

For: PLANNING AND REGULATION COMMITTEE – 11 July 2016

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

Development proposed:

Continuation of development without complying with condition 40 (aftercare), and condition 51 (restoration) of Planning Permission 11/01402/CM (continuation of development without complying with condition 6 (importation of waste by road) and with the variance of conditions 1 (time limits) and 7 (volume of waste imported) of planning permission 10/00360/CM dated 17 June 2010 for extraction of limestone and restoration of the site by infilling for commercial, habitat creation and amenity use) in order to defer submission of restoration and aftercare details for Area A (2 years) and Areas B-D (5 years).

Division Affected:	Kidlington and Yarnton	
Contact Officer:	Matthew Case	Tel: 01865 815819
Location:	Shipton-on-Cherwell Quarry, Shipton-on-Cherwell Oxfordshire	
Application No:	MW.0046/16	District Ref: 16/00807/CM
Applicant:	Shipton Ltd.	
District Council Area:	Cherwell District Council	
Date Received:	24-Mar-2016	
Consultation Period:	28/04/2016 to 20/05/2016	

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Part 1 –Facts and Background

Location

1. The quarry is situated 10km (6.2 miles) north-west of Oxford, immediately north of the village of Shipton-on-Cherwell and east of the A4260. Bletchingdon lies 2km (1.2 miles) to the east of the site. To the north-west of the site is the linear settlement of Bunkers Hill, separated from the quarry by the A4095. Oxford Airport lies 1km (0.6 miles) to the south west. The site lies within the Oxford Green Belt.

The Site and its Setting

2. The quarry is in open countryside covering 71 hectares, of which most of the site comprises a largely worked out dormant limestone quarry. The site also includes an aggregate recycling facility (ARF) located in a central 3.5 hectare area of the quarry, immediately east of the permitted haul road. The ARF is covered by a separate planning permission.

3. To the north eastern boundary of the quarry, the land falls away to the Oxford Canal/River Cherwell. The Birmingham to Oxford railway line runs along the eastern boundary.
4. The quarry has been designated a County Wildlife Site and parts of it are designated as a geological Sites of Special Scientific Interest (SSSI). A public right of way skirts the site to the north and south. Parts of the site are contaminated and are subject to remediation measures required by conditions attached to the extant planning permission.
5. The nearest dwellings to the proposed aggregate recycling site are in Jerome Way (in Shipton-on-Cherwell village) 400 metres to the north-west.

Details of the Proposed Development

6. The proposal is to remove and modify planning conditions of an existing consent for development. The application does not involve any additional works that have not already been permitted by previous planning permissions.
7. The application seeks not to comply with conditions 40 and 51 which state that the restoration and aftercare schemes are submitted within 12 months of the date of the permission. The reason given for condition 51 (restoration) is to ensure that the site is restored to maximise biodiversity and in the interests of the amenity of local residents, to ensure that public access can be gained to the restored site; to ensure the productive aftercare of the land, and to ensure that the development is carried out as proposed. The reason given for the existing condition 40 (aftercare) is to ensure that the restored land is integrated with the surrounding land.
8. The applicant proposes to amend the aftercare and restoration conditions to submit the schemes for approval to the Mineral and Waste Planning Authority within two years of the date of the existing permission for Area A and within five years of the date of the existing permission for Areas B-D. By splitting the timescales of submission of restoration and aftercare schemes for Area A and Areas B-D, this will allow the applicant to focus on restoring Area A in the short-term, which isn't connected to the temporary car storage use in Areas B-C.
9. The long-term use of most of the site is restoration to nature conservation, but some parts of the site will also have different medium and long term uses. This includes a car storage operation for a temporary period located in Area B-C, which must cease by the 17 June 2036. The long-term restoration scheme for Areas B-C is to forestry. The area to the north of area A-D will be restored to a railway siding with permanent use.
10. In terms of timescales for the site's restoration as stated in Condition 53 of the current planning permission:
 - Area A will be completed before the car storage operations commence.
 - Area D shall be completely restored within 5 years of the commencement of car storage operations.

- Areas B and C shall be completely restored within 2 years of the cessation of car storage.
11. The submitted restoration and aftercare schemes will expand on the Reptile Mitigation Plan approved under pursuant 42 and Ecological Management Plan approved under pursuant 41 of the existing permission, both discharged on the 18 March 2016.
 12. Under the existing permission, condition 3 requires the completion of mineral extraction by 12 February 2017, the same day proposed for the approval of the restoration and aftercare schemes. The existing condition 51 (restoration) states *“no mineral extraction shall take place to the south of the line marked ‘S5’ on approved plan K.0117_14-2 (Scheme of Mineral Working: Proposed Excavation Area and Cross Section Locations) until the restoration scheme has been submitted to and approved in writing by the Mineral and Waste Planning Authority.”* The application proposes this statement is removed from the proposed condition.
 13. The applicant proposes to vary condition 51 of the permission to require only details for Area A at this stage. The present condition states in full:

A restoration scheme shall be submitted to and approved by the Mineral and Waste Planning Authority for the areas outlined in blue and marked A, B, C and D on approved plan K.0117_25-1d within 12 months of the date of this permission. No mineral extraction shall take place to the south of the line marked ‘S5’ on approved plan K.0117_14-2 (Scheme of Mineral Working: Proposed Excavation Area and Cross Section Locations) until the restoration scheme has been submitted to and approved in writing by the Mineral and Waste Planning Authority.

The restoration scheme shall include:

- i. *A woodland planting scheme for areas C and D designed to maximise a range of bird habitats and will detail the species, ages, spacing and distribution of plants*
- ii. *restored habitat to the west (areas A and B) which shall include the habitat elements shown on approved plan K.0117_25-3d (Phase 3)*
- iii. *measures for safeguarding and protecting existing areas of biodiversity and details of regrading other areas to create new habitats*
- iv. *the provision of a bird hide within areas A and B*
- v. *details showing the provision of paths and a car park for public access to the site including:*
 - *perimeter paths for area A and paths around and through the whole site*
 - *links to the local existing public rights of way*
 - *specifications with regard to width, construction materials, waymarking, fencing and resting places*
- vi. *details of the creation of the six geological windows as shown on approved plan K.0117_24-3 (Geological Exposures) and how public access to them will be provided.*
- vii. *the realignment of the haul road as required by condition 72*

- viii. *the removal and re-deposition of the excess materials deposited above the levels permitted in planning permissions 98/00470/CM, 98/02053 and 02/02602/CM*

Any restoration scheme approved in writing by the Mineral and Waste Planning Authority shall be implemented in accordance with condition 53 and will supersede approved plans K.0118_78-1 (Final Landscape Masterplan) and K.0117_53-1 (Final Restored Uses Masterplan) and the restoration details shown on approved plans K.0117_07-5 (Phase 7), K.0117_25-8d (Phase 8), K.0117_52-1 (Phase 9), and K0117_48-5 (Interim Restored Uses Masterplan).

It is proposed to amend the Condition as follows:

A restoration scheme shall be submitted to and approved by the Mineral and Waste Planning Authority for Area A marked on approved plan K.0117_25-1d within 24 months of the date of this permission. The restoration scheme shall be based on the Schematic Restoration Plan for Zone A included in the approved Reptile Mitigation Plan (Figure 2.1) and include additional details:

- i. Final levels*
- ii. Tree and scrub planting*
- iii. Calcareous grassland seeding*
- iv. Reptile habitat*
- v. Formation of geological exposure*
- vi. Perimeter path and public access arrangements*
- vii. Bird hide*

A restoration scheme for Area B-D shall be submitted within 5 years of the date of this permission. The scheme shall be based on the approved Final Landscape Master Plan K.0118_78-1 and include additional details of:

- i. Final levels*
- ii. Tree, hedgerow and scrub planting*
- iii. Grassland seeding*
- iv. Geological exposures*
- v. Perimeter path and public access arrangements*
- vi. Bird hide*

14. The applicant wishes to delay the submission of Areas B-D, as the restoration phasing and overall development programme is likely to change the approved scheme. Therefore the applicant wouldn't want to submit a scheme which is likely to change and feels in these circumstances it would be appropriate to delay the preparation of detailed restoration proposals for Area B-D.
15. The applicant also wishes to remove reference to 'viii' in the existing condition 51 stating "the removal and re-deposition of the excess materials deposited above the levels permitted in planning permissions 98/00470/CM, 98/02053 and 02/02602/CM". The applicant to replace this second with 'Final levels'. The applicant states in the amended Planning Statement, 'the final levels are best determined in the context of the restoration scheme taking into account current site conditions and proposed afteruses. In practice the previously tipped bank stabilisation materials will be incorporated into the restoration scheme and there is no logical reason to move them.

16. The applicant proposes to vary condition 40 of the permission to require equivalent extensions of time for the submission of aftercare details for Area A at this stage. The present condition states:

Within one year of the date of this permission an aftercare scheme shall be submitted for the approval of the Mineral and Waste Planning Authority and shall include all the areas to be restored to nature conservation use and shall address the monitoring and management of that land, water body, plant and animal community. Any scheme that is approved shall be implemented in any restored area from the date that that area is restored. No mineral extraction shall take place to the south of the line marked 'S5' on approved plan K.0117_14-2 (Scheme of Mineral Working: Proposed Excavation Area and Cross Section Locations) until the aftercare scheme has been submitted to and approved in writing by the Mineral and Waste Planning Authority.

It is proposed to amend the Condition as follows:

Within two years of the date of this permission an aftercare scheme for Area A marked on approved plan K.0117_25-1d shall be submitted for the approval of the Mineral and Waste Planning Authority and shall include all the areas to be restored to nature conservation use and shall address the monitoring and management of that land, water body, plant and animal community. Any scheme that is approved shall be implemented in any restored area from the date that that area is restored.

Within five years of the date of this permission an aftercare scheme for Area B-D marked on approved plan K.0117_25-1d shall be submitted for the approval of the Mineral and Waste Planning Authority and shall include all the areas to be restored to nature conservation use and shall address the monitoring and management of that land, water body, plant and animal community. Any scheme that is approved shall be implemented in any restored area from the date that that area is restored.

17. The proposed change to the aftercare condition follows the amendment of condition 51. In practice a single detailed restoration and aftercare scheme is proposed to be made for Area A and to be implemented in the shorter term. The restoration of Areas B-D is several years away.

Part 2 – Other Viewpoints

Third Party Representations

18. Fifteen letters/comments were received objecting to the application. The comments received relate to the site as whole, and don't appear to largely be relevant to the details of the application made to vary conditions 40 and 51 as set out above. Therefore only limited weight should be given to the comments received. Summary of the objections below:

- The site generates too much HGV traffic, and HGVs travel too fast
- HGVs leaving the site un-sheeted
- Impact on local amenity in relation to dust, road debris, noise and vibration

- Poorly maintained site entrance
- HGV movements are impacting on the condition of the local roads, including damaging the road verges.
- Confusion that the application is for extension of time to operations
- One letter referring to the importance of the geological SSSI and asking for consultation with Natural England
- Breach of hours of operation

Consultation Responses

19. Cherwell District Council - Raises no objections to the proposal on the proviso that the County Council seeks appropriate consultee advice in respect of ecology, archaeology and highway safety.

20. Environmental Health Officer – No Objection

21. Shipton-on-Cherwell & Thrupp Parish Council Has serious concerns, principally that the mineral extraction would not cease in February 2017 as currently required, but would extend for at least another 5 years, which is unacceptable to the Parish.

The Parish Council has received many representations from Parishioners expressing deeply felt worries that the noise, dust and disturbance currently experienced would continue beyond February 2017.

There is also concern that the Planning Conditions attached to the Planning Permission of the 12th February 2015 are not being complied with. The Parish Council does not have the expertise to monitor these issues and has to rely on the County Council to do so.

Would you please advise the Parish Council of the routine inspections and tests that have to be carried out by yourselves, and where such information is available for inspection? This Council and parishioners are particularly worried that the local amenities of residents have been disturbed by the current operations within the Quarry, and will continue to be so if the operators are allowed to further delay the final restoration.

The Parish Council therefore Objects to the present Planning Application on the following grounds where former Planning Conditions are being disregarded and has no confidence that matters will be put right in the future:

- Condition 8: Site machinery starts before 7.00 am and lorries queue for entry to the site before this time.
- Conditions 9 and 10: The access road and internal haul roads are not free of potholes, mud and debris.
- Condition 11: Very few loaded vehicles are leaving the site with covers.
- Condition 13: The need to employ a road sweeper indicates that there is excessive mud on the highways, so wheels and chassis are not being adequately cleaned
- Condition 14: Drivers do turn right out of the site
- Condition 15: There are inadequate dust suppression measures, as evidenced by the 'moonscape' dust settling on the canal and river banks.

- Condition 17: Noise levels exceed the maximum of 55db most of the time; residents cannot enjoy their gardens, or their internal rooms facing the quarry.
- Condition 18: Plant and machinery is not fitted with effective silencers.
- Condition 19: There are continuous whines, hisses, screeches, thumps and bangs from the site.
- Condition 21: Reversing plant and vehicles constantly emit loud warning beeps (other than white noise).

There is a suspicion that the following conditions are being breached:

- Condition 4: Aggregates are being imported otherwise than for the construction of site infrastructure.
- Condition 7: More than 250,000 tonnes of waste per annum are being imported by lorry.

As a measure of parishioners' concerns, the Parish Council is prepared to host a Meeting in our Village Hall, for representatives of the County and the Applicants to put their cases to all residents, if the County is mindful of granting approval.

In conclusion, the Parish Council objects to the variance of the conditions of the current Planning Permission.

22. Environment Agency – No objections

23. Natural England – No objection, subject to amendment of the proposed conditions.

This application is partly within Shipton on Cherwell and Whitehill Farm Quarries Site of Special Scientific Interest (SSSI). Natural England is satisfied that subject to the advice below that the proposed variation of the conditions to defer submission of restoration and aftercare details for Area A to 2 years Areas B-D to 5 years will not damage or destroy the interest features for which the site has been notified. We therefore advise your authority that subject to the advice below, this SSSI does not represent a constraint in determining this application.

Natural England advises that the applicant's suggested change to the wording of conditions 51 and 40 needs amending. To protect the special interest of the SSSI we advise that as part of the discharge of (restoration) condition 51 and (aftercare) condition 40, we would want to see detailed geological conservation and management plans for the SSSI geological exposures. We would expect to see details on how the exposures will be formed (design and construction), how they will be permanently retained, conserved and managed, and details on the form of managed access. There should be no further degradation of the geological interest.

In addition the proposed new wording of condition 51, concerning Area A, is not quite correct. Area A includes more than one important geological exposure and therefore the applicant's proposed wording which refers to "geological exposure" may be read to suggest there is only one exposure. Natural England advises that all the exposures need protection and management as part of this condition. For geological sites "management" includes access to the exposures. Both these issues were covered in the original condition (51 (vi)).

Should the details of this application change, Natural England draws your attention to Section 28(I) of the Wildlife and Countryside Act 1981 (as amended), requiring your authority to re-consult Natural England.

24. Thames Water -No objections

25. Network Rail – No objection

26. Ecologist Planner –

- Condition 51

Whilst I have no objection to the principle of submitting the restoration scheme for Area A prior to Areas B-D, please ask the applicant to clarify whether there are any points in the original condition 40 that are no longer within the revised wording. If there are items that have been removed, have they been approved already under separate conditions/schemes?

- Condition 40

I do not have any comments on the proposed revisions.

Final Comment

Condition 51

As stated in my previous comments, I have no objection to the principle of submitting the restoration scheme for Area A prior to Areas B-D. I consider that the remainder of the condition, in relation to ecology, should remain with similar wording to the approved condition. Whilst I appreciate that the approved condition is long, I consider that providing detail in the wording of the condition could help to avoid any confusion about what the condition requires at a later stage. Therefore, I suggest that the condition is worded as follows:

A restoration scheme shall be submitted to and approved by the Mineral and Waste Planning Authority for Area A marked on approved plan K.0117_25-1d within 24 months of the date of this permission. The restoration scheme shall be based on the Schematic Restoration Plan for Zone A included in the approved Reptile Mitigation Plan (Figure 2.1) and include additional details:

- (i) Final levels
- (ii) restored habitats, which shall include the habitat elements shown on approved plan K.0117_25-3d (Phase 3)
- (iii) measures for safeguarding and protecting existing areas of biodiversity and details of regrading other areas to create new habitats
- (iv) the provision of a bird hide within area A
- (v) details showing the provision of paths and a car park for public access to the site including:
 - Perimeter paths for area A and public access arrangements
 - specifications with regard to width, construction materials, waymarking, fencing and resting places
- (vi) details of the creation of the six geological windows as shown on approved plan K.0117_24-3 (Geological Exposures) and how public access to them will be provided
- (vii) *the realignment of the haul road as required by condition 72*

- (viii) *the removal and re-deposition of the excess materials deposited above the levels permitted in planning permissions 98/00470/CM, 98/02053 and 02/02602/CM.*

A restoration scheme for Area B-D shall be submitted within 5 years of the date of this permission. No mineral extraction shall take place to the south of the line marked 'S5' on approved plan K.0117_14-2 (Scheme of Mineral Working: Proposed Excavation Area and Cross Section Locations) until the restoration scheme has been submitted to and approved in writing by the Mineral and Waste Planning Authority. The scheme shall be based on the approved Final Landscape Master Plan K.0118_78-1 and include additional details of:

- (i) Final levels
- (ii) Tree, hedgerow and scrub planting, including a woodland planting scheme for areas C and D designed to maximise a range of bird habitats and will detail the species, ages, spacing and distribution of plants
- (iii) restored habitat in area B which shall include the habitat elements shown on approved plan K.0117_25-3d (Phase 3)
- (iv) measures for safeguarding and protecting existing areas of biodiversity and details of regrading other areas to create new habitats
- (v) the provision of a bird hide within area B
- (vi) details showing the provision of paths and a car park for public access to the site including:
 - paths around and through the whole site
 - links to the local existing public rights of way
 - specifications with regard to width, construction materials, waymarking, fencing and resting places

Any restoration scheme approved in writing by the Mineral and Waste Planning Authority shall be implemented in accordance with condition 53 and will supersede approved plans K.0118_78-1 (Final Landscape Masterplan) and K.0117_53-1 (Final Restored Uses Masterplan) and the restoration details shown on approved plans K.0117_07-5 (Phase 7), K.0117_25-8d (Phase 8), K.0117_52-1 (Phase 9), and K0117_48-5 (Interim Restored Uses Masterplan).

Please note that text marked in italics are non-ecological elements of the original condition. I have included these for completeness but please do remove/amend these if they no longer apply, which may well be the case for some of the wording.

Condition 40

I do not have any comments on the proposed revisions.

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 a European Protected Species is likely to be present on the Shipton on Cherwell Quarry site. However, the proposed changes to the timing of the restoration and aftercare scheme submissions and amendments to the wording of the conditions should not result in any changes to the impacts on the species on the site.

27. Transport Development Control – ‘No Comment’

28. The Cotswolds AONB Board – No comments received

29. Oxfordshire Geology Trust – No comments received

Part 3 - Relevant Planning Documents

Relevant Development Plan and other policies

30. Planning applications should be decided in accordance with the Development Plan unless material considerations indicate otherwise.
31. The Development Plan for this area comprises:
 - i. Oxfordshire Minerals and Waste Local Plan (saved policies) (OMWLP).
 - ii. Cherwell Local Plan 2011-2031 Part 1 (This also contains saved policies of the Cherwell Local Plan 1996 in its Appendix 7)
32. Other documents that need to be considered in determining this development include:
 - i. National Planning Policy Framework (NPPF). This is a material consideration in taking planning decisions.
 - ii. The Draft Oxfordshire Minerals and Waste Local Plan Core Strategy (OMWCS) was subject to consultation in 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 was submitted to the Secretary of State for

independent examination in January 2016. It is therefore appropriate to consider draft policies which are relevant to this development.

Relevant Policies

33. The relevant policies are:

- i. Oxfordshire Minerals and Waste Local Plan (OMWLP) 1996
 - Policy W7 (Restoration)
 - Policy PE13 (Restoration)
 - Policy PE14 (Sites of Nature Conservation)
- ii. Draft Oxfordshire Minerals and Waste Core Strategy (OMWCS)
 - Draft Policy M10 (Restoration of mineral workings)
 - Draft Policy C7 (Biodiversity and Geodiversity)
 - Draft Policy C8 (Landscape)
- iii. Cherwell Local Plan 2011-2031 Part 1 (CLP)
 - Policy ESD 10 (Protection and enhancement of biodiversity and the natural environment)
 - Policy ESD 13 (Local landscape protection and enhancement)

Part 4 – Analysis and Conclusions

Comments of the Deputy Director (Strategy and Infrastructure Planning)

34. The key policy issues to consider in determining this application are:

- i. Site Restoration and Biodiversity
- ii. Landscape Character

Site Restoration

35. Draft Policies M10 and C7 of the OMWCS and policy PE13 of the OMWLP, discuss the need to restore mineral working and waste sites to a high standard and in a timely and phased manner, with satisfactory restoration proposals, in the case of policy C7 in particular to provide a biodiversity and geodiversity net gain.

36. Policy PE14 of the OMWLP states sites of nature conservation importance should not be damaged. Proposals which would affect a nature conservation interest will be assessed by taking into account the importance of the affected interest; the degree and permanence of the projected damage; and the extent to which replacement habitat can be expected to preserve the interest in the long-term. Policy W7 of the OMWLP covers similar ground stating no material damage to any feature of importance with a SSSI or other site nature conservation importance which cannot be protected by measures incorporated within the proposal.

37. Policy ESD 10 of the CLP 2031 seeks to improve biodiversity, and amongst other things states development which would result in damage to or loss of a site of biodiversity or geological value of national importance will not be permitted unless the benefits of the development clearly outweigh the harm it would cause to the site and the wider national network of SSSIs, and the loss can be mitigated to achieve a net gain in biodiversity/geodiversity. It also states that development which would result in damage to or loss of a site of biodiversity or geological value of regional or local importance including habitats of species of principal importance for biodiversity will not be permitted unless the benefits of the development clearly outweigh the harm it would cause to the site, and the loss can be mitigated to achieve a net gain in biodiversity/geodiversity.
38. The Section 73 application is not altering the end date of restoration, or aftercare of any part of the site; the request is to allow further time to submit the required restoration and aftercare schemes for both areas A and areas B-D. No objections from either Natural England (NA) or the County's Ecologist Planner have been received providing the proposed conditions are amended to show a similar amount of detail as to what the restoration schemes shall include. NA wants the reference to 'geological exposures', not 'geological exposure' as stated in the applicant's proposed condition. The existing permission already includes the approved Landscape Masterplan, Reptile mitigation Scheme and Ecological Management Plan. So the delay in submission of the restoration and aftercare scheme will not impact on biodiversity or geodiversity, as there is sufficient detail already required for the site to be progressively restored. Areas B-C has an alternative temporary use as car storage operation which doesn't need to cease until 2036, whilst Area D doesn't need to be fully restored until after the car storage operations are constructed which appears to be several years away.
39. The application also asks for the removal of the reference stating 'no mineral extraction shall take place to the south of the line marked 'S5' on approved plan K.0117_14-2'. Condition 3 requires the completion of mineral extraction by 12th February 2017, therefore, given that this is now only seven months away, then there is little practical benefit in continuing to require the submission of the restoration for the whole or any of the site prior to extraction passing that line. For the development to meet this target date the reference should be removed. There is the potential that if this is not agreed to, this could work to delay the completion of extraction for no clear benefit. The removal of the reference to 'line S5' will not have an impact on the implementation of the site's restoration programme.
40. The applicant's proposed changes to condition 51 include simplification of the condition. The Ecologist Planner felt it was important to keep existing details to prevent confusion on future scheme submissions. The applicant also requested the removal of parts 'vii' and 'viii' which relate to the realignment of the haul road, and 'removal of re-deposited excess materials above levels permitted in planning permissions 98/00470/CM, 98/02053 and 02/02602/CM, replacing them in the revised condition with details of 'final levels' to be part of the scheme to be submitted for approval. I consider that this could have wider implications which cannot be fully understood in this application and therefore I would recommend

that the term 'final levels' is not used in the proposed condition and the existing wording is retained. Part 'vii' relating to the realignment of the haul road is covered under existing conditions 72 & 73 and approved plans, therefore part 'vii' can be removed from the proposed condition.

41. The application is considered to be in accordance with Policies M10 and C7 of the OMWCS, policy ESD 10 of the CLP, and policies PE13, PE14 & W7 of the OMWLP.

Landscape Character

42. Policy C8 of the OMWCS states that proposals for minerals and waste development should respect and where possible enhance local landscape character. This is also reflected in policy ESD13 of the CLP 2031 which states that proposals will not be permitted if they would cause undue visual intrusion into the open countryside.
43. The delay in submission of restoration and aftercare schemes for both area A and areas B-D will not impact on the time periods for the implementation of the restoration scheme which would unchanged. The operator continues to progressively restore the site in line with the approved Landscape Masterplan, Scheme of Filling and Cross Section Plans. The site's restoration will not be delayed through approval to this application. Therefore the proposal will not have any additional impact on local landscape character. The application is considered to be in accordance with Policy C8 of the OMWCS, and Policy ESD13 of the CLP 2031.

Conclusions

44. Although the application received several letters of objection from residents and the Parish Council, the comments don't in substance relate to the application to amend conditions 40 (aftercare) and 51 (restoration) as the application is not for a delay to the actual restoration of the site, just to the dates for the submission of restoration schemes. The application to allow more time to submit aftercare and restoration schemes will not impact on the approved timescales to restore the development, as the site will continue to be progressively restored in accordance with the approved plans related to landscape and biodiversity. The 2 year deadline to submit detailed schemes for area A and 5 year deadline to submit detailed schemes for areas B-D means they would be submitted well before the importing of waste by road for Areas B-D is required to cease on site (12th February 2025). In summary, both Natural England and the County's Ecologist Planner are satisfied the proposal is acceptable, and there will be no impact on biodiversity and geodiversity.
45. As such the proposed development accords with the Development Plan policies, emerging policies and national government guidance and is considered acceptable on its planning merits.

RECOMMENDATIONS

- 46. It is RECOMMENDED that that planning permission for application MW.0046/16 be approved subject to conditions to be determined by the Deputy Director for Environment & Economy (Strategy and Infrastructure Planning) including those set out in Annex 2 to this report.**