

Second Response - It has been brought to our notice that the landowner is not against the existing haul road being used subject, as we understand it, to a matter being sorted out relating to the registered occupiers of the haul road. In these circumstances, we hope very much that it will be possible for agreement to be reached, even at this late stage, and that it will not be necessary to go ahead with the proposed alternative haul road across an unspoilt area of the Green Belt.

*Environment Agency* – No objection.

*Historic England* – No objection. The proposed new haul road would have a minor temporary effect on the setting of a scheduled monument; however there are long term benefits in restoring the quarry. The proposed haul road is within scheduled monument 1006355, Woodeaton Roman Temple. The haul road follows the edge of the field and is away from the main temple complex. A construction method has been agreed with the applicant to raise the haul road above existing ground levels to ensure that there would be no impact on below ground archaeology. The construction would be monitored by an archaeologist as a condition on the scheduled monument consent, which has been granted.



*Natural England* – No objection subject to conditions to ensure that the restoration plans for the designated Woodeaton Quarry SSSI are adhered to in full. Provides further standard advice on protected species and biodiversity enhancements.

*Oxfordshire Geology Trust* – No objection to the proposed planning application, and welcomes the prospect of a clearly defined means of access to this important (geological) site.

*Highways Authority* – No objection. There should be conditions to ensure that mud is not deposited on the highway, for visibility splays and that the road should be in constructed with the proposed passing places prior to the importation of restoration materials to the quarry. The access might need to be widened to allow two lorries to pass.

### *Drainage*

First Response No objection. The road should be designed with a cross fall so that water drains off. There are no proposals for the drainage at the access onto the highway, this is a busy road and it is important that surface water to the highway is not increased.

Second Response - The revised drainage plan showing that the gullies at the proposed widened site entrance for the new haul road to Woodeaton Quarry will drain into the existing ditch within the highway verge is acceptable.

*Rights of Way* – No comments.

### *Ecologist Planner*

First Response – Holding Objection. An ecological assessment must be submitted to support the application, including an assessment of potential impacts on bats, badgers, reptiles, butterflies and great crested newts. This should cover direct and indirect impacts and include the construction and removal of the proposed road.

Final Response – No objection, subject to conditions and the restoration of the site to replace existing habitat. There is lowland meadow UK priority habitat on site and therefore there would be a short term loss in biodiversity. However, the habitat appears to have been from a recently sown seed mix and it is likely that it could be successfully recreated on the site once the haul road has been removed. A condition should be added requiring restoration to MG grassland using an agreed seed mix. Conditions are also required to secure the recommendations in the Ecology Report, including that trees should only be cleared outside of bird nesting, construction of road outside of skylark breeding season, maintenance of grassland prior to road construction. A further condition is needed for updated surveys should works not commence within one year of the date of consent.

*Archaeology* – No objection. Historic England have advised that they will be requiring monitoring within the scheduled area under the scheduled monument consent. Therefore, should planning permission be granted conditions should be attached for

PN8

an archaeological watching brief on the parts of the development outside the scheduled area.

*Arboricultural Officer* - No objections in relation to trees.

### 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 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.

Ecological survey results indicate that European Protected Species are unlikely to be present. Therefore, no further consideration of the Conservation of Species & Habitats Regulations is necessary.

### Compliance with National Planning Policy Framework

In accordance with paragraphs 186 and 187 of the NPPF Oxfordshire County Council take a positive and proactive approach to decision making focused on solutions and fostering the delivery of sustainable development. We work with applicants in a positive and proactive manner by;

- offering a pre-application advice service, and
- updating applicants and agents of any issues that may arise in the processing of their application and where possible suggesting solutions.

Issues which arose in the processing of the application included the need for an Ecological Assessment and this discussed with the applicant and provided.



