For: PLANNING & REGULATION COMMITTEE – 24 APRIL 2017

By: THE DIRECTOR FOR PLANNING AND PLACE

Development Proposed:

Application MW/0132/16
Installation and use of pipe system and associated pumps to transport minerals from the Stonehenge Farm extension area to the processing plant at Linch Hill permitted under appeal ref: APP/U3100/A/09/2107573

Application MW.0134/16
Variation of conditions attached to consent APP/U3100/A/09/2107573 for the extraction of sand and gravel with associated processing plant, silt ponds, conveyors and ancillary works. Restoration to wetland/reed bed and fishing, extraction of basal clay to form hydrological seals and for the purpose of restoration on site

Division Affected:	Eynsham	
Contact Officer:	Gemma Crossley	
Location:	Land at Stonehenge Farm, Northmoor, OX29 5SY	
Application No:	MW.0132/16	16/03854/CM
	MW.0134/16	16/03857/CM
Applicant:	Hanson Quarry Products Europe Ltd	
District Council Area:	West Oxfordshire	
Date Received:	4 November 2016	
Consultation Period:	17 November – 15 December 2016	

Contents:

RECOMMENDATION

The report recommends that, subject to no over-riding objections being received from outstanding consultees:

- application MW.0132/16 is approved, subject to conditions to be determined by the Director of Planning and Place including those set out in Annex B; and
- application MW.0134/16 be approved, subject to Deeds of Variation as necessary to the S.106 and routeing agreements and to conditions to be determined by the Director of Planning and Place including those set out in Annex C.

PART 1 - INTRODUCTION AND BACKGROUND

1. The site of application MW.0132/16 comprises the route of the proposed pipeline which runs from the Plant Site at Linch Hill, the former Stanton Quarry, to the extraction site at Stonehenge Farm, which lies to the south of Standlake Road between the villages of Northmoor and Standlake in west Oxfordshire. Stonehenge Farm Quarry is centred on 440720, 202225 and lies circa 11.25 km (7 miles) southwest of Oxford City Centre.

2. The site of application MW.0134/16 comprises land at Stonehenge Farm, the original conveyor route (and proposed pipeline route), the plant site area and silt disposal area at Linch Hill, to the north of Northmoor, and the site access onto Cow Lane.

3. The pipeline is proposed to follow the same route as the approved conveyor system, which runs from the north eastern corner of Stonehenge Farm Quarry, in a NNE direction, crossing Standlake Road, a stream, a footpath and ditch, a farm track and bridleway before entering the southwestern corner of the former Stanton Quarry, where the Plant Site is located.

4. The site lies within Flood Zones 2 and 3, which respectively have a 1 in 1000 and 1 in 100 chance of flooding each year. The site does not lie within a Groundwater Protection Zone.

5. The details of these applications, consultee responses and policy discussions are set out in full within the Officer's Report to Committee dated 27 February 2017, which is appended at Annex A.

PART 2 - UPDATE FROM PREVIOUS COMMITTEE REPORT DATED 27TH FEBRUARY 2017

6. Members may recall that at the Planning and Regulation Committee Meeting dated 27 February 2017, Officers informed them that the Environment Agency (EA) had raised an objection to both applications on two grounds, one on flood risk and another on water quality issues and the potential impact on water based ecology.

7. In addition to the E A objection, the County Council's Ecology Officer revised her comments in response to the application to reflect the water quality and nature conservation concerns raised by the EA.

8. On the day of Committee (27 February 2017) we also received correspondence from an Agent, whose Client is developing Park Farm, which is located on Standlake Road to the north of the mineral extraction area at Stonehenge Farm. Planning permission (15/00320/FUL) was granted by West Oxfordshire District Council for residential development of fifteen dwellings, including garages and sewage treatment plant at Park Farm. The developers of Park Farm have raised concern over the proposed extension of time and phasing of the applications at Stonehenge Farm, which is discussed further below.

9. An error was made in the last report, where it was reported that Northmoor Parish Council had not yet responded. However, they have responded and they confirmed that they do not object to the application to extend the site to 2024, but would object to any further extension of time.

Environment Agency Objections

10. As stated above, the EA objected to both applications on the grounds of Flood Risk and Water Quality issues on 24th February 2017 and as such determination of the applications was deferred at the Committee Meeting on 27th February 2017 in order that the applicant be given the opportunity to address these objections. The applicant responded to the EA objections on 23rd March 2017 with the following documents:
    - Technical Note: Stonehenge Farm – Hydrological Advice on Proposed Replacement of Conveyor with Pipeline. Addendum. Dated March 2017, reference: 38949C002i2, produced by Amec Foster Wheeler.
    - Letter from Corylus Planning and Environmental Ltd to Oxfordshire County Council Planning Department dated 23rd March 2017.

11. The objections and the applicants response are addressed in detail below.

Flood Risk

12. The site lies within Flood Zones 2 and 3, as such the EA had objected to the applications on the following grounds:
    i) The modelled flood level is not clearly listed to compare to the ground level along with the level of the pipe and bridges. This will need to be assessed if enough allowance is to be provided for high flood flows.
    ii) It is not clear if the level of the conveyance pipe is the same level all the way along the structure.
    iii) We require clarity of the height of ground and flood levels for the crossings.
    iv) We need details on the effects of the watercourse crossings on reducing channel capacity and the subsequent impact this will have on fluvial flood risk.
    v) We would need this data for all areas the pipeline crosses land which is at risk in the modelled 1% plus climate change.
    vi) It's not clear whether the pumping station lies within Flood Zones 2 or 3 to see if this needs flood risk compensation or not. We will need to see an assessment of this.

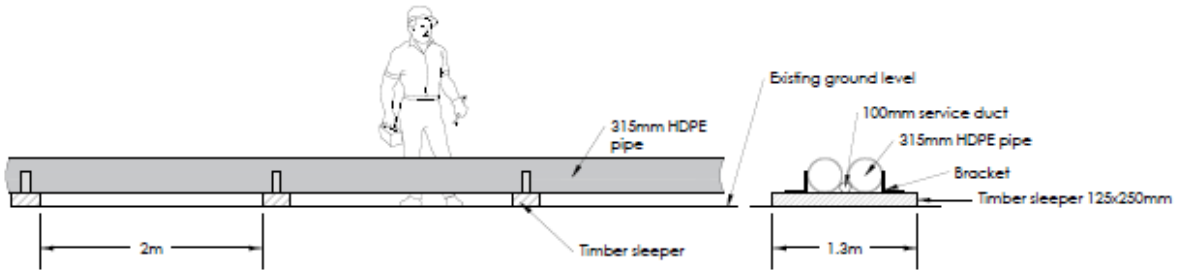
13. The EA suggest that their objections could be overcome by the submission of a Flood Risk Assessment to address these points and demonstrate that the development will not increase risk elsewhere and where possible reduces flood risk overall.

14. In response the applicant has submitted a Hydrological Technical Note Addendum by Amec Foster Wheeler dated March 2017 in response to the EA's objections i) to vi) (although as point v) relates to the previous numbered points, it is not addressed separately). The Technical Note refers to 2D modelling carried out in 2009 as part of Hanson's Appeal (reference APP/U3100/A/09/2107573) to the refusal of application 07/0111/P/CM, which was granted in October 2010.

<u>Flood Modelling and Pipeline (Objection points i) to iii))</u>

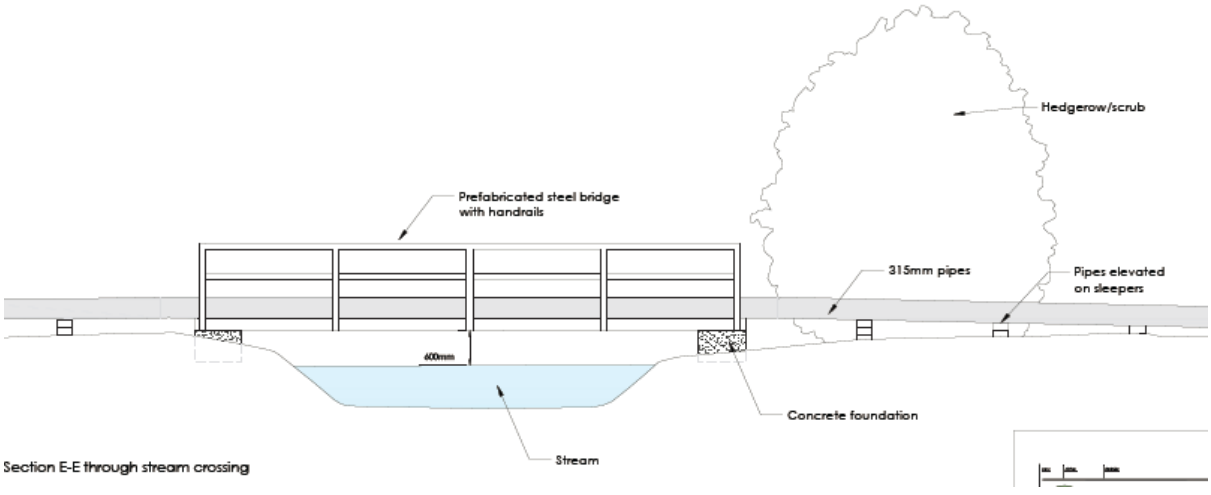
15. The Technical Note states that the southernmost 85% of the 1km length of pipeline that lies within the floodplain is situated immediately to the west of an existing hedge boundary. The hedge is modelled as a bank which forms a linear barrier to water movement about 0.15 to 0.2m high. The pipeline is proposed to be located as close to the hedge line as possible so that it will not act as an additional linear barrier, but only as a widening of the existing hedge bank. The Technical Note states that the modelling shows that there are localised areas of flooding less than 0.1m in depth to the west of the hedge.

16. Further, the pipe will be raised on railway sleepers along the entire length within the Flood Zone 3 such that the soffit will be 0.125 to 0.13m above existing ground level to prevent impact on flood flows or flood storage (see image below taken from drawing no. S2/HAN/5/07 – Proposed Pipe Detail).



Watercourse Crossings (Objection point iv))

17. The Technical Note states that the pipeline would cross just one significant watercourse to the west of Pinnocks Farm. Modelling results indicate flood levels of 64.66m AOD at this location. Ground levels are at 64.5m AOD and the pipeline is proposed to cross the watercourse on a pre-fabricated steel bridge (details shown on drawing S2/HAN/5/15), with the soffit no less than 64.8m AOD, allowing a freeboard of 140mm above the modelled flood level.



18. There is also a ditch crossing to the east of Manor Farm and south of the footpath. The Technical Note states that this is a local land drainage ditch connected to the moated drains around Manor Farm, with no significant catchment and that modelling shows no floodplain at the crossing location. The ditch is proposed to be piped underneath the pipeline crossing using a 600mm

diameter pipe culvert, which the Technical Note states would be adequate to pass any flows along the ditch.

Pumping Station (Objection point vi))

19. The Pumping Station is proposed to be located where the pipeline enters the excavation area, close to Phase 2 and southeast of Park Farm. The Technical Note Addendum clarifies that the Pumping Station is to be located within a small area of Flood Zone 3 within the excavation area. It also states that as the Pumping Station measures 6m long by 2.4m wide by 2.6m high, its footprint is just 14.4m2 and therefore would have an insignificant effect on floodplain storage within the wider floodplain.

Water Quality and Nature Conservation

20. The second objection raised by the Environment Agency related to water quality and the subsequent potential effect on nature conservation. The EA stated:

    *"We **object** to the application as submitted because the applicant has not supplied adequate information to demonstrate that the risks of pollution posed to surface water quality and nature conservation can be safely managed."*

21. They went on to say that the potential for water quality and nature conservation impacts to Stoneacres Lake had not been assessed and that if necessary, mitigation measures should be proposed. They requested a water quality and ecological impact assessment, to include:
    a. An assessment of any impacts associated with a rise in water temperature, from travelling 1.7km in an overground black pipe, on the discharged water and its effects on the ecology in Stoneacres Lake;
    b. An assessment of suspended solids and the risks of sediment laden water entering the lakes and the watercourses in the area;
    c. Mitigation measures for any potential impacts as a result of this activity;
    d. A plan for the prevention and detection of leaks from the overground piping and the mitigation measures that need to be in place for this.

22. The applicant had not submitted a water quality and ecological impact assessment, however in response within a letter from their agent, Corylus Planning & Environmental Ltd, to the Case Officer, dated 23rd March 2017, they summarise a conversation with the EA Technical Officer (see below) and state that he is now happy to remove his objection:
    i. The pipe system is the same as the approved conveyor system in that water is taken from Stoneacres Lake (an abstraction licence is in place) and returned via a silt pond system.
    ii. The silt pond system is as per approved drawing S59/112a which was approved as part of the appeal permission. This system moves water through an initial settling area and to a clean water or polishing lagoon prior to returning to Stoneacres Lake. Water from the pipeline does NOT go directly back to Stoneacres.

iii. The pipe is a purpose designed and robust product, all joints are fully welded. As with all equipment on site, regular checks are a standard element of good practice to prevent leaks.
iv. Water will be moving within the pipe, not static and warming in any sunlight, and will return via the silt system. Therefore there is no raised water temperature issue, and water returning to Stoneacres Lake will do so in the same way as for the approved conveyor scheme.

23. The Environment Agency responded to the further information on 5 April 2017, withdrawing their previous objections, subject to the following conditions:

Application MW.0132/16

"The development permitted by this planning permission shall be carried out in accordance with the Stonehenge Farm-hydrological advice on proposed replacement of conveyor with pipeline addendum , 38949c00i2, March 2017, Amec Foster Wheeler Environment & Infrastructure UK Limited, and the following mitigation measures detailed within the technical note:

1. *Pipe Crossing will be raised on sleepers with a soffit no lower than 0.125 as stated in section 3.1 of the technical note.*
2. *Watercourse crossings will be raised with a soffit of no less than 64.8 AOD, which allows for 30cm freeboard, as noted in section 3.2 of the Technical note.*
3. *That the location of the pumping station will stay within the excavation area therefore not increasing built footprint as stated in section 3.3 in the technical note.*
4. *That the pumping station will be no bigger than the 14.4m2 as stated in section 3.3 of the technical.*

The mitigation measure(s) shall be fully implemented prior to occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

Reasons:

1. *To prevent flooding elsewhere by ensuring the pipe is not blocking flood flow on the site including climate change level, increasing flood water elsewhere.*
2. *To prevent flooding elsewhere by ensuring that the watercourse crossing is high enough to not be effected in times of high flow.*
3. *To ensure there is no loss in floodplain storage on the site.*
4. *To ensure there is no loss in floodplain storage on the site."*

Application MW.0134/16

"The development permitted by this planning permission shall be carried out in accordance with the Stonehenge Farm, Stanton Harcourt Quarry, Oxfordshire, Variation application-use of flexible pipes within extraction area Supporting

Statement, October 2016, Corylus Planning & Environmental Ltd, and the following mitigation measures detailed within the technical note:

1. *That the flexible pipework is laid either directly on top of the stripped gravel surface (generally below original field levels) or alongside the soil bund, as stated on page 6 of the Variation application Supporting statement.*

Reason:

1. *To prevent an increase in flooding elsewhere by ensuring the pipe is not blocking flood flow on the site."*

Ecology Response

24. The Ecology Officer provided a revised response to both applications dated 1 March 2017, within which she reflected the concerns of the EA and requested further information on how to prevent the heating of water in the pipe; how to prevent silt contamination to discharged water; and how to ensure the separation of great crested newts from any heated water.

25. The Ecology Officer has also had sight of the submission from the applicant dated 23 March 2017 and has responded to say that she accepts that any effects from water heating and silt contamination will be minimal.

Park Farm Residential Development

26. As set out above, a representation has been received from JP Planning Ltd, who raise concerns on behalf of their Client, with regards to permitted residential development at Park Farm.

27. Planning application 15/00320/FUL for fifteen residential properties, was granted on 4 December 2015. According to JP Planning, the development commenced in August/September 2016 and the first units are due to be completed in June 2017.

Objection to the Extension of Time

28. The developers of Park Farm have raised concern over the extension of time for Stonehenge Farm, as proposed under application MW.0134/16. At the time that the residential development was permitted, Stonehenge Farm had been granted permission on appeal (ref: APP/U3100/A/09/2107573 – dated 8 October 2010), with condition 3 requiring the cessation of mineral extraction by 31 July 2021 or 8 years following commencement of development, with restoration being completed by 30 September the following year. As the development was legally implemented in September 2013, mineral extraction is currently required to be completed by 31 July 2021 with restoration by 30 September 2022. Application MW.0134/16 seeks to vary a number of conditions, including condition 3 to extend mineral extraction to 31 December 2023 and completion of restoration by 31December 2024. If permitted, this would extend the life of mineral working by 2 years 5 months and restoration by 2 years 3 months.

29. JP Planning consider that an extension of 2 years and 5 months would present a material increase in the level of harm to the occupiers of the properties currently under construction at Park Farm. They state that one of the purposes of time-limiting conditions (such as condition 3 attached to the current consent), is to provide some certainty to applicants, third parties and Local Authorities. This concern was also raised by the Local Member and addressed within the Committee Report dated 27 February 2017 at paragraphs 46 to 48.

Objection to Phasing of Working

30. The second concern raised by JP Planning Ltd on behalf of the developers of Park Farm relates to the proposed and approved phasing of mineral working and in particular, that the northern phases should be worked first and not third. They consider it would be preferable to work closest to Park Farm first and then move away. It is suspected that this would ensure the closest phases were worked prior to completion and occupancy of some of the proposed residential units.

31. The applicant has responded with an explanation as to why the proposed phasing scheme cannot be amended, this is because it is not a simple process of "switching" phases; a complex assessment is made with regard to material volumes (minerals, soils and overburden) to provide the working and restoration schemes, carried out using many years of mineral experience. The applicant states that the scheme proposed is the most effective; taking account of the volumes of materials, types of soils, the need to minimise soil handling and the requirement for progressive restoration.

PART 3 – ANALYSIS AND CONCLUSIONS

Discussions

Flooding and Flood Risk

32. As stated above, the site is located within Flood Zones 2 and 3 and must therefore be considered in terms of potential impacts upon the free flow of flood waters. Policy PE7 of the OMWLP states that proposals in the floodplain should not result in the raising of ground levels and not impede flood flows. Policy NE8 of the WOLP has a similar requirement.

33. As set out within the Committee Report dated 27 February 2017, the County Drainage Engineer (Lead Local Flood Authority) has no Drainage objection to this application provided there is no obstruction to overland flood flows (where the pipe is laid on the ground) and that the quality of the abstracted water is returned to the lake silt free.

34. As clarified by the applicant, where the pipe is to be laid upon the ground, it is to be constructed upon railway sleepers and therefore will lie some 0.125-0.13m off the ground, which would allow for the free flow of flood waters.

35. The applicant has responded to the objections raised by the EA in their letter dated 24 February 2017. The EA has considered the applicant's response, following which they have withdrawn their objection. Therefore, the development is considered acceptable in terms of Flood Risk and compliant with policies PE7 of the OMWLP and NE8 of the WOLP.

Water Quality and Nature Conservation

36. The County Ecology Officer initially responded to both applications to say that subject to recommended conditions and proposed mitigation measures, it is not considered that the proposed development would have an adverse impact upon protected species.

37. Following the objection from the EA, the Ecology Officer provided a revised response, which in addition to the previously recommended conditions, requested further information to address the prevention of heating of the water in the pipeline and silt contamination to discharged water; and separation of great crested newts from any heated water.

38. As set out within the Committee Report dated 27th February 2017, OMWCS policy C7, WOLP policy NE15 and EWOLP policy EH2 all seek to protect and conserve biodiversity and protected species. Policy EH2 of the EWOLP states that *"the biodiversity of West Oxfordshire shall be protected and enhanced to achieve an overall net gain in biodiversity …by …protecting and mitigating for impacts on priority habitats, protected species and priority species…"*

39. The National Planning Policy Framework (NPPF) states that the planning system should contribute to and enhance the natural and local environment by preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of water pollution (paragraph 109). It also requires local planning authorities to aim to conserve and enhance biodiversity when determining planning applications (paragraph 118).

40. The Ecology Officer is happy that the pipeline is raised off the ground along much of its length, which will allow the free movement of Great Crested Newts and requests that two conditions be attached to any forthcoming permission to protect Great Crested Newts and small mammals.

41. The applicant has responded to the concerns raised by the EA and Ecology Officer regarding water within the pipeline becoming heated and effecting the ecology within Stoneacres Lake. The water would move through the pipe system, it would not be static and therefore is not expected to have an opportunity to warm within the pipe. Further, the water would be extracted from Stoneacres Lake and returned via a silt pond system, this system would allow silts to drop out of suspension prior to returning to Stoneacres Lake as clean water.

42. The Ecology Officer is satisfied with the response from the applicant, stating that any effects on water heating and silt contamination will be minimal. It is therefore considered by the Planning Officer that these objections have been overcome and that the development is considered acceptable in terms of Water Quality.

43. It is therefore considered that the proposed development would have no greater impact upon biodiversity or protected species than the approved scheme and would accord with OMWCS policy C7, WOLP policy NE15 and EWOLP policy EH2.

Timescales and Phasing of Development

44. As stated above, consent APP/U3100/A/09/2107573 was implemented in October 2013, following which works ceased. If these permissions are granted, the applicant proposes to re-commence in the spring of 2018. The applicant states that the pipeline will allow for an increased production rate compared to the conveyor system, which will reduce the remaining period now required for extraction of the permitted reserves, taking mineral extraction and subsequent restoration through to 2023. Considering the delay to works since implementation in 2013, if permission is granted and works commence in 2018, completion in 2023 and restoration in 2024 is now realistically considered to be the earliest opportunity for completion of the development and therefore is considered compliant with paragraph 144 of the NPPF policy PE13 of the OMWLP.

45. Further, environmental impacts were assessed during the original application and subsequent appeal and conditions placed on the consent to control potential impacts. For example, condition 4 restricts the hours of operation; condition 13 and 14 limit noise levels; and conditions 15 and 16 control vehicle and plant noise, for example requiring the use of white noise reversing bleepers. Other than reference to a drawing number, these conditions are not proposed to change under application MW.0132/16.

46. Of particular relevance, are conditions 13 and 14, as set out below:

    Condition 13: The noise levels arising from the development shall not exceed 55 dB(LAeq) (1 hour) at the boundary of the Plant Site, 51 dB(LAeq) (1 hour) at the boundary of phase 3, and 46 dB(LAeq) (1 hour) at the boundary of all other phases identified on approved plan S59/108 rev C. (Proposed to be amended to reference plan S59/108 rev D instead).

    Condition 14: The noise levels arising from the temporary operations of soil stripping, bund formation and restoration shall not exceed 70 dB(LAeq) (1 hour free field) measured at the closest dwelling. Such temporary works shall not take place for more than eight weeks in any twelve month period. At least 48 hours prior notice of such works shall be given to residents of dwellings within 350 metres of the works before those works begin.

47. Should consent be granted, these conditions will be carried forward and therefore noise limits at the boundary of Phase 3 (which is the closest working

area to the existing and proposed new residential properties at Park Farm) will be limited to 51 dB (LAeq) (1 hour).

48. Permission for mineral extraction at Stonehenge Farm was granted in 2010, with the Park Farm residential development being permitted in December 2015. Therefore, the location of the minerals site, method of working, phasing, mitigation measures and planning conditions were all available for consideration at the time the residential application was considered. Application MW.0132/16 seeks permission for a pipeline to transport mineral from the permitted extraction site to the plant site instead of a conveyor system (as permitted), while MW.0134/16 seeks permission to vary a number of conditions relating to the pipeline, including to extend the completion and restoration dates for the development by circa 2 years 5 months. It is not considered that the delay in completion of mineral extraction and restoration would result in a significant detrimental effect to the amenities of either existing or proposed residential receptors.

49. With regards to the phasing of mineral working, the development was permitted on appeal and therefore this aspect was considered and found to be acceptable by the Planning Inspector. The applicant is not proposing to vary the phasing scheme at this time.

Conclusions

50. As set out within the Committee Report dated 27th February 2017, the proposed installation of a pipeline to transport mineral extracted from Stonehenge Farm Quarry to the Plant Site at Linch Hill to the north, in place of the approved conveyor system, is considered to have some benefits in terms of noise impacts and lesser disruption to the use of Standlake Road. It is considered to accord with the policies of the Development Plan and with the Development Plan as a whole and would be sustainable development on environmental, social and economic grounds in accordance with paragraph 7 of the NPPF.

51. Whilst the concern expressed by the Local Member and developers of Park Farm, with regard to the proposed extension of time under the Section 73 application is fully understood, it is not considered that refusal of that application on those grounds could be sustained.

52. The objections raised by the Environment Agency and The Ecology Officer in relation to flood risk and water quality have been satisfactorily addressed and, subject to the conditions recommended by the Environment Agency and Ecology Officer, it is not considered that the proposed development would have an unacceptable impact upon flood risk or the quality of the water returned to Stoneacres Lake.

53. It is therefore considered that planning permission for applications MW.0132/16 and MW.0134/16 should be granted, subject to conditions and legal agreements as set out below.

RECOMMENDATION

It is RECOMMENDED that subject to no over-riding objections being received from outstanding consultees that:

(a) Application MW.0132/16 be approved subject to conditions to be determined by the Director of Planning and Place including those set out in Annex B to this report; and

(b) subject to:

i) a supplemental S. 106 legal agreement to bring forward relevant provisions from the existing agreements;

ii) a supplemental routeing agreement linking the proposed development to the existing routeing agreement;

that Application MW.0134/16 be approved subject to conditions as on existing consent APP/U3100/A/09/2107573, with the amendments to conditions, deletion of redundant conditions and additional conditions and informatives to be determined by the Director for Planning and Place, in accordance with the details set out in Annex C and with any necessary updates to the wording of existing conditions to ensure clarity and reflect changes to policy since the original permission was issued.

SUSAN HALLIWELL
Director for Planning and Place

April 2017