

**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 10 (Passing Bays), of Planning Permission 14/02055/CM (limestone extraction: eastern extension to existing permitted limestone extraction), in order to remove the need for passing bays prior to the commencement of development.**

**Division Affected:** Charlbury and Wychwood  
**Contact Officer:** Matthew Case **Tel:** 01865 815819  
**Location:** Castle Barn Quarry, Fairgreen Farm, Sarsden  
**Application No:** MW.0071/16 **District Ref:** 16/01684/CM  
**Applicant:** The Great Tew Farms Partnership  
**District Council Area:** West Oxfordshire DC  
**Date Received:** 06-May-2016  
**Consultation Period:** 19-May-2016 to 10-Jun-2016

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**Part 1 –Facts and Background**

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

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

**The Site and its Setting (see site plan Annex 1)**

2. The access to the site is via a narrow road which runs a short distance west from the A361, then south to a private road. The private road which runs south-west towards Fairgreen Farm, passes both the restored and active quarry on either side.
3. The quarry site is surrounded by open agricultural land and the nearest residential dwelling is approximately 380 metres to the south-west of the site. The driveway to Fairgreen Farm runs along the west side of the active quarry.

4. A public right of way passes in an east to west direction approximately 50 metres to the south of the quarry site.
5. The existing permission has a Routeing Agreement attached to the permission which only allows HGV traffic to use the minor road off the A361 to the north-east of the development. It only allows drivers to turn left out of the access road, and not right south-east down a minor road to the A361. The prohibited minor road is too narrow for HGV access. The Routeing Agreement also prohibits HGV traffic through any of the villages surrounding the quarry. The permission was also subject to a legal agreement requiring a 20 year Long Term Management Plan and public access to a geological exposure. Both agreements would continue to apply to any subsequent Section 73 application granting varied planning permission to the existing permission.

### **Details of the Proposed Development**

6. The applicant was granted planning permission 14/02055/CM to enable the exportation of 72,000 tonnes of crushed rock for a temporary period of 12 months in 2015. At the time to allow the application, the Transport Development Control officer recommended the construction of passing bays at two locations along a minor road to the A361. The existing condition states:

*“No crushing shall be carried out and no further removal of crushed mineral shall occur until the proposed passing bays on the lane leading to the A361 have been constructed and approved by the highways authority in accordance with specification approved under the Section 278 Agreement.”*

7. The applicant now wishes to vary the permission to remove the need for passing bays and so delete the condition. A covering letter and Vehicle Conflict Analysis report has been provided with the application.

### **Part 2 – Other Viewpoints**

#### **Third Party Representations**

8. No letters of objection have been received to this application.

#### **Consultation Responses**

9. West Oxfordshire District Council – The West Oxfordshire District Council, as Local Planning Authority, hereby recommend to Raise no objection the County Matters, as outlined below

The Application relates to a proposed non-compliance with condition 10 (passing bays) of planning permission 14/02055/CM in order to remove the need for passing bays prior to the commencement of development at Castle Barn Quarry, Sarsden, Chipping Norton. Castle Barn quarry is located within an area of open countryside close to Sarsden. The site lies close to the A361 and vehicular access is via two narrow single track lanes leading to the site entrance. Presently there is insufficient room for two vehicles to pass on the

roads leading to the site, in particular HGV vehicles and there are presently no passing bays on approach to the site in either direction leading to the site. The existing planning consent allows for 58 vehicle movements per day during the hours of operation, which includes 44 HGV movements.

Officers note the findings of The Vehicle Conflict Analysis submitted alongside this application. There are concerns regarding the narrowness of the roads on approach to the site and the fact that there is presently insufficient room for two vehicles to pass. In mitigation however it is noted that the roads leading to the site are minor roads, with low traffic. The Vehicle Conflict Analysis submitted suggests 17 and 19 movements per hour. It is also noted that traffic speeds along the road are restricted due to the narrow nature of the road and visibility is relatively good along the roads leading to the site. It is noted that the likelihood of conflicting vehicle movements would be less than 10%, given the current usage of the road.

In considering these mitigating factors officers do not object to this application, although officers recommend that a condition should be imposed restricting daily vehicular movements as suggested by Oxfordshire County Council Highways officers in their consultation response.

10. Lead Flood Authority – ‘No Drainage Comments’
11. Environmental Health Officer – No Comments Received
12. Churchill and Sarsden Parish Council - *“The Councillors are of the view that as both approach roads to the A361 approved for Quarry traffic are reasonably busy and the south-bound road is only a single track road passing places on this road would certainly be essential, particularly as the Quarry traffic consists mostly of lorries. The council would oppose the application not to construct passing places.”*
13. Environment Agency – No Comments Received
14. Natural England – No Comments Received
15. Ecologist Planner – *“I have no objection to the proposals to not comply with Condition 10 which requires passing bays to be created.*

*Street-view images reveal that the road verges are well-managed and an informal passing place is present on both the east-west and north-south road. It is therefore considered unlikely that negative ecological impacts will result from the absence of passing places.”*

16. Transport Development Control – *“I have reviewed the Quarry Conflict Analysis, and have the following comments:*
  - 1) *Width of the lanes: on both the north south, and east west sections, there is insufficient space for two cars to pass. This is an existing problem, but the increase in conflicts (vehicles passing) will be made*

*up of lorry-car conflicts, rather than car-car conflicts, which potentially have more of a negative safety impact, and certainly a greater impact in terms of damage to the verges.*

- 2) *I accept the methodology of the calculations as an approximation of the increased likelihood of vehicles passing each other, except that the average speed taken at fixed points on the lane has been used to calculate the transit time. This does not take account of acceleration and deceleration, so the transit time would in fact be longer. Nevertheless, the calculations also do not take account of the fact that sometimes vehicles would be following each other on the same stretch of road, therefore there will be some overlap in transit times, resulting in a slightly lower overall transit time. Therefore I agree that the increase in the likelihood of vehicles passing one another is very small.*
- 3) *Additionally the stretches of road are straight, with good forward visibility, thus increasing the chance for a vehicle to wait before turning out of the site, or turning at the junction between the N-S lane and the E-W lane, or go into one of the informal passing places, to give way to an oncoming vehicle.*
- 4) *There is a flat verge either side of the lanes in most places, meaning that, unless the road edges and verges become significantly damaged/rutted, there is a low safety risk associated with vehicles overrunning the carriageway.*
- 5) *Nevertheless, if vehicles were to pass more frequently, there is a risk of significant damage occurring, which could be a safety risk (as well as causing environmental damage and damaging the appearance of the lane, and leading to increased maintenance burden for the county council). This could happen if activity at the quarry happened in concentrated periods rather than spread evenly over time. I therefore recommend that a daily limit is placed on movements to prevent this occurring.*

*Overall therefore, I do not object to the removal of this condition, though I recommend that the condition imposing restrictions on movements is reviewed to impose a daily limit, for the reason set out in point 5 above.”*

The case officer confirmed there was an existing condition limiting HGV movements to 44 per day. The Transport Planner was happy with the condition.

17. The Cotswolds AONB Board – No Comments Received

**Part 3 - Relevant Planning Documents**

**Relevant Development Plan and other policies**

18. Planning applications should be decided in accordance with the Development Plan unless material considerations indicate otherwise.

19. The Development Plan for this area comprises:
  - i. Oxfordshire Minerals and Waste Local Plan (saved policies) (OMWLP).
  - ii. The West Oxfordshire Local Plan (saved policies)
  
20. 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.
  
  - iii. The Draft West Oxfordshire Local Plan 2011- 2013 (DWOLP) is also a material consideration to which limited weight should be given.

### **Relevant Policies**

21. The relevant policies are:

Oxfordshire Minerals and Waste Local Plan (OMWLP) 1996

- PE18 (Code of Practice and conditions)

Draft Oxfordshire Minerals and Waste Core Strategy (OMWCS)

- Draft Policy C8 (Landscape)
- Draft Policy C10 (Transport)

West Oxfordshire Local Plan 2006 (WOLP)

- NE1 (Landscape Character)
- NE3 (Local Landscape Character)
- NE4 (Cotswolds AONB Policy)

Draft West Oxfordshire Local Plan 2011 - 2031 (DWOLP)

- Policy EH1 (Landscape Character)

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

#### **Comments of the Deputy Director (Strategy and Infrastructure Planning)**

22. The key policy issues to consider in determining this application are:
  - i. AONB Policy: Development in the AONB
  - ii. Impact on Highways.

### Development in the AONB, Open Countryside and Landscape Impact

23. Policy NE4 of the WOLP, draft policy EH1 of the DWOLP, policy C8 of the OMWCS and paragraphs 115 and 116 of the NPPF seek to conserve and enhance the natural beauty of AONB, and to ensure that major developments in AONBs are refused except in exceptional circumstances and where it can be demonstrated that the development is in the public interest.
24. WOLP policy NE3 states that development will not be permitted if it would harm the local landscape character. Policy NE1 of the WOLP seeks to maintain or enhance the value of the countryside for its own sake, in particular its local character and agricultural values. Draft policy EH1 of the DWOLP seeks to conserve and enhance the District's landscape quality, character and distinctiveness.
25. The proposal wishes to remove the current condition 10 requiring passing bays be provided along the short stretch of the minor road to the A361 via a Section 278 Agreement. The lane itself is well screened from the surrounding landscape and by not adding passing bays this would reduce the impact on the lane's rural character. The existing planning permission is restricted to a 12 months period, and therefore the development as proposed to be amended wouldn't have any significant detrimental effect on the landscape, environment and recreational opportunities of the Cotswolds AONB. Therefore the application is considered to be in accordance with policies NE1, NE3, NE4 of the WOLP, draft policy EH1 of the DWOLP, draft policy C8 of the OMWCS, and paragraphs 115 and 116 of the NPPF.

### Impact on Highways

26. Policy PE18 of the OMWLP and draft policy C10 of OMWCS require that developments will among other things provide safe and convenient access to the highway network. Access to and from the mineral site should be laid out and constructed to the satisfaction of the County Council as the highway authority.
27. Due to the increased traffic proposed to crush and export crushed stone for a 12 month period, Transport Development Control (TDC) originally requested passing bays along the minor road to the A361. The applicant has provided a Transport Statement which involved vehicle conflict analysis to show passing bays would not be required. The conclusion would be an increase of no more than two percentage points on any section of the approved route with the additional quarry traffic and there would be no justification to require the passing bays as the likelihood of HGV traffic meeting would be small. The TDC Team commented on the proposal to remove the passing bays with the additional analysis completed and has no objection to the application providing restrictions are made on daily HGV traffic movements. The existing permission limits HGV traffic to 44 traffic movements per day over the 12 month crushing period.

28. The lane does not appear to be in heavy use, and the low level of associated vehicle movements would allow the development to be in accordance with Policy C10 of the OMWCS and Policy PE18 of the OMWLP.

### **Conclusions**

29. In summary, the Highways Authority is satisfied the proposal is acceptable. The potential impact of increased vehicle movements on local highways will be restricted by daily HGV movement restrictions. The site and minor road is well screened from neighbouring residential properties. There would be no adverse impact on amenity, the surrounding countryside or landscape, including the Cotswolds AONB.
30. 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**

31. **It is RECOMMENDED that subject to conditions to be determined by the Deputy Director for Environment & Economy (Strategy and Infrastructure Planning) including those set out in Annex 2 that planning permission for application MW.0071/16 be approved.**

BEV HINDLE  
Deputy Director for Environment & Economy

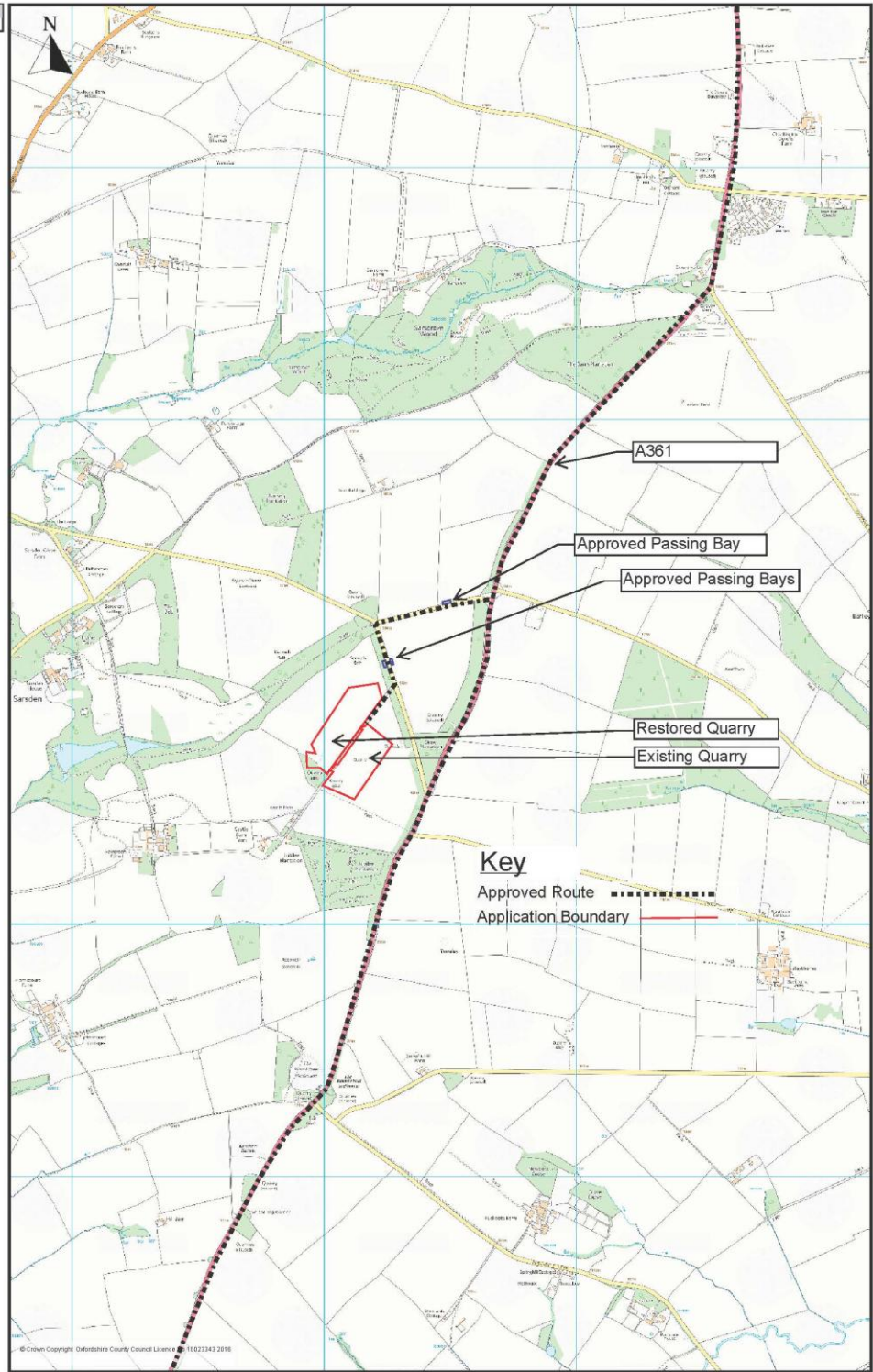
June 2016

# Annex 1: Committee Plan

MW.0071/16 Castle Barn Section 73



Map Legend  
No overlays selected



15-Jun-2016

Scale 1: 15116

0 m 400 m 800 m

Annotations not to Scale



Conditions

- i. The winning and working of minerals hereby permitted shall cease on or before the 31st December 2020 and the site shall be restored in accordance with approved plan 'S73 Restoration Proposals' (2307/S73/2 B) and the conditions of this permission no later than 30th June 2021.
- ii. The development shall be carried out strictly in accordance with the particulars of the development, plans and specifications contained in the application except as modified by conditions of this permission.
- iii. The site shall be used only for the winning and working of minerals suitable for use as walling stone or building blocks for carving and for no other purpose whatsoever, except as set out in condition XXVII.
- iv. Noise from the operations hereby permitted shall not exceed 55dB (A) LAeq 1 hour (free field) when measured at the curtilage of the nearest premises (Rickyard Cottage). The site operators shall take such measures as may be necessary including the insulation of plant and machinery, silencing of vehicles and acoustic screening to ensure that this noise level is not exceeded.
- v. Notwithstanding the provisions of parts 17 of schedule 2 of the Town and Country Planning (General Permitted Development) Order, 2015 (or any Order amending, replacing or re-enacting that Order), no fixed plant or machinery, buildings, structures and erections, or private ways shall be erected, extended, installed, rearranged, replaced, repaired or altered at the site without planning permission from the Mineral Planning Authority.
- vi. No extraction shall take place below 171.5 metres above Ordnance datum.
- vii. No operations, including HGVs entering and leaving the site, other than water pumping or environmental monitoring, shall be carried out at the site except between the following times:-
- viii. 0700 and 1800 hours Mondays to Fridays;
- ix. 0700 hours to 1300 hours on Saturdays
- x. No such operations shall take place on Sundays or recognised public holidays or Saturdays immediately following public holidays.
- xi. No aggregates or waste shall be imported to the site for any purpose whatsoever.
- xii. No lorry shall leave the site unless its wheels have been cleaned sufficiently to prevent mud being carried on to the highway.
- xiii. At the Mineral Planning Authority's discretion and subject to its written notification requiring the implementation of the approved wheel washing scheme (Wheel Washing Specifications dated March 2015), the approved scheme shall be implemented no later than ten days from the date of that notification until such time that the Mineral Planning Authority notifies in writing that it is no longer required.
- xiv. The surfacing of the site access shown on approved plan 2C shall be maintained in a good state of repair and kept clean and free of mud and other debris at all times until completion of site restoration and

- aftercare period. Access to the site shall be limited to that shown on approved plan 2C.
- xv. No water shall be discharged from the site which is so contaminated with clay or silt as to cause clouding or sedimentation in adjoining ditches or watercourses.
  - xvi. All tanks containing oil or fuel shall be sited on a concrete base surrounded by bund walls capable of retaining at least 110% of the tank(s) volume and any spillages from fill or draw pipes. The bund walls shall be built and subsequently maintained in a condition such as to prevent pollution of ground water.
  - xvii. No floodlighting shall be erected on site without the prior approval of the Mineral Planning Authority in writing.
  - xviii. No reversing beepers or other means of audible warning of reversing vehicles shall be fixed to, or used on, any vehicle operating on the site, other than those which use white noise.
  - xix. No excavation or any other operation or use connected with or required by this permission shall be carried out within 2 metres of the existing hedgerows as shown on approved plan 2307/S73/2 Rev. 2 (S73 Restoration Proposals).
  - xx. The existing hedgerow on the western boundary shall be retained and maintained in good condition and, where required by the Mineral Planning Authority, during or upon completion of the development hereby approved, reinforced with further hedge planting of the same species as is present in the hedgerow.
  - xxi. The sequence of working shall not be undertaken other than as shown on the approved Working Scheme (Drawing No. 2307/S73/8).
  - xxii. No stockpiling of minerals shall take place unless and until the topsoil and subsoil have been stripped from the area to be used for stockpiles.
  - xxiii. All topsoil, subsoil and overburden stripped from the areas to be excavated shall be removed and stored separately for use in site restoration in the areas shown for that purpose on approved Working Scheme (Drawing No. 2307/S73/8) before further operations commence. Following excavation, the overburden shall be replaced and graded in accordance with the final levels in positions shown on the approved 'S73 Restoration Proposals Plan' (2307/S73/2 Rev. B). The overburden shall be in turn covered with subsoil and topsoil in original sequence and to even depths. No variations to these arrangements shall take place unless otherwise approved in writing by the Mineral Planning Authority.
  - xxiv. Stockpiles of materials shall not be positioned except in accordance with the location and height details shown on the approved Working Scheme (Drawing No. 2307/S73/8). Stockpiles to be in position for longer than 12 months shall be seeded with grass.
  - xxv. Soil handling shall not take place other than between the months of June to August inclusive except with the written approval of the Mineral Planning Authority and no soil handling shall take place at any time unless the soil is generally dry.
  - xxvi. The approved scheme of landscaping/restoration shall be carried out in the planting season coinciding with or immediately following completion of each phase, whichever is the sooner, and shall be so

- maintained thereafter. Within five years of planting, any trees, shrubs, or other plants that die, become diseased, are removed or damaged, shall be replaced in the first available planting season with others of a similar size and species in accordance with the details of the approved scheme (unless the Mineral Planning Authority gives written approval to any variation).
- xxvii. Aftercare of the site shall take place in accordance with the approved Aftercare Scheme dated March 2015. The approved scheme shall be fully implemented
  - xxviii. No mineral shall leave the site except stone suitable for walling or large stone blocks, and for no other purpose whatsoever except as set out in condition XXX.
  - xxix. The Mineral Planning Authority shall be notified in writing within 7 working days of the start of crushing and exporting of crushed stone.
  - xxx. No rock shall be crushed except during the twelve months immediately following the date confirmed stating the start of crushing set out in condition XXIV. No crushed rock shall be exported from the site except during the twelve months immediately following the start of crushing. During this twelve month period no more than 67,000 tonnes\* of crushed stone shall be exported. No crushing plant shall be located on the site except during the twelve month period immediately following the start date of crushing.
  - xxxi. Crushing shall be only undertaken in the area marked 'Proposed Processing Plant' and stocked and loaded in the areas marked 'Proposed Stocking/Loading Area' as shown on the approved 'S73 Site Working Plan (2307/S73/5).
  - xxxii. HGV movements related to crushed stone activities to and from the site shall not exceed a maximum of 44 per day (22 in, 22 out).
  - xxxiii. Large stone blocks shall not be moved except by tractors and trailers. Tractors and trailers transporting large stone blocks to the Lower Buildings shall not enter or leave the site except along the roadways marked in red on approved Plan No. 1 (Tractor and Trailer Route Plan).
  - xxxiv. Other than with the prior approval in writing of the Mineral Planning Authority tractor and trailer movements shall be limited to no more than 14 movements (7 in, 7 out) in any one day.
  - xxxv. Notwithstanding the operating hours specified in condition VII, tractor and trailer movements shall not take place through the village of Sarsden between the following times
    - a. 08:15 and 08:45 Mondays to Fridays during school term time
    - b. 15:15 and 15:45 – Monday to Friday during school term time.
  - xxxvi. No activities permitted or required by this permission shall take place in the old quarry area to the south west of the working area. No trees shall be felled or lopped or soil disturbed in the vicinity of those trees.
  - xxxvii. No loaded lorries shall leave the site unsheeted except those only carrying stone in excess of 500mm in diameter.
  - xxxviii. No development shall take place except in accordance with the approved Dust Management Plan (dated March 2015).
  - xxxix. No activities permitted or required by this permission, except the temporary stockpiling of stone, shall take place in the area outlined in green on approved Working Scheme (Drawing no. 2307/S73/8).

- xI. No blasting shall be carried out except between the following times
  - a) 0900-1600 hours Mondays to Fridays;
  - b) 0900-1200 on Saturdays.
- xli. No blasting shall take place on Sundays or recognised public holidays or on Saturdays immediately following public holidays.
- xlii. For temporary operations such as soil stripping, bund formation, other mitigation measures and restoration the LAeq level at any noise sensitive properties shall not exceed 70 dB(A), expressed in the same manner as above. Temporary operations which exceed the normal day to day criterion shall be limited to a total eight weeks in any twelve month period to any individual noise sensitive property.
- xliii. Ground vibration from blasting shall not exceed a peak particle velocity of 6mm/second at the 95% confidence level, or near, the foundations of any vibration sensitive building or residential premises as shown on FIG 01. The measurement to be the maximum of three mutually perpendicular directions taken at the ground surface.
- xliv. From the date of crushing the operators shall maintain records of their monthly production and shall make them available to the Mineral Planning Authority within 14 days on request.

***\* Note: The application is for 72,000 tonnes crushing and exporting crushed stone. Of which applicant has crushed and exported 5,000 tonnes retrospectively.***