

Planning & Regulation Committee

Monday, 10 December 2018

ADDENDA

PN6. Proposed extraction of mineral and restoration by infilling with imported inert materials to agriculture on land to the south east of Shipton on Cherwell Quarry - Application No. MW.0046/18

A Response by the applicant to the issues raised by Shipton-on-Cherwell and Thrupp Parish Council has been received. The issue, applicant's comment and officer comments are as follows:

Parish Comment	There is sufficient land bank and there is no need to make up the landbank shortfall.
Applicant Response	The latest County Council assessment does not acknowledge changes in the last 4/5 years. This is the wrong approach and does not meet the needs of the NPPF to maintain a steady and adequate supply.
OCC Officer Comment	The issue of the land bank and supply is covered in the main report.

Parish Comment	The OMWCS states that there is no additional need for crushed rock.
Applicant Response	The OMWCS maintains the provision level in policy M2, recognizes that the need for further sites may change as sales figure vary. The latest County Council assessment does not acknowledge changes in the last 4/5 years. This is the wrong approach and does not meet the needs of the NPPF to maintain a steady and adequate supply.
OCC Officer Comment	The issue of the land bank and supply is covered in the main report.

Parish Comment	The OMWCS states in para 4.24 that Shipton on Cherwell Quarry has not been included in the Strategic Resource Areas because of the limited areas of mineral around it.
Applicant Response	It has not been included because it has a limited amount of mineral resource around it, and not because it is deemed inappropriate. Policy M3 states that areas outside the strategic resource may also be allocated in the Site Allocations Document provided they are in accordance with policy M4. It is compliant with M4.
OCC Officer Comment	Core Strategy paragraph 4.24 (set out in full below) explains how the Strategic Resource Areas were drawn up and why they do not include all areas that contain mineral deposits. The CS does not make any judgement on the suitability of the application site for mineral working beyond this. The issue of compliance with policy M3 is covered in the report. Policy M4 is a policy to guide preparation of the Site Allocations

	Document and is not relevant to the determination of this application.
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4.24 The strategic resource areas have been drawn based on available geological information broadly to encompass areas of potentially workable mineral deposits which, in terms of extent and probable depth of mineral, have the potential to provide new mineral working sites either in the form of new quarries or large extensions to existing quarries. Areas of mineral deposits that are limited in extent or depth and are unlikely to have potential for new mineral working sites other than small extensions to existing quarries have not been included in the strategic resource areas. The strategic resource areas include most of Oxfordshire's existing aggregate quarries (excluding ironstone quarries and quarries within Areas of Outstanding Natural Beauty and buffer zones to Special Areas of Conservation) but the existing quarries at Finmere (sharp sand and gravel) and Shipton-on-Cherwell (limestone), which have limited areas of mineral resource around them, are not included. In addition, the sharp sand and gravel deposits in the area around Bampton and Clanfield have not been included in a strategic resource area (see paragraph 4.34 below).

Parish Comment	The OMWCS states that Oxfordshire is one of the few places in the South East of England where there are resources of rock that will enable the County to continue to make an appropriate contribution towards local and wider requirements for crushed rock.
Applicant Response	Shipton quarry provides a crushed limestone aggregate that meets the highway authority requirements for use on roads. Not all quarries do this and the Shipton limestone is important in supplying local construction and highway projects.
OCC Officer Comment	Apart from Kent, Oxfordshire is the only significant source of crushed rock in the South East. In 2014, approximately 40% of sales from Oxfordshire quarries were to destinations outside the county. The level of supply from quarries in Oxfordshire that the Core Strategy provides for includes a continued contribution towards meeting wider requirements for crushed rock. The issue of need for the mineral is covered in the main report. There are variations in the quality and possible end uses of the limestone deposits in Oxfordshire and this has been taken into account at a strategic level in the CS in drawing up the Strategic Resource Areas.

Parish Comment	"This means that an extension to Shipton-on-Cherwell could also be considered, but Policy M4 is highly restrictive in the conditions it applies, including..."
Applicant Response	Agrees with the parish that the site can be considered in the Site Allocations Document, as it is an extension to the existing quarry, which is supported in policies M3 and M4. It has been nominated and is being considered.
OCC Officer Comment	Indeed it can be considered in the Site Allocations Document in accordance with M3 and M4, and is going through that process. Policy M4 might be relevant to that process if there is insufficient supply from the Strategic Resource Areas, but it is not relevant to this application.

Parish Comment	Not only is there no need for the extension, but it is unlikely to meet all the conditions of policy M4.
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Applicant Response	The proposed development does meet with policy M4.
OCC Officer Comment	The issue of need is covered in the main report. Policy M4 is not relevant to this application.
Parish Comment	The application is premature because of the stage at which the Local Plan process has reached.
Applicant Response	The applicant does not agree that it is premature and quotes planning practice guidance to support their view.
OCC Officer Comment	The issue of prematurity is covered in the main report.
Parish Comment	There is no current unmet need justifying the extension in order to meet the 10 year land bank.
Applicant Response	Having the minimum landbank is not sufficient reason for refusal. It is not justified to delay the determination of the application to await the site allocations document which is due in 2020.
OCC Officer Comment	The issue of need is covered in the main report. The application is before the committee for determination.
Parish Comment	Do not consider that the site will become sterilised.
Applicant Response	Whilst other permitted operations will continue on site, cessation of mineral extraction will mean contracts for aggregates supply will be lost.
OCC Officer Comment	The issue of sterilisation is covered in the main report.
Parish Comment	The railhead that was anticipated in 2008 is not included in this application.
Applicant Response	This application will not impact on the construction of the sidings.
OCC Officer Comment	The proposal would use road transport within existing daily HGV movements. It does not include a rail siding.
Parish Comment	The local amenity will suffer from the construction of the bund, and noise and dust from the extraction and restoration.
Applicant Response	These aspects can be controlled by conditions.
OCC Officer Comment	The issue of local amenity has been covered in the main report.
Parish Comment	Concern that applicants are approaching maximum noise levels. This is a far more sensitive site.
Applicant Response	The site is within permitted noise levels. Amenity issues can be mitigated.
OCC Officer Comment	Local amenity issues are covered in the main report.
Parish Comment	Objection on landscape and Green Belt grounds. The proposed bund along the southern boundary adjacent to the footpath will not offer much in the way of screening, and that any hedgerow planting will wait until after the completion of the restoration.
Applicant Response	The bund would provide screening, and following conversations with the County's Environmental Strategy Manager the bund has been reduced in height, and the eastern end replaced by an instant hedge. This will provide

	screening without impacting on the experience of openness from the canal and footpath.
OCC Officer Comment	Green Belt and Landscape issues are covered in the main report.

Parish Comment	The application would cause undue visual intrusion, cause undue harm to important landscape features and topography, be inconsistent with local character and impact on areas judged to have a high level of tranquility.
Applicant Response	The impacts on visual amenity have been judged to be not significant.
OCC Officer Comment	The issue of visual amenity is covered in the main report.

Parish Comment	Disagrees with the grading of the effects on viewpoints as set out in the planning statement.
Applicant Response	This has been assessed as not significant and has not been challenged by statutory consultees.
OCC Officer Comment	It was challenged by the County's Environmental Strategy Officer and this led to revision which he is now happy with. The issue of visual amenity is covered in the main report.

Parish Comment	A full flood risk assessment is needed and insufficient detail was provided.
Applicant Response	A hydrological, hydrogeological and flood risk assessment was included in the EIA.
OCC Officer Comment	There were no objections or comments on the level of detail from statutory consultees.

Parish Comment	The view from the canal is open and attractive. The loss of amenity from the bund would have to be endured for many years.
Applicant Response	The viewpoint has been assessed as not significant. However, the bund has been amended and an instant hedge included.
OCC Officer Comment	The issues of visual amenity and landscape are covered in the main report.

Parish Comment	It is unclear whether the land will be returned to agriculture or biodiversity. The current use of the land is fallow, and is precisely the sort of meadow that would provide for biodiversity anyway.
Applicant Response	The site will be restored mainly to agriculture with some added biodiversity benefits including a pond. The site and the proposed development have been assessed by a qualified Ecologist.
OCC Officer Comment	The application includes restoration to both agriculture and biodiversity. The site is currently fallow, but has been in agricultural use. Biodiversity issues are covered in the main report.

Parish Comment	Concerned that the Traffic Impact Assessment does not allow the growth of traffic that will result from the new homes planned for Upper Heyford.
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Applicant Response	There is no increase in traffic as a result of the development.
OCC Officer Comment	Transport issues are covered in the main report.

A further email from the applicant has been received relating to the published report in which the following comments are made:

1. Concern that paragraph 84 compares noise levels that are not like for like, and that 1hr freefield figures are being measured against max freefield noise figures ie noise peaks. Points out that the noise assessment shows that the noise levels from the site are actually 13dB below the maximum noise recordings from outside the site eg train noise.
2. Concern that paragraph 104 is misleading because it says that “additional vehicle movements exporting mineral would be greater than if permission were to be refused.” This is because the current permission has a limit of 318 movements and this would be adhered to whether the permission was granted or not.
3. Asking whether I am going to update the committee following a meeting we had with the airport.
4. The report refers to the bund being 5m in paragraph 29 and 108, which may confuse members.
5. The committee plan includes the canal and footpath within the red line which is incorrect and misleading.
6. Thinks that the statement Annex 1 of the report that “Paragraph 4.44 of the OMWCS contradicts policy M2 of the OMWCS” is not what was stated within the Need Assessment. Makes the point that the first sentence of paragraph 4.44 should not be taken out of context and should be read as a whole as it goes on to say that monitoring is required to demonstrate that the increasing sales is an ongoing trend. Further makes the point that the supporting text does not override policy, but adds clarity.

Officer comments

1. I have reviewed the paragraph and the Noise Assessment submitted with the document and I do not believe the average noise levels are being compared to maximum noise levels as is being suggested. For clarity I include here a table from the Noise Assessment.
- 2.

Location	Calculated Maximum Site Noise Level	Measured Existing Maximum Noise Levels (<u>Not Site</u>)
5/6 Railway Cottages	51	64 to 80
Jerome Way 1	63	76 to 80
Jerome Way 2	60	76 to 80

Jerome Way 3	61	76 to 80
Jerome Way 4	61	76 to 80
Bunker's Hill	47	80 to 84

In addition, the first sentence of paragraph 85 should be amended to read "Although calculated to be lower than the existing situation, levels up to 63 decibels for calculated maximum site noise level seem high,....."

3. For clarity the number of daily HGV movements would be within the existing limits, but the proportion of lorries taking minerals from the site would be higher.
4. A meeting took place between the applicant accompanied by their ecologist, the operations manager at London Oxford Airport, and me. The applicants were happy to net the pond which would satisfy the airport, however they felt that there were better options. The airport were happy to look at other options and with the backstop of netting being agreed, this issue could be concluded as a condition. I can't say anything further at this stage until a scheme has been submitted.
5. The height of the bund has been reduced to 4m, and so where the bunds are referred to as 5m in height in paragraphs 26, 29 and 108 this is corrected. This does not alter the officer view on the visual impact of the bund on the local amenity of residents as discussed in the report
6. For clarity, this application site does not include the canal or towpath. The application red line plan is attached to this addendum.
7. I agree that the first sentence should not be taken out of context and that it provides clarification, but cannot overrule the policy. For information the full paragraphis:

4.44 The Local Aggregate Assessment 2014 indicates no requirement for further areas for crushed rock working during the plan period, due to the relatively high level of permitted reserves of this mineral remaining to be worked. Actual sales of crushed rock in 2014 and 2015 were well above the provision rate of 0.584 million tonnes a year. Consequently, the level of permitted reserves remaining has fallen more than expected, as they have been extracted more quickly. If on-going annual monitoring shows this to be a continuing trend, additional permissions could be needed towards the end of the plan period and there could be a requirement for additional provisions to be made through the allocation of sites for working in the Site Allocations Document. If required, this additional provision should preferably be made through extensions to existing quarries rather than from new quarries, to make efficient use of existing plant and infrastructure, and minimise additional impact. It is unlikely that any new quarries will be needed during the period of this plan. In view of this, and given that crushed rock resources in Oxfordshire – in particular the resources of limestone outside of Areas of Outstanding Natural Beauty – are extensive, strategic resource areas for possible future crushed rock working are included in policy M3.

In reviewing the report, I have also noted that the way the conclusion and recommendation is worded in a way that suggests that the site not being in a mineral safeguarding area is a reason for refusal. This is not the case, so to clarify that point paragraph 120 should be amended to read:

“The site is not in the principal locations for aggregates minerals extraction, and so the proposed development would be contrary to policies M3 and M5 of the OMWCS. There is no justification for permitting the site on grounds of mineral sterilisation because the site is not in the mineral safeguarding areas identified in the OMWCS, and it does not need to be removed prior to development taking place.”

The recommendation to be reworded to reflect that change.

Revised Recommendation

It is RECOMMENDED that planning permission for application no. MW.00046/18 be refused on the grounds that:

- 1 The site is not situated within the principal locations for aggregate minerals extraction. The development is therefore contrary to policies M3 and M5 of the Oxfordshire Minerals and Waste Local Plan Part 1: Core Strategy;**
- 2 The development would constitute inappropriate development in the Green Belt for which Very Special Circumstances have not been demonstrated. It is therefore contrary to policy C12 of the Oxfordshire Minerals and Waste Local Plan Part 1: Core Strategy and policy ESD14 of the Cherwell Local Plan 2031; and**
- 3 The development would cause harm to the local amenity of residents on Jerome Way through noise, dust and visual intrusion contrary to policy C5 of the Oxfordshire Minerals and Waste Local Plan Part 1: Core Strategy.**