

For: PLANNING AND REGULATION COMMITTEE – 30 NOVEMBER 2015

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

Development Proposed:

Proposed northern and eastern extension to Duns Tew Quarry (East) to extract approximately 415 000 tonnes of saleable sand and the continuation of importation of aggregate for blending and merchanting/onward sale for 16/17 years with restoration to a mix of woodland, geo-diversity benefits and nature conservation.

Division Affected: Deddington
Woodstock

Contact Officer: Mary Thompson **Tel:** 01865 815901

Location: Duns Tew Quarry (East), Horsehay Farm, Duns
Tew Road, Middle Barton

Application No: MW.0036/14
District refs: 14/0526/P/CM (West Oxfordshire)
14/00625/CM (Cherwell)

District Council Area: West Oxfordshire
Cherwell

Applicant: Smiths (Bletchington) Ltd.

Application Received: 4 April 2014

Consultation Periods: 17 April – 14 May 2014
15 October – 5 November 2015

Contents

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

Recommendation: The report recommends that the application be approved subject to conditions and a legal agreement.

• **Part 1- Facts and Background**

Location (see plan 1)

1. Duns Tew Quarry is located in the north of the county, approximately 10 miles (16 kilometres) south of Banbury.
2. The application site falls in both Cherwell and West Oxfordshire District Council areas. The site access and southern part of the quarry fall within West Oxfordshire District and the northern part of the quarry falls within Cherwell District.
3. The majority of the application area falls within Cherwell District, including the entirety of the new land proposed for extraction. The area within West Oxfordshire is part of the existing active quarry and includes the access road, office and weighbridge, parts of the building supplies yard and storage and sales areas and areas of proposed and existing tree planting.

Site and Setting (see Plan 2)

4. There are two separate areas of Duns Tew Quarry, on either side of the road. This application is to extend the quarry on the eastern side of the road.
5. Extraction of the permitted mineral reserve from the eastern quarry was completed in 2007 and extraction operations moved to the western quarry. The eastern quarry remained in use for processing and ancillary activities. The new extraction area would be to the north and east of the existing eastern quarry.
6. The centre of the village of Duns Tew lies 700 metres¹ to the north of the site boundary. Middle Barton, Westcott Barton and Bartongate villages (The Bartons) lie approximately 2.5 km (1.5 miles) to the south.
7. The application site area is 14.6 hectares, containing an extraction area of 6.1 hectares. In addition to the extraction area the application covers the existing building supplies and storage and sales area, the access road, weighbridge and offices, areas for woodland planting, the existing quarry and rifle range.
8. The site is bounded to the west by Duns Tew Road. There is an access from this road into the existing eastern quarry in the south west corner of the site. This access would continue to be used for the extension area.
9. Arable agricultural land lies to the north, east and south of the site. 40 metres to the east of the eastern boundary is an area of agricultural grassland.

¹ All distances are approximate.

10. Part of the site is an existing quarry containing an open sand floor, mounds of overburden and mineral and the area for aggregate storage, mixing and sales. The remainder of the site is agricultural land. 51% of the agricultural land is classed as 'best and most versatile' agricultural land (grade 3a) (4.9 hectares) The site has a slight rise from south to north. The extension area comprises two fields, currently in arable use. They are bounded by mature hedgerows.
11. The closest properties are identified on Plan 2. These include Horsehay Farm (on the other side of the road 100 metres south of the site entrance) and Blue Barn Farm (190 metres to the east of the extraction area). Four Winds Farm and Tewley Barn lie close to Blue Barn Farm but slightly further from the application site.
12. The quarry is a geological SSSI (Horsehay Quarries) and this designation covers the southern part of the application area. Middle Barton Fen SSSI lies approximately 1 kilometre to the south west of the site. The western quarry, on the other side of the Duns Tew Road to the application site, is a Local Wildlife Site.
13. Duns Tew village dates back to the 9th century and contains a 12th century church and 17th century manor house. Most of the village is a designated conservation area. There is also a conservation area covering the Bartons.
14. The application area is in Flood Zone 1 and therefore is not at risk of flooding.
15. The development does not affect any existing public rights of way. However, it is proposed to provide public access to the quarry and SSSI as part of the restoration scheme, for the duration of the long term management period.

Planning Background

16. Soft sand has been extracted from Duns Tew Quarry since the 1950s.
17. Extraction of the permitted mineral reserve from the eastern quarry was completed in 2007 and extraction operations moved to the western quarry where sand is worked on an annual campaign basis. The west quarry is a ROMP site (permission B302/54 granted 1955) and extraction takes place under a set of new conditions granted in 2008 (07/00423/CM). This allows until December 2015 for the extraction of mineral, however after the campaign dig in summer 2015 the final phase remains unworked. The eastern quarry remains in use for processing and ancillary activities (under permission MW.0174/09) and has permission until 2018 for a building supplies compound and the storage and processing of indigenous sand and imported aggregate, (under

permission reference 09/01105/CM (Cherwell reference)/ 09/0996/P/CM (West Oxfordshire reference)). The haul road between the east and west quarries has a separate permission (07/00435/CM), permitting its retention until September 2016. The rifle range was granted permission in 1977 (W189/77U) and 1987 (W1682/86U).

Details of the Development

Mineral Extraction

18. The proposal is to remove approximately 415 000 tonnes of soft sand and to continue existing import of aggregate for blending and sale. Permission is sought for a 17 year period with average annual soft sand sales of 25 000 tonnes. The maximum depth of working would be 9 metres below ground level. Working in the extension area would commence after remaining reserves in the western quarry had been worked.
19. It is proposed to work the site on a campaign basis whereby a single excavator and two dump trucks would remove and transport sand over a two month period per year. The two month period would take place in the summer months and within this there would be either one or two campaign digs. Plant and equipment would be brought onto the site for a short period to extract enough sand to meet demand for the rest of the year.
20. Overburden would be stripped and then sand would be removed using a 360 degree hydraulic excavator. It would then be transported to the stocking area by dump truck. Sand would then be taken from the surge pile, processed and stockpiled.
21. Sand would be extracted to the north and east on two faces. The direction of working would be predominantly northerly for the first 8 years and then easterly. In areas where the sand is deep it would be excavated in two benches for safe working. The mineral deposit is dry and therefore no dewatering would be required.
22. It is proposed to plant a 3.9 hectare area of woodland to the east of the extraction area prior to extraction.
23. Mineral working would involve the removal of the currently exposed faces which comprise the geological SSSI. However, new faces would be exposed.
24. Duns Tew soft sand is principally used as a limestone mortar for brick and block masonry. It has a distinctive colour and is used in local building and restoration works.

Restoration and Aftercare

25. The site would be progressively restored as working takes place. The restoration would include an area of quarry floor left to regenerate naturally and to be managed for biodiversity. There would be provision for low level grazing and an area of woodland plantation. It would incorporate benefits for geodiversity through the retention of sand faces. The rifle range would remain and be made more secure and the buildings supply yard would be utilised as a site management yard. The applicant has agreed to a 20 years long term management period following the 5 years statutory aftercare period.

Minerals Processing and other Associated Development

26. The sand extracted from the site would be processed at the site in the base of the quarry using a screen and also a mobile crusher brought onto the site as needed, as per current operations. The sand surge pile would also sit on the quarry floor.
27. The site currently contains an area used for the storage of building supplies and an area for merchandising, associated with the processing activities connected to the extraction of sand from the western quarry. It is proposed to continue those activities should permission for this extension be granted and sand extraction continue.
28. It is proposed to sell approximately 25 000 tonnes per year of sand from the quarry and 25 000 tonnes per year of materials imported to the site for onward sale.

Traffic and Access

29. There would be no increase in traffic over the existing levels generated by current quarrying and related activity at the site. The development would give rise to an average of 48 HGV movements per day. It is estimated that 12 of these would use the Middle Barton Road.
30. Lorries would be routed in accordance with the existing routing agreement for the site. This requires HGVs to access the A4260 by turning right out of the site and then right again. This junction onto the A4260 has access to the northbound carriageway only. Therefore there is also a permitted route for HGVs that need to enter or leave from the southbound carriageway. This involves turning left out of the site then left again on the B4030 and onwards to the A4260.
31. The existing site access into the eastern quarry onto Duns Tew Road would be used. At present the western quarry is accessed off the Duns Tew Road further to the north and there is a crossing point and internal haul road for lorries transporting material from the western quarry into the eastern quarry for processing. This crossing point and haul road

would be closed and restored following the completion of extraction in the western quarry.

Hours of Operation

32. Proposed working hours are 07.00-18.00 Monday to Friday and 07.00-13.00 on Saturdays with no working on Sundays or Bank Holidays.

Environmental Impact Assessment

33. The application is supported by an Environmental Impact Assessment (EIA) and an Environmental Statement (ES) was submitted along with the application. This covers the key environmental impacts of the proposal. Details can be found in Annex 4.
34. Following the first consultation period, further information was requested in respect of the EIA. This was provided in October 2015. The additional information included additional work on biodiversity, including a Great Crested Newt survey. The applicant also proposed a scheme of passing places and carriageway improvements and an addendum on air quality. The additional information also responded to points raised about the extent of the extraction area.

Legal Agreements

35. The applicant has proposed a Section 106 legal agreement to secure advance woodland planting, long term management for biodiversity and for the geological faces, public access to the nature conservation area and SSSI. Details of heads of terms are set out in Annex 2.
36. The applicant has confirmed that they are willing to enter into a new routeing agreement securing the same route as used for the existing operations.

Part 2 – Other Viewpoints

37. There were two consultation periods, one on the application and Environmental Statement as submitted and a further period of consultation on additional information, including further environmental information, which was subsequently provided by the applicant.
38. The full text of the consultation responses can be seen on the eplanning website. They are also summarised in Annex 5 to this report.
39. There have been no objections from consultees.

Third Party Representations

40. A total of three third party representations were received during the first consultation period in 2014. These are summarised at Annex 1 with copies of the full letters available in the Members' Resource Centre.
41. The main concerns raised by third party representations are traffic on the narrow local roads, damage to those roads, dust, air quality and impact on ecology. Further information was requested from the applicant on these topics.
42. Three third party representations were also received to the second consultation, on the additional information. These were from the same residents who made the three representations on the original consultation. Details of these are also provided in Annex 1.
43. Comments were received from the County Councillor for Deddington Cllr Arash Fatemian in November 2015. This states that it is disappointing that the further information is not more constructive. The Great Crested Newt issue is distracting from the wider protection of wildlife in the area and also concerns about dust and wind. The greatest concerns are about highways. Given that the merchant material has no upper limit there could be 25 000 lorry loads per year. An upper limit should be imposed. Roads in the area are narrow, have limited passing places and are in poor condition. There should be a weight limit on truck sizes.
44. A representation was received from Cllr Mike Kerford-Byrnes (Cherwell District Council Councillor, Astons & Heyfords) (May 2014):

“The case for continued extraction is strong and local concerns seem to relate to the way in which the development is carried out, rather than its principle. The two major concerns are the impact of dust generated by the development and the impact on the rural road network.

Regarding dust, if the dog leg on the north eastern face of the workings was straightened this would move the development and impacts further from residential properties. The footprint could be revised to ensure the same amount of sand. The campaign digs should take place during the times in the year when wind speeds are lowest and extraction and bund construction should cease if wind speed levels exceed a cut-off point (suggest 6 metres per second for extraction and less for bund formation).

Local roads are narrow and weak. There are now fewer journeys related to agriculture, but with heavier vehicles. A further 17 years of use will further damage the road. OCC Highways should be involved in discussions as they have ultimate responsibility for the road network. There should be a discussion regarding the provision of passing places and the reinforcement of verges. A Section 106 legal agreement should be used if necessary.”

Part 3 – Relevant Planning Documents

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

45. Planning applications should be decided in accordance with the Development Plan unless material considerations indicate otherwise.
46. The Development Plan for this area comprises:
 - Oxfordshire Minerals and Waste Local Plan (saved policies) (OMWLP).
 - The West Oxfordshire Local Plan 2011 (WOLP) (saved policies).
 - Cherwell Local Plan 1996 (retained policies set out in Appendix 7 to the Cherwell Local Plan 2011-2031 Part 1)(CLP 1996).
 - Cherwell Local Plan 2011-2031 Part 1.
47. Other relevant plans are:
 - Draft Oxfordshire Minerals and Waste Local Plan (OMWCS).
 - Draft West Oxfordshire Local Plan (DWOLP).
48. The Draft Oxfordshire Minerals and Waste Local Plan: Core Strategy (OMWCS) has been out to consultation. This document is now at a more advanced stage of preparation and as such further weight can be given to the policies that 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. Therefore, it is appropriate to consider draft policies which are relevant to the development.
49. The entirety of the new area proposed for extraction falls within Cherwell District and so policies from those plans are most relevant to the development. However, the access road, office and weighbridge and parts of the storage and sales area are in West Oxfordshire District (WODC) and so policies from plans covering that area are also relevant with regard to that part of the proposals.
50. West Oxfordshire District Council (WODC) is preparing a new Local Plan to guide development until 2031 (DWOLP). This was submitted in July 2015 and independent examination is scheduled to take place during November 2015 and February 2016. As this draft plan has been approved for submission and examination by WODC, it is appropriate to consider the draft policies.
51. The Government's National Planning Policy Framework (NPPF) was published in March 2012. This is a material consideration in taking planning decisions. In March 2014 the National Planning Policy Guidance (NPPG) was published.

Relevant Policies

The full wording of all relevant policies is available in the policy annex. They are summarised below.

Development Plan Policies

- The saved policies of the OMWLP:
 - SD1 – Landbanks for soft sand which accord with current government advice.
 - PE2 – Permission for mineral extraction outside areas identified will not be permitted unless demand cannot be met from those identified areas.
 - PE3 – Appropriate buffer zones to be safeguarded to protect against unacceptable losses of residential or natural amenity.
 - PE4 – Proposals for mineral extraction will not be permitted if they would have a harmful effect on groundwater.
 - PE8 - Archaeological evaluation and mitigation.
 - PE11 – The rights of way network should be maintained and improvements encouraged.
 - PE12 – Public access to restored mineral sites
 - PE13 – Mineral sites should be restored appropriately and within a reasonable timeframe.
 - PE14 – Sites of nature conservation importance should not be damaged.
 - PE18 – Use of planning conditions and planning obligations to regulate and control development. Code of Practice.
 - PB1- Design and siting of mineral processing plants to minimise environmental disturbance.
 - PB2 – Removal of processing plant

- The retained policies of CLP 1996
 - TR7 – Development attracting traffic on minor roads

- The saved policies of the WOLP 2011:
 - Policy BE19 - Noise
 - Policy NE1 – Development in the Countryside
 - Policy NE3 - Local Landscape Character
 - Policy NE7 - The Water Environment
 - Policy NE13 - Biodiversity Conservation
 - Policy NE14 - Sites of Nature Conservation or Geological Importance
 - Policy NE15 - Protected Species
 - Policy T1 – Traffic Generation
 - Policy TLC8 - Public Rights of Way

- Cherwell Local Plan 2011-2031(CLP 2031)
 - ESD10 – Protection and Enhancement of Biodiversity
 - ESD13 – Local Landscape Protection and Enhancement

Other Policies

Oxfordshire Minerals and Waste Local Plan: Core Strategy Proposed Submission Draft August 2015 (OMWCS)

- Policy M2 – Provision for working aggregate minerals
- Policy M3 – Locations for working aggregate minerals
- Policy M4 – Sites for working of aggregate minerals
- Policy M5 - Working of aggregate minerals
- Policy M10 – Restoration of mineral workings
- Policy C1 – Sustainable development
- Policy C2 – Climate change
- Policy C4 – Water environment
- Policy C5 – General environmental and amenity protection
- Policy C6 – Agricultural land and soils
- Policy C7 – Biodiversity and geodiversity
- Policy C8 – Landscape
- Policy C9 – Historic environment and archaeology
- Policy C10 – Transport

The Draft West Oxfordshire Local Plan: (DWOLP)

- Policy EH1 – Landscape Character
- Policy EH2 – Biodiversity

- NPPF – Sections including on facilitating the sustainable use of minerals, meeting the challenge of climate change, flooding and coastal change, conserving and enhancing the natural environment.

- NPPG

Part 4 – Assessment and Conclusions

Comments of the Deputy Director for Strategy and Infrastructure Planning

- | | |
|------------------------------------|---|
| 52. The key planning issues are: ; | |
| i) need for soft sand | N |
| ii) traffic; | T |
| iii) potential amenity effects. | P |

Other important planning issues to consider include:

- iv) Landscape and Visual Impact;
- v) Soils;
- vi) Restoration;
- vii) Geology;

- viii) Biodiversity;
- ix) Archaeology;
- x) Cumulative Impact;
- xi) sustainable Development.

S

(i) Need for the mineral

53. The NPPF states that great weight should be given to the benefits of mineral extraction, including to the economy (paragraph 144.)
54. It is government policy, as set out in the National Planning Policy Framework (NPPF) paragraph 145 that Minerals Planning Authorities should plan for a steady and adequate supply of minerals by making provision for the maintenance of landbanks of at least 7 years. OMWLP policy SD1 requires a separate landbank to be kept for soft sand. This approach is re-iterated in OMWCS policy M2, which states that a landbank of at least 7 years will be kept for soft sand, with the level of provision based on the annual requirement rate in the most recent Local Aggregate Assessment (LAA).
55. According to the figures within the most recent (2014) Oxfordshire Local Aggregate Assessment (i.e. an annual requirement of 0.189 million tonnes) the soft sand land bank at the end of 2014 was 9.4 years and therefore is currently approximately 8.5 years.
56. Therefore, at present the soft sand landbank in Oxfordshire is 1.5 years above the minimum 7 year level required by the NPPF. However, the landbank figure is a minimum requirement and not a maximum. The National Planning Policy Guidance (NPPG) paragraph 084 states that there is no maximum landbank level and each application should be considered on its merits regardless of landbank levels.
57. There is no policy support for restricting permissions simply because the minimum requirement is currently met. There are a number of other factors to take into account in considering the need for the development. The strength of the need for the mineral only becomes a significant consideration when the development would cause harm which must be weighed against the need for the development.
58. There is a need for locally worked sand, which has a distinctive colour, so that local building works can use local building material to match the historic buildings in the conservation area villages.
59. Approximately 50% of Oxfordshire's current permitted reserves of soft sand are contained at one quarry, Upwood Quarry. Duns Tew and most other soft sand quarries in Oxfordshire have limited permitted reserves remaining and Upwood Quarry would not be able to replace all the annual output that would be lost from these quarries if they are not extended or replaced when current reserves are exhausted.

60. Duns Tew is the only soft sand quarry in the northern part of Oxfordshire (although the sand and gravel quarry at Finmere has produced some soft sand and has some remaining reserves); the next nearest currently permitted soft sand quarry in Oxfordshire is at Upwood Quarry, approximately 5 miles south west of Oxford.
61. New permissions for soft sand will be needed in the next 2 years, in order to maintain the minimum 7 year landbank and ensure the continued supply of soft sand.
62. For the reasons set out above, it is considered that there is a need for the proposed extension to Duns Tew Quarry in order to maintain a steady and adequate supply of soft sand in Oxfordshire, notwithstanding the current landbank level.
63. OMWLP policy PE2 b (ii) states that planning permission will not be granted for mineral working outside the areas identified in that plan unless the apportioned supply cannot be met from within the areas identified. However, no areas were identified in the plan for soft sand because there was no need for additional soft sand resources to be identified during the plan period to 2006. The apportioned supply is no longer relevant and the provision figure now used is from the LAA. As there are no areas identified for soft sand working in the OMWLP, it is the case that the LAA provision figure (0.189 million tonnes per year) cannot be met by identified areas (as there are none). However, it is also true, as set out above, that this permission would not be required to meet the minimum landbank figure due to existing permissions at other sites. Therefore, the proposals do not conflict with this policy, although they are not fully supported by it. The age of this policy must be taken into account when determining how much weight to give it. The policy was intended to cover a plan period of 1996-2006.
64. OMWCS policy M3 identifies Duns Tew as one of two 'principal locations' for soft sand working in Oxfordshire. OMWCS policy M4 sets out criteria which specific sites for inclusion in the Site Allocations Document will be assessed against. This includes priority for the extension of existing quarries, where environmentally acceptable, which supports this extension application.
65. OMWCS policy M5 states that permission will be granted for the working of aggregate minerals within the sites allocated further to policy M4 and that permission will not be granted outside the allocated sites unless needed to maintain a steady supply of aggregates in accordance with policy M2. As work on the Sites Allocation Document has not yet commenced, this policy does not yet apply.
66. Therefore, the identification of the general area in OMWCS policy M3 and the priority given to extensions to existing sites in policy M4 support this proposal.

(ii) Traffic

67. Transport policy supports development that uses suitable roads that are well connected to the strategic network. WOLP policy BE1 states that development will not be permitted until appropriate supporting transport infrastructure is available. WOLP policy T1 states that development which would generate significant levels of traffic will not be permitted in locations where travel by means other than private car is not a realistic alternative.
68. CLP policy TR7 states that development which would regularly attract large commercial vehicles onto unsuitable minor roads will not normally be permitted.
69. OMWCS policy C10 states that minerals development should make provision for safe and suitable access to the advisory lorry routes and where possible improve the safety and efficiency of the road network and local amenity. Where minerals are to be accessed by road workings should be located in areas which minimise road distances to locations of demand. OMWCS policy M4 states that in allocating specific sites through the Minerals and Waste Local Plan Part 2, the suitability and accessibility of the primary road network will be taken into account, along with the ability to provide more sustainable movement of excavated materials.
70. NPPF Paragraph 32 states that developments which would generate significant amounts of movement should be accompanied by a Transport Assessment and decisions should take into account whether opportunities for sustainable transport nodes have been taken up and whether safe and suitable access can be achieved.
71. A Transport Assessment has been submitted with this application and considered by the Highways Authority. There would be no change to existing traffic levels as the development would represent the continuation of the existing level of activity on the site. Although the local roads are minor and not designed for HGV traffic, vehicles do not have to travel far on them before accessing the A4260. The proposed routeing agreement, which is as the existing, would ensure that only the most suitable routes to and from the A4260 would be taken. The A4260 is marked as a 'non-strategic link road to smaller towns' on the Oxfordshire Lorry Route Map. Therefore, it is considered that these are suitable lorry routes to access the A4260.
72. Duns Tew Quarry is the only supplier of soft sand in the north of Oxfordshire. Therefore, the extraction of sand from this location to supply markets in north Oxfordshire complies with the requirement of

OMWCS policy C10 that mineral workings should be in locations to minimise road distances. Maintaining a supply from the north of the county and therefore not increasing the distance which the sand is transported also has sustainability benefits supported by the NPPF's presumption in favour of sustainable development.

73. There has been no objection to the application from the Highways Authority, subject to the applicant undertaking works to the Duns Tew and Middle Barton roads to improve passing places and therefore reduce the impact of HGVs on local traffic on narrow rural roads. The applicant has agreed to this and provided a plan showing the works, which is acceptable to the Highways Authority. This can be secured through a planning condition and a Section 278 agreement will be required to comply with the condition due to the need to undertake works to the public highway.
74. The concerns about a potential increase in HGV movements and the potential for intensification over time can be addressed through condition. The applicant has confirmed that they would be willing to accept a condition setting an annual average on the combined tonnage of the export of indigenous sand and merchanting material of 50 000 per year, with the average worked out on a 5 yearly basis and the maximum in any one year being 60 000 tonnes. Such a condition would ensure that the development is carried out as proposed and that traffic generation is not significantly higher than what has been assessed. It would not be necessary to control import of material if the total tonnage of material exported is controlled in this way. Therefore, it is recommended that this condition is added to any condition granted, along with a condition requiring that records be kept and made available on request to ensure effective monitoring.
75. The concerns about the large size of HGVs on the narrow local roads can also be addressed through use of condition. The applicant has confirmed that they are willing to restrict the size of vehicles accessing the site to rigid body lorries only for day to day operational purposes. Larger articulated vehicles would still be required on occasion to deliver plant. It is recommended that such a condition is added to any consent granted to alleviate concerns over large vehicles on the local road network.
76. Therefore, subject to the recommended conditions, it is considered that the development is acceptable in terms of impact on the highway network and in accordance with WOLP policies BE1 and T1, CLP policy TR7 and OMWCS policy C10.

(iii) Amenity Impacts

77. OMWLP policy PE3 requires appropriate buffer zones around mineral workings. NPPF paragraph 123 states that planning decisions should aim to avoid noise giving rise to significant adverse effects as a result of

new developments, whilst recognising that development will often create some noise. It also states that decisions should aim to mitigate and reduce to a minimum other adverse impacts on health and quality of life through the use of planning conditions. NPPF paragraph 144 states that unavoidable noise and dust from mineral workings must be controlled, mitigated or removed at source. OMWLP policy PE18 refers to the Code of Practice which sets out guidance on buffer zones, landscaping, soil management, hours of working, noise, dust and transport.

78. OMWLP policy PB1 requires that processing plants are sited, designed and landscaped in such a way to minimise environmental disturbance. WOLP policy BE19 states that proposals which would have an adverse impact on occupiers through significant noise disturbance would not be permitted unless there is an overriding need for the proposal which cannot be met elsewhere.
79. OMWCS policy C5 states that proposals for mineral development shall demonstrate that they will not have an unacceptable adverse impact on the environment, residential amenity or other receptors. OMWCS policy M4 lists criteria to be used in allocating specific sites and these criteria are also applicable in assessing the suitability of sites put forward through the application process. Criterion k) vii is avoidance, or ability to suitably mitigate potential impacts on residential amenity and human health.

Noise

80. There have been no objections on the grounds of noise and the submitted noise assessment suggests that noise levels would be within acceptable limits. The proposal incorporates measures to mitigate noise, including the construction of bunding on the eastern and northern boundaries. The material would be processed on the quarry floor, a suitable distance from sensitive receptors. Conditions on the existing consent ensure that only white noise reversing beepers can be used and plant is fitted with silencers. Such conditions can also be added to any new permission granted. The noise assessment submitted with the application recommends that noise monitoring is carried out and further mitigation is required if noise limits are being exceeded. This can be secured through condition.
81. It is considered that, subject to the imposition of conditions, the development is acceptable in terms of noise and complies with the relevant policies as outlined above.

Dust and Air Quality

82. Concerns have been raised about dust and about the potential for this to cause a general nuisance and also to impact on the health of a local resident who has a lung condition. Representations have highlighted the

potential for dust with small particle size to have an impact on air quality and therefore on human health.

83. The applicant has submitted a detailed dust assessment which concludes that increased dust levels during quarrying would be localised and could be adequately mitigated against. Comprehensive mitigation measures are set out in the dust management plan and these could be secured through condition.
84. Additional mitigation was suggested in a further dust report commissioned by an objector. The Environmental Health Officer has suggested that conditions could be used to incorporate the recommendations of both dust reports. He has confirmed that conditions including the requirement for real time dust monitoring during extraction campaigns and the establishment of the tree screen belt prior to commencement would address concerns about dust impacts.
85. The Environmental Statement included an Air Quality Assessment which concludes that air quality objectives would not be exceeded. The County Council's Public Health team were consulted on this application and sought a response from Public Health England. They had no objection and confirmed that there are unlikely to be any significant health impacts from this development. As with nuisance dust, conditions can be used to ensure that air quality is monitored and that measures are put in place to ensure that there is no unacceptable adverse impact on air quality in the area as a result of the quarrying operations.
86. Therefore, as there have been no objections from the Public Health team or the Environmental Health Officer, and environmental assessment work has shown that there would be no significant impact, the development is considered to be acceptable in terms of dust, both in terms of nuisance dust and impact on air quality and health. Subject to conditions to cover dust monitoring and mitigation, the development is in accordance with the NPPF, OMWLP policy PE18 and OMWCS policy C5 in respect of dust. It also complies with the requirement for sites to be able to avoid or mitigate impacts on human health, as set out in OMWCS policy M4.

Site location and size

87. Processing activities would take place using mobile plant, on the quarry floor. The location of processing activities at the base of the quarry would minimise the environmental impact of these operations, in accordance with OMWLP policy PB1.
88. Local residents, Duns Tew Parish Council and the local District Councillor have suggested that amenity impacts could be reduced by amending the extraction boundary to increase the distance between the eastern boundary and Blue Barn Farm. However, the responses from relevant technical consultees have confirmed the findings of the

Environmental Statement that the extraction area as submitted would not cause unacceptable amenity impacts and therefore it is not necessary for the extraction area to be amended.

89. The supporting text relating to OMWLP policy PE3 states that the established standard buffer zone between the edge of a quarry and an individual dwelling or group of dwellings is 100 metres. When determining planning applications the County Council will have regard to the established standard, together with the individual circumstances of the site. The application site lies well over 100 metres from the curtilage of any residential dwellings.
90. The applicant is aware of the comments from the Parish Council and District Councillor and although they have not amended the application to reduce the area they have indicated that they would accept a condition preventing extraction in an area to the east of a straight line up from the south eastern corner of the site. The applicant has stated that they do not consider that such a condition would meet the legal tests for a valid condition as it is not necessary to reduce the extraction area for any technical reason. The reduction in site area would mean not working one year's supply of soft sand. As the condition is not necessary to make the development acceptable in environmental or amenity terms and as it would result in a loss of sand which could otherwise contribute to the landbank, it is not recommended that such a condition is added. However, if having considered the matter and concluded that such a condition would be justified, members of the committee could add this condition to the resolution should they otherwise be minded to approve the application as recommended.

(iv) Landscape and Visual Impacts

91. CLP 2031 policy ESD13 states that development will be expected to respect and enhance local landscape character, securing appropriate mitigation where damage to local landscape character cannot be avoided. WOLP policy NE3 states that development will not be permitted if it would harm the local landscape character. OMWCS policy C8 states that proposals should respect and where possible enhance local landscape character and include details to mitigate adverse landscape impacts.
92. DWOLP policy EH1 states new development should respect and, where possible, enhance the intrinsic character, quality and distinctive natural and man-made features of the local landscape.
93. WOLP policy NE1 states that proposals in the countryside should maintain or enhance the value of the countryside for its own sake.
94. The site is not subject to any formal landscape designations and there have been no specific concerns raised during the consultation about the impact on the landscape. A detailed Landscape and Visual Assessment

was submitted with the application, which concludes that the impact of the proposals could be mitigated to a 'slightly adverse' level. Mitigation measures are proposed including woodland planting, consistent with the 'estate woodlands' character area which the site is within. The site is relatively remote and so there are few viewpoints from which visual amenity would be affected. Again, mitigation measures would reduce the impact on viewpoints which could be affected, for example advance planting in the area closest to Blue Barn Farm. Therefore, although there is the potential for a slight adverse impact, this must be weighed against other factors which support the development and there would not be significantly adverse impacts in terms of landscape or visual impact. Overall, the development is in accordance with, OMWCS policy C8, CLP 2031 policy ESD13, DWOLP policy EH1 and WOLP policies NE1 and NE3.

(v) Soils

95. The NPPF paragraph 143 states that worked land should be reclaimed at the earliest opportunity taking into account the safeguarding of the best and most versatile agricultural land to conserve soil resources, amongst other considerations including biodiversity and recreation. NPPF paragraph 112 states that local planning authorities should take into account the economic and other benefits of the best and most versatile agricultural land. OMWCS policy C6 states that the permanent loss of best and most versatile agricultural land will only be permitted where it can be shown that there is a need for the development which cannot reasonably be met using lower grade land. Proposals shall make provision for the management and use of soils
96. The proposal would involve the loss of 4.9 ha of best and most versatile agricultural land. Mitigation measures would be put in place to carefully handle soils to prevent unnecessary damage.
97. Natural England have considered the application with regard to their statutory remit on soils and land quality and have not objected.
98. Although the loss of best and most versatile agricultural land is not supported by paragraphs 112 and 143 of the NPPF, this has to be weighed against the benefits of the proposed restoration scheme including the enhancements for biodiversity and geodiversity. The relatively small scale of the loss also mitigates the impact.
99. There is policy support for the provision of new biodiversity habitat, including in other parts of NPPF paragraph 143. Paragraph 143 does not give preference for agricultural restoration over other forms of restoration. On balance I do not consider that the loss of 4.9 hectares of best and most versatile agricultural land creates an unacceptable conflict with policy, given the policy support for the restoration proposals. Conditions can be used to ensure that soils are handled appropriately.

(vi) Restoration

100. OMWLP policy PE13 requires that applications for minerals and waste development are accompanied by satisfactory proposals for the eventual restoration of the site. NPPF paragraph 144 states that planning applications should provide for restoration and aftercare at the earliest opportunity to be carried out to high environmental standards.
101. OMWCS policy M10 states that mineral workings shall be restored to a high standard in a timely and phased manner to an appropriate afteruse aiming to provide a net gain in biodiversity. OMWLP policy PB2 states that all processing plant should normally be removed within 24 months of the completion of extraction. OMWCS Policy M4 criterion d (for the suitability of specific sites for mineral extraction) is the potential for restoration and afteruse.
102. OMWLP policy PE12 states that where appropriate public access will be sought to restored minerals sites and where this is required long term management must be secured. OMWLP policy PE11 states that improvements to the rights of way network will be encouraged. WOLP policy TLC8 also encourages improvements to the rights of way network.
103. The proposed restoration is supported by the Ecologist Planner and has the potential to bring benefits for biodiversity, geodiversity and public access in the area.
104. The restoration scheme is considered to be acceptable, in accordance with OMWLP policy PE13, OMWCS policy M10 and the NPPF.
105. The restoration proposals include the removal of all processing plant, machinery and stockpiles in accordance with OMLP policy PB2. The 24 month timescale for removal of any associated plant can be secured through condition.
106. The restoration proposals include public access to the restored site and the applicant is willing to commit to this through a Section 106 legal agreement. The provision of new areas of public access is supported by OMWLP policies PE11 and WOLP policy TLC8.

(vii) Geology/SSSI

107. WOLP policy NE14 and OMWCS policy C7 state that development shall ensure that there is no adverse impact on a SSSI. All proposals for mineral working shall demonstrate how the development will make an appropriate contribution to the maintenance and enhancement of geodiversity, including fossil remains and trace fossils.

108. The current excavations that form part of the geological SSSI would be removed as the working progressed into the proposed extension area. However, new faces would be exposed and as part of the restoration it is proposed to retain exposed faces for study. Therefore, by creating new exposures the scheme has the potential to enhance the SSSI. Natural England have welcomed the proposal to allow access for recording of new exposures.
109. The applicant has agreed to provide a SSSI management plan and to manage the SSSI in accordance with it during the long term management period, including maintenance of the cliff face and public access. In addition, the SSSI would be accessible for educational purposes for the duration of the development, by prior appointment.
110. The development has the potential to be beneficial for geodiversity, due to the exposure of new faces and long term management of the SSSI. The development is therefore acceptable in terms of WOLP policy NE14 and OMWCS policy C7.

(viii) Biodiversity

111. NPPF paragraph 118 supports the protection and enhancement of biodiversity especially on designated sites. NPPF paragraph 109 states that the planning system should enhance the natural environment by minimising impacts on biodiversity and providing net gains in biodiversity where possible. WOLP policy NE13 states that in determining planning applications the council will seek to safeguard, maintain and enhance priority habitats and species, development proposals should include measures to mitigate effects on features of nature conservation value. OMWLP policy PE14 protect sites of nature conservation importance should not be damaged. OMWCS policy C7 states that minerals development should conserve and where possible enhance biodiversity and avoid harm to protected, priority or notable species. WOLP policy NE15 also protects protected species. Proposals should demonstrate how the development would make an appropriate contribution to the maintenance of enhancement of local habitats and biodiversity including contributing to the targets of the Conservation Target Areas.
112. DWOLP policy EH2 states that biodiversity will be protected and enhanced to achieve an overall net gain. CLP 2031 policy ESD10 sets out a number of ways that biodiversity will be enhanced including reusing soils, aiming to increase the number of trees in the District, protecting SSSIs and seeking a net gain in biodiversity.
113. The restoration scheme is for a nature conservation afteruse that is expected to enhance the site for biodiversity in the long term through the creation of new grassland, woodland, bare ground and sand cliff habitats and suitable management. Therefore, the proposal should result in a net gain for biodiversity, in accordance with policy. The application details

mitigation measures for the operational phase and these could be secured through condition.

114. During the first consultation period, a neighbour stated that Great Crested Newts were present in ponds in close proximity to the application site. The applicant was not permitted access to the pond itself, but surveyed nearby accessible ponds and undertook terrestrial surveys. No Great Crested Newts were found.
115. The Ecologist Planner originally asked for further information on how the development would avoid impact on birds such as sand martin and little owl. Information on the use of best practice techniques, including erection of nest boxes and re-profiling and netting of cliffs where necessary was provided and the Ecologist Planner confirmed that the measures proposed are acceptable.
116. Banbury Ornithological Society (BOS) made detailed comment on the application, including the need for sand faces to be refreshed as sand martins prefer nesting in freshly cut sand. The applicant has confirmed that the provision of fresh faces post restoration would be in line with the management of the geological SSSI. BOS also queried whether a sand face could be provided in the western quarry restoration to provide an alternative nesting site for sand martins during the works. The approved restoration for the west quarry includes an exposed vertical face as this is beneficial for the geological SSSI. The applicant has confirmed that they would be agreeable to working with BOS in ongoing site management and this could be formalised by wording referring to collaborative working with other parties in the Section 106 agreement. Therefore, the points raised by BOS have been addressed.
117. Both the Ecologist Planner and the BOS commented on the use of non-native species in the woodland planting mix, stating that native species would be preferable. The applicant subsequently amended the proposed planting scheme with more limited use of non-native species. Non-native species are required for dust mitigation purposes and the Ecologist Planner has confirmed that the revised planting mix is acceptable.
118. Overall, the development is considered to be acceptable in terms of impact on biodiversity. Potential adverse impacts would be minimised through mitigation and a net gain in biodiversity is expected through the restoration. Therefore, the proposals are in line with the NPPF, WOLP policies NE13 and NE15, OMWP policy PE14, OMWCS policy C7, DWOLP policy EH2 and CLP 2031 policy ESD10.

(ix) Water environment

119. OMWLP policy PE4 states that proposals for mineral working will not be permitted where they would have an impact on groundwater levels. WOLP policy NE7 states that development should not have an adverse impact on the water environment. OMWCS policy C4 states that

proposals should demonstrate that there would be no unacceptable adverse impact on surface or groundwater.

120. The site is not in the floodplain. A hydrological, surface water and flood risk assessment was submitted with the application and recommends a surface water management scheme, which can be required through condition. There has been no objection from the Environment Agency, subject to a condition for groundwater monitoring. Therefore, subject to conditions, the development complies with relevant policies related to the water environment, including OMWLP policy PE4, WOLP policy NE7 and OMWCS policy C4.

(x) Archaeology

121. OMWLP policy PE8 states that preliminary archaeological assessment work should be provided with applications for mineral extraction and further work may be necessary. OMWCS policy C9 states that proposals should demonstrate that they would not have an unacceptable adverse impact on the historic environment. The NPPF states that where a development would cause substantial harm to designated asset consent should usually be refused.
122. The site contains a linear feature, a banjo enclosure (a type of archaeological feature of the British Middle Iron Age, so named because in plan it consists of a small round area with a long entrance track leading inward from one direction) and possibly further surviving features. Therefore, further work is needed to determine the extent of archaeological remains in the application area and how damage to these can be minimised. The archaeologist has confirmed that it is acceptable to require these investigations by condition, rather than prior to the determination of the application, as there is no evidence that the features on the site would be of equivalent significance to a scheduled monument. The programme of work would ensure that research and analysis is undertaken.
123. Subject to the recommended conditions, the development is acceptable in terms of archaeology. As the archaeological features on the site are not designated, the NPPF does not require them to be preserved, but the implementation of the staged programme of works would ensure that damage is mitigated and heritage assets are recorded before they are lost.
124. Therefore, subject to the proposed archaeological conditions being imposed on any consent granted, the development is in accordance with policies relating to the protection of archaeological remains, including OMWLP policy PE8, OMWCS policy C9 and the NPPF.

(xi) Sustainable Development

125. The NPPF contains a presumption in favour of sustainable development, where proposals comply with development plan policies. OMWCS policy C1 reflects the presumption in favour of sustainable development contained in the NPPF stating that a positive approach will be taken to minerals development which accord with relevant policies. OMWCS policy C2 states that proposals for minerals and waste development should take into account climate change and measures should be taken to minimise greenhouse gas emissions.
126. The applicant has provided a sustainability statement detailing how measures have been incorporated into the development to ensure it is sustainable. In addition the working of soft sand close to the market for the material meets sustainability criteria through reducing the distance aggregate is transported by road. The development complies with policies related to sustainable development.

(xii) Cumulative Impact

127. The NPPF (paragraph 143) states that in relation to minerals, local plans should set out environmental criteria to assess planning applications against and that the cumulative effect of multiple impacts from individual sites in a locality should be taken into account. This is reflected in OMWCS policy M4 (I). This is an extension to the area and timescales of an existing quarry, with no proposed increase to the annual production of mineral from this area and no increase in traffic. Therefore, it is not considered that there would be a significant cumulative impact as most of the impacts of the development would be short term for the duration of workings, albeit that the overall time period for development and the amount of mineral to be extracted in total would be increased.

Conclusions

128. The development is generally in accordance with development plan policy and other material considerations, including the policies set out in the NPPF on a range of issues including transport, protection of amenity, biodiversity, restoration, landscape and archaeology. Satisfactory mitigation has been provided where necessary.
129. Therefore, it is recommended that the application be approved subject to conditions and legal agreements, as set out below.

Recommendation

130. **It is RECOMMENDED that subject to:**
- (i) a Section 106 legal agreement to cover the matters outlined in Annex 2 to this report;**
 - (ii) a routeing agreement to ensure that vehicle movements from the new development are covered by the existing routeing arrangements;**

that planning permission for application no. MW.0036/14 be granted subject to:

- (iii) conditions to be determined by the Deputy Director for Environment and Economy (Strategy & Infrastructure Planning) to include the matters set out in Annex 3 to this report; and**
- (iv) the Deputy Director for Environment and Economy (Strategy & Infrastructure Planning) being authorised to refuse the application if the legal agreement referred to in (i) above is not completed within 10 weeks of the date of this meeting on the grounds that it would not comply with OMWLP policy PE13 and the guidance set out in paragraph 118 of the NPPF (in that there would not be satisfactory provisions for the long term management of the restored site)**

Bev Hindle
Deputy Director (Strategy and Infrastructure Planning)

Third Party Representations on Planning Application (May 2014)

A total of 3 representations were received. The issues raised are set out below along with an officer response.

Dust

- Concern that dust report includes irrelevant readings of the existing situation;
- Blue Barn Farm is a high sensitivity receptor and this is not acknowledged in the dust report;
- The dust report suggests that individual circumstances cannot be taken into account, but they must be;
- Dust report classifies the quarry as a site of small emission magnitude, which is not correct;
- The site is located in a particularly windy location, which is not properly taken account of in the dust report, which uses data from Brize Norton;
- Vegetation screen will not have grown sufficiently to protect properties from dust when development commences.

The application was supported by an Environment Impact Assessment which included detailed dust assessment work. A draft dust assessment was criticised by objectors for failing to take into account the local conditions and therefore the dust assessment which was submitted with the application was more detailed, including a number of dust monitoring points and weather data from the quarry. Dust was monitored during a campaign dig on the existing quarry site. The dust assessment methodology was agreed with the Environmental Health Officer, who has not objected to this application.

Air Quality

- Assessment does not consider cracked silica;
- Development has the potential to be harmful to resident with a chronic respiratory disorder;
- The development is 195 metres from dwelling, guidance suggests a stand-off of up to 1000m where PM10s are generated. Crushing and screening would produce PM10s but this has not been measured.

The application is accompanied by an air quality assessment, which concludes that small sand quarries do not make a major contribution to particulate matter concentrations and that air quality objectives would not be exceeded. The assessment fully considers PM10s (particulate matter 10 micrometres or smaller in diameter). There has been no objection from the District Councils in terms of air quality. Public Health England have advised that Respirable Crystalline Silica rarely causes a significant health risk in non-occupation settings. Furthermore, any health risk occurs due to long term exposures, which is not expected to occur in this instance.

Advice from OCC's solicitor has confirmed that the specific health issues of one individual in the vicinity of the development cannot be a material consideration of any great weight.

Size and scale of the development

- Phase 3 should be reduced as it is very close to residential properties;
- There should be a maximum tonnage for the importation operation;
- There should be a maximum tonnage for exported extracted sand.

The detailed environmental assessment work has demonstrated that the proposed quarry would not have any significant adverse environmental impacts, therefore there is no justification for requiring the applicant to amend the application boundaries.

The applicant has agreed to a combined maximum tonnage for imported material and exported sand in order to address the concerns that have been raised.

Impact on local roads

- Roads are narrow and vehicles have to use verges and private drives to pass HGVs;
- There is significant damage to verges and road edges and markings at Duns Tew junction can't be seen;
- Formal passing places should be provided;
- The sides of the roads should be reinforced;
- Road markings should be reinstated;
- Improvements should be made at Smiths expense;
- Routeing agreement needs to be strictly enforced;
- Traffic assessment appears to have been undertaken without a site visit.

In response to these concerns the applicant has proposed highway works to widen damaged highway verges and improve passing places on the Duns Tew and Middle Barton roads. Any reports of breaches of the routeing agreement would be investigated and any substantiated would be pursued with the site operator. There would be no increase over existing vehicle movements associated with the quarry.

Impact on residences

- Mature trees should be planted to screen dust, noise and light pollution;
- Proximity to houses;

There are a number of difficulties with planting mature trees. However, the applicant has included trees in the planting mix which would grow quickly and it is proposed that these would be planted in the first planting season following the grant of any planning permission. This would allow some time for them to establish as an effective screen prior to the commencement of extraction operations.

An objection from a property to the east of the site states that the development would extend to within 23 metres from the property boundary.

The application site lies 190 metres from the curtilage of this property and the 23 metre figure relates to land owned by that property but used as agricultural grassland. The buffer zones between the development and residential properties is considered to be appropriate to mitigate the impacts of the development, in accordance with development plan policy.

Ecology

- Data was not collected from the adjacent property which includes an amphibian conservation pond and set-aside wildlife conservation area;
- Proximity of quarry likely to have a detrimental effect on the amphibian, deer, badgers, hares, bats and birds on the adjacent land.

The application has been considered by consultees with ecological expertise including the OCC Ecologist Planner, Natural England and BBOWT. There has been no objection from these consultees. Conditions could be used to ensure there is no significant impact on wildlife and in the long term the restoration scheme would be beneficial for biodiversity. Following information provided by a neighbouring property, further ecological assessment work was undertaken to determine whether Great Crested Newts (GCN) were present on adjacent land.

Visual Amenity

- Blue Barn Farm currently looks out onto open arable fields, the view would be eradicated by the proposed bund.

The proposed bund would be located over 200 metres from the dwelling at the closest point and there would be advance planting between the bund and the property. A visual impact assessment was submitted with the application and did not find any significantly adverse impacts. An existing gap in the hedgerow would be closed with advance planting.

Other

- Did not find the community consultation process helpful.

All statutory consultation processes have been complied with and the applicant undertook additional community consultation on their proposals ahead of submitting the application.

Representations on Additional Information (November 2015)

Traffic

- Scale of the development too large; an upper limit for imported material for sale should be set;
- HGVs should be limited to 32 tonnes as 44 tonne lorries are too large for the road;
- Road edges should be reinforced and passing places provided;
- Although Smiths vehicles adhere to their routeing agreement, other hauliers heading to the quarry do not;
- Air pollution - diesel emissions in Duns Tew village.

The development would not represent an increase in HGV movements from the current operations and a condition to limit the annual tonnage of material imported and exported would secure this. The routeing agreement would apply to all vehicles carrying out the development. The applicant has proposed a scheme for improvements to passing places and road verges.

Ecology

- the assessments assume that the land will remain in intensive agricultural use but this looks unlikely and therefore will become more attractive to GCN;
- GCN surveys not properly conducted;
- There should be concern for all amphibian species not only GCNs.

The Ecologist Planner is satisfied with the way in which the ecological survey work was conducted. Although no Great Crested Newts were found, conditions would ensure that the development took place in accordance with the mitigation works set out in the submitted biodiversity report, including an ecological walkover survey prior to each campaign dig. Great Crested Newts have a greater degree of policy protection than other amphibians due to being a European protected species.

Dust

- Dust remains a concern despite the Technical Response provided by DustScan Ltd;
- Dust will be a problem throughout the year as sand moving, screening and blending take place, not only during extraction periods;
- Site and neighbouring property have experienced sustained high winds.

Dust has been thoroughly assessed in the original Environmental Assessment and in Technical Response. These conclude that dust impacts would be negligible with proposed mitigation measures in place. There would be a Dust Management Plan, including monitoring, secured by condition.

Heads of terms for legal agreement

- 3.9 hectare area of woodland planting;
- 20 year extended management for the site including implementation of a management plan for nature conservation and a management plan for the geological faces;
- Preparation of a 'Nature Reserve Management Plan' including details of site access point, parking provision, signage, interpretation boards and public access;
- 'Site Management Plan' for the SSSI including maintenance of cliff faces and details of public access;
- Ongoing access to the SSSI for educational purposes by prior arrangement during the course of the development.

Heads of Conditions

1. Complete accordance with plans;
2. Commencement within three years;
3. End date for extraction (end of 2034);
4. End date for removal of plant, cessation of ancillary activities and restoration completion (end of 2035, or within 24 months of the cessation of mineral extraction if sooner than 2034);
5. Submission of detailed restoration plan;
6. Speed limit on access road and signage;
7. Access road to be kept pot hole free;
8. No more than 4 lorries a day importing aggregates to the site shall leave without a load of sand from the site;
9. Export limit of 50 000 tpa average measured over 5 years, maximum of 60 000 in any year;
10. No articulated lorries to be used for the import of material for merchandising or for the export of sand worked from the site;
11. Records of exports to be maintained and made available on request;
12. No extraction beneath the Northampton Sands;
13. Oil tanks to be sited on impermeable base and bunded;
14. No lorries shall park overnight at the site, other than in accordance with approved plan;
15. Maximum of 10 weeks of extraction in any calendar year, between April and September only;
16. Submission of scheme detailing the retention of exposed geological face;
17. No extraction until a 3 metre screening bund has been constructed on eastern boundary;
18. Noise monitoring;
19. Noise limits;
20. Standard working hours as set out in report;
21. Restriction of permitted development rights;
22. Use of existing approved access only;
23. Lorry sheeting;
24. No deposit of mud or dust on the highway;
25. Noise mitigation measures as proposed to be implemented;
26. Noise monitoring scheme to be submitted and implemented;
27. Soil handling in accordance with ES and Natural England guidelines;
28. Submission and implementation of an archaeological written scheme of investigation;
29. White noise reversing beepers only;
30. Submission of details of any external lighting ;
31. Signage to ensure HGV driver are aware of the permitted route;
32. Submission and implementation of Ecological Management Plan;
33. Submission and implementation of scheme for the protection of retained trees and hedgerows;
34. Ecological walkover survey prior to each campaign dig, including badger check;

35. Means of egress for mammals;
36. 5 year aftercare scheme including woodland management, annual aftercare meetings and annual submission of reviews and programmes;
37. Groundwater monitoring scheme;
38. Implementation of mitigation measures in submitted dust management plan and submission and implementation of further detailed dust; mitigation plan, including monitoring during extraction campaigns, details the location of the sand surge stockpile and screening equipment, confirmation that extraction in the eastern part of the site will not commence until dust mitigation screening is well established ;
39. Implementation of proposed highway improvement works.

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, as was the case with this application, and
- updating applicants and agents of issues that have arisen in the processing of their application through a meeting suggesting further information that could be submitted to overcome these concerns.
- Input from other relevant parties (for example the Banbury Ornithological Society) into the management of the site, as agreed.

Environmental Statement

1. An Environmental Statement (ES) was submitted with the planning application.
2. Appendix A contains the Landscape and Visual Impact Assessment. This sets out the landscape character classifications affecting the area. The Oxfordshire Wildlife and Landscape Study (OWLS) classifies the area as 'wooded estate lands.' The significance of landscape effects is assessed and it concludes that although there is the potential for significant adverse landscape effects, given the proposed mitigation the residual impact is likely to be slightly adverse. Visual impacts from a number of viewpoints are assessed and mitigation considered. Overall the report concludes that the development would not cause significant adverse effects on either landscape character or visual amenity.
3. Appendix B contains the Biodiversity Assessment. This contains an ecological data search, extended phase 1 habitat survey and surveys for species which have the potential to be adversely affected. A number of habitats are identified and are assessed as having low ecological value. The impact on identified species and habitats is assessed and in general the development, including the restoration proposals is found to have a beneficial impact.
4. Appendix C contains the noise assessment. This identifies Blue Barn Farm, Glebe Farm and Horsehay Farm as potentially affected noise sensitive receptors. Results of noise monitoring are reported and the assessment indicates that noise limits would not normally be exceeded. Further noise monitoring should be carried out within 3 months of commencement and then at regular intervals to ensure that noise levels remain within acceptable limits. The report also concludes that access roads should be kept in good condition and speed limits enforced as noise from empty vehicles on the haul roads also has the potential to cause disturbance.
5. Appendix D contains a dust assessment. Dust was monitored during operation of the existing quarry. It was found that if there were no mitigation dust impacts could be observed up to 150 metres from the quarry boundary when winds were high. A Dust Management Plan including mitigation measures is provided. It is concluded that, subject to the continuation of high standards of site management and the establishment of the proposed vegetation screening, the risk of adverse impacts to Blue Barn Farm or any other receptor downwind, is negligible.
6. Appendix D1 is the Air Quality Assessment. The assessment concludes that the air quality in Duns Tew is currently very good and

that small sand quarries such as Duns Tew Quarry do not make a major difference to local PM concentrations. Therefore it is concluded that further assessment is not required, but mitigation should be put in place. Mitigation measures are as set out in the Dust Management Plan.

7. Appendix E contains a Transport Assessment. This considers the potential traffic impact of the continuation of quarrying and merchenting operations until 2033. It concludes that there would be no material adverse impact on the free flow and safety of traffic. It is not anticipated that there would be any increase in traffic levels under a new consent, only the continuation of existing quarry related movements.
8. Appendix F contains a soils resources and agricultural land use survey. This states that just over half (51%) of the 9.6 hectare area of agricultural land is grade 3a and therefore classified as best and most versatile agricultural land. The remaining 49% is grade 3b. It is recommended that the soil resources from the three soil types present are stored separately.
9. Appendix G contains a hydrological, surface water and flood risk assessment. This states that the site is within flood zone 1 and has no risk of flooding. The development would be above the water table and not increase the risk of flooding elsewhere. It is recommended that a surface water management scheme is implemented to ensure any surface water run-off is directed away from adjacent land. There should be a soakaway on the northern boundary.
10. Appendix H contains the Archaeological Desk Based Assessment. This states that there is probably a prehistoric landscape in the area but no archaeology has been observed in the application site area.
11. Appendix I contains a geological investigation of the site. This provides the results of borehole drilling and shows the presence of soft sand across the site to a depth of 7.5 metres. The proposed extension would remove the existing faces which comprise the geological SSSI, however it would develop new faces and the opportunity for easier access to them.

Consultation Responses Summary

Duns Tew Parish Council – First Response

1. N
- o objection subject to –
- Straightening of eastern boundary to increase the gap between the quarry and Blue Barn Farm to reduce dust and air pollution impacts and allow further mitigation planting.
 - Installation of passing places on Middle Barton Road.
 - Highway Authority to consider verge reinforcement on Middle Barton Road where damage is caused by HGV movements associated with the quarry.
 - Formal annual liaison meetings to include Smiths, the Parish and relevant attendees from the County Council.

Would like confirmation that the Dust Management Plan requires Smiths to adjust working according to the weather and would like to see the Environmental Health Officer's assessment of the Dust Report.

Duns Tew Parish Council – Response on additional information:

2. D
- isappointed that no concessions have been made regarding concerns raised, other than passing places. Still concerns about the dust report. Concern about an increase in traffic due to there being no upper limit on aggregate import. Concern about the increasing use of 44 tonne vehicles on the roads around the quarry. Land around the quarry is not agricultural as stated, some is now eco-friendly set aside.

Cherwell District Council

3. First Response - No objections.
4. Response on additional information – No further comments.

West Oxfordshire District Council

5. No objection. Would encourage widespread consultation to gain the opinions of local people before a final decision is made.
Berkshire, Buckinghamshire and Oxfordshire Wildlife Trust (BBOWT)

6. N
- o comments, but support the comments of the Ecologist Planner.

Natural England

7. N
 o objection subject to conditions.

SSSI - The application is in close proximity to Horsehay Quarries SSSI. Natural England supports the application and congratulates the applicant on their willingness to allow continued access to new sections of the extended quarry. As long as the development is carried out in strict accordance with the submitted plans there is not likely to be an adverse effect on the site. Suggests a condition to ensure the retention of faces of Horsehay Sand and overburden. Suggests that the management of natural regeneration of overburden should be a consideration for the long term management plan.

Soils – Note that the development would extend over 4.9 hectares of ‘best and most versatile’ agricultural land. The details of the application should be carefully considered in light of the Technical Guidance to the NPPF on restoration and aftercare of minerals sites. It would be appropriate to specify agriculture as an afteruse. The advice contained in Defra’s Good Practice Guide for Handling Soils should be taken into account.

Biodiversity – The application may provide the opportunity to incorporate features which are beneficial to wildlife, such as bird nest boxes or bat roosting places.

Protected Species – Have not assessed this application for protected species, however Natural England have published standing advice, which should be considered.

Banbury Ornithological Society

8. S
 upport the long term restoration proposals. The existing quarry has a high level of interest for a range of species including breeding sand martins, orchids and red data invertebrates. The sand martin colony is the most important feature in terms of bird conservation, but there are a number of other birds likely to find the restored quarry to their liking. Sand martins like to nest in freshly cut sand faces. After the quarry is restored the face will weather and erode and become less suitable. Therefore, it will be necessary to refresh the face from time to time and there will have to be suitable access to the face and a suitable stand-off behind the cliff.

9. W
 onder whether the west quarry could be restored with a nesting cliff so that there is an alternative should the summertime campaign dig disturb sand martins on the east quarry. It is important to avoid the use of topsoil in the calcareous grassland areas and calcareous overburden should be used to create the buttresses. Support the advice of the ecologist to use only native species in the woodland planting. Would also like to see scrub habitat, including areas of gorse as this is a favoured nesting site for several bird species.

10. I
 f the quarrying process does result in areas of wetter ground, these should be enhanced where possible, for example through the creation of seasonal pools. Pleased to see that a section 106 agreement is proposed for the long term management of nature conservation. This would benefit from close involvement of local nature conservation organisations during restoration, would it be possible for the agreement to establish this formally?

Thames Water

11. T
 his development would not affect Thames Water – no comments to make.

Environment Agency

12. F
 irst Response - No objection, subject to conditions to protect groundwater.

13. R
 esponse on further information – No further comment.

Public Health England

14. N
 o objection. Dusty emissions have the potential to cause nuisance and particulate matter less than 10 µm in diameter can present a health risk. Therefore, good working practices are essential. Planning conditions should ensure that there is the appropriate level of monitoring to demonstrate that the development does not cause an adverse off-site impact. This should follow a tiered approach proportionate to the risk and initially using nuisance monitoring and legislation to control emissions. If health concerns continue to be raised and emissions off-site are unabated then ambient particulate matter levels would be required to make a health assessment.

15. A
 specific concern has been raised regarding silica. Provided that air

quality objectives are not exceeded, it is likely that there would not be a significant public health risk, especially as any health risk occurs due to long term exposures, which is not expected to occur in this instance due to the very intermittent nature of the work, proposed to take place for only two months of the year. The development is remote and extraction campaigns would take place for only two months a year.

Highways Authority

- 16. First Response - No objection. Recommends conditions relating to wheelwashing and a scheme for the provision of passing places of Duns Tew and Middle Barton roads. A routeing agreement is required to ensure quarry traffic is restricted to the same route as existing.
- 17. Response on additional information – No objection. The proposals for improving passing places are adequate. Traffic generation is unlikely to be substantial.

County Archaeological Services

- 18. F
 First response – An archaeological field investigation should be implemented. There is evidence of a linear feature running northwards towards the area of proposed development. On the southern end of the linear feature is a banjo enclosure, which was an Iron Age enclosed settlement.
- 19. S
 Second Response – Confirmation that further archaeological work can be required by condition and is not necessary prior to determination because there is no evidence that the application area contains features of equivalent significant to a scheduled monument. Recommends conditions for the implementation of a scheme of investigation.

Rights of Way and Countryside access

- 20. N
 No response received.

County Drainage Engineer

- 21. N
 No comments received.

County Ecologist Planner

- 22. F
 First Response – Requests further information in order to assess the impact on Great Crested Newts. The restoration proposals are

generally appropriate. Support the need for a 20 year long term management plan post aftercare. It would be helpful to understand how public access to the site would be managed. The planting mix for the proposed woodland area seems unusual and further details would be helpful. Details of how campaign gigs would affect sand martins and little owl should be provided. A condition would be necessary for an ecological walkover survey prior to each campaign dig. Further information should be provided on proposed mitigation for impacts on red data book plant species.

23.

F

inal Response – No objection subject to conditions and a Section 106 agreement for 20 year's long term management. As proposed by the applicant, a Nature Reserve Management Plan and Site Management Plan for the SSSI should be linked to the s106 agreement. Satisfied with the approach taken to Great Crested Newts. Support the restoration proposals. Consider the revised planting scheme acceptable as the non-native species have been reduced and are for dust mitigation purposes. Mitigation for little owl and sand martin is appropriate. Conditions should be attached to cover ecological management plan, scheme for protection of retained trees and hedgerows, ecological walkover survey prior to each campaign dig, means of egress for mammals, aftercare scheme, annual aftercare meetings and reviews.

Arboricultural Officer

24.

N

o objection. Recommends a condition for a detailed woodland management aftercare programme.

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 within the proposed development area or adversely affected by the proposed development. Therefore no further consideration of the Conservation of Species & Habitats Regulations is necessary.



