

For: PLANNING AND REGULATION COMMITTEE – 4 March 2018

By: DIRECTOR FOR PLANNING AND PLACE

Development Proposed:

Continuation of development without complying with Condition 2 (mineral extraction cessation date) of Planning Permission no. 18/00060/CM (MW.0001/18) in order to extend the period permitted for the extraction of mineral from 31st December 2018 to 31st December 2019

Division Affected: Kirtlington and Kidlington North

Contact Officer: Kevin Broughton **Tel:** 07979 704458

Location: Shipton-on-Cherwell Quarry, Bunkers Hill, Kidlington, OX5 3BA

Applicant: Shipton Ltd, 5-7 Grosvenor Court, Foregate East Street, Chester, Cheshire, CH1 1HG

Application No: MW.0001/19

District ref Nos: 19/00022/CM

District Council Area: Cherwell

Date Received: 21st December 2018

Consultation Period: 10th January 2019 – 31st January 2019

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RECOMMENDATIONS

It is RECOMMENDED that planning permission for application no. MW.0001/19 be approved subject to conditions to be determined by the Director of Planning and Place to include the Conditions set out in Annex 1 to this report.

• **Part 1 – Facts and Background**

Location (see site plan Annex 1)

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. Bletchington 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.
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 hectares 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 Site 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 development are in Jerome Way (in Shipton-on-Cherwell village) 250 metres to the south.

Background

6. In September 2006 the County Council approved a proposal for the comprehensive restoration and development of the quarry. This development incorporated:
 - Import and deposit of inert waste in order to raise the quarry floor above water level and create a development platform.
 - Re-establishment of rail sidings, construction of a rail aggregates depot and rail storage depot.
 - Mineral extraction.
 - B8 industrial use.
 - Demolition and recycling of existing structures.
 - Wildlife and geological conservation areas.
 - Temporary car storage (15 years).
 - Woodland for managed timber production (after 15 years).
 - Improvements to A4260 / A4095 junctions.
7. Several previous section 73 permissions to vary the conditions of that application have been granted, the latest of which is reference number MW.0001/18, and the current application seeks to change a condition

relating to the mineral extraction element of that wider planning permission.

8. Planning permission was granted in February 2018 to extend the period for the mineral extraction from 31 December 2017 to 31 December 2018.

Details of the Developments

9. The applicant seeks a further year for the period for mineral extraction be extended from 31 December 2018 to 31 December 2019.
10. The applicant states that although the mineral extraction has progressed well this year and that the permitted reserves are coming to an end, there remain unworked permitted reserves within the quarry. This is because the demand for mineral was reduced, due to the exceptionally dry summer which led to less demand for primary mineral; and the short-term availability of materials from several local construction projects.
11. The application was submitted before the permission expired.

Part 2 – Other Viewpoints

Representations

12. There are five third party representations that raise the following issues:
 - Noise
 - Dust
 - The applicant said the need for mineral extraction would cease sometime in 2018 so there is no need for further extraction.
 - This is the sixth extension of time requested for mineral extraction.
 - The application site is safeguarded for waste recycling, but not for mineral extraction.
 - The application should be refused because it is inappropriate development in the Green Belt.
 - The development has continued past the deadline of 31st December 2018.
 - The application is contrary to policies M3, M5 and C5 of the Oxfordshire Minerals and Waste Core Strategy.
 - Visual Intrusion.
 - The effect on the bird population, and wildlife.
 - Lorry movements.

Consultations

13. Cherwell District Council – no objection.

14. Environment Agency – no objection.
15. Natural England – no comment.
16. OCC Highway Authority – no objection.
17. OCC Biodiversity – no objection.

Part 3 – Relevant Planning Documents

Relevant planning policies (see Policy Annex to the committee papers)

18. Planning applications should be decided in accordance with the Development Plan unless material considerations indicate otherwise.
19. The relevant Development Plan policies in this case are:

Oxfordshire Minerals and Waste Core Strategy (OMWCS)

M2: Provision for working aggregate minerals
M3: Principle locations for working aggregates minerals
M4: Sites for working aggregates minerals.
M5: Working of aggregates minerals
M10: Restoration of mineral workings
C1: Sustainable development
C5: Local environment, amenity and economy.
C7: Biodiversity and geodiversity
C8: Landscape
C10: Transport
C12: Oxford Green Belt

Cherwell Local Plan 2031 (CLP)

PSD1: Presumption in Favour of Sustainable Development
ESD 13: Local Landscape Protection and Enhancement
ESD 14: Oxford Green Belt

The NPPF is also a relevant material consideration.

• Part 4 – Analysis and Conclusions

Comments of the Director for Planning and Place

20. Policy C1 of the OMWCS states that a positive approach will be taken to minerals development in accordance with the presumption in favour of sustainable development. This is echoed by policy PSD1 of the CLP which states that when considering development proposals, the Council will take a proactive approach to reflect the presumption in favour of sustainable development contained in the National Planning Policy

Framework. Ensuring that existing permitted mineral reserves can be extracted without adverse impacts is considered to be sustainable development.

21. The main issues for this application are the Green Belt, need for and location of mineral workings, restoration, local amenity, landscape character and highways impacts.

Green Belt

22. Policy C12 of the OMWCS states that proposals constituting inappropriate development in the Green Belt, will not be permitted except in very special circumstances. Policy ESD14 of the CLP states that development within the Green Belt will only be permitted if it maintains the Green Belt's openness and does not conflict with the purposes of the Green Belt or harm its visual amenities.
23. Paragraph 146 of the NPPF defines mineral extraction that does not affect the openness of the Green Belt as not inappropriate development. Whilst the existing planning permission covers more than just mineral extraction the proposed development is solely to amend the time period for the completion of mineral extraction and the permission is not changed in any other way. In this context, it is therefore not inappropriate and does not therefore need to demonstrate very special circumstances.

Mineral Working Need and Location

24. Policy M2 of the OMWCS states that provision will be made for a supply of 10,512 million tonnes of crushed rock to allow for a ten years supply. Paragraph 4.41 of the OMWCS states that permitted reserves will last until 2030. This is above the amount of permitted reserve needed, but the mineral at Shipton Quarry would nevertheless contribute to this reserve.
25. Policy M3 of the OMWCS sets out the principal locations for working crushed rock. Shipton Quarry is outside those areas. Policy M5 of the OMWCS states that prior to the adoption of the Minerals & Waste Local Plan: Part 2 – Site Allocations Document, permission will be granted for the working of aggregate minerals where this would contribute towards meeting the requirement for provision in policy M2 and provided that the proposal is in accordance with the locational strategy in policy M3. In this case the working would contribute to the crushed rock reserve but is not within an identified strategic resource area for crushed rock. However, it is an existing quarry and the proposal is solely to allow an additional year for the extraction of the mineral which already forms part of the crushed rock landbank required to be maintained under policy M2. Therefore, it is not considered that there is any conflict with the intention of these policies.

Restoration

26. Policy M10 of the OMWCS requires mineral working to be restored in a timely manner. The proposed development would extend the mineral extraction by one further year and would be in the context of a much wider site that has yet to be fully restored. No delay to the permitted timescale for restoration is proposed. Progressive restoration will continue and will not be delayed by the extended extraction end date. The application would not therefore render the timescale for the restoration of the site to be contrary to Policy M10.

Local Amenity

27. Policy C5 of the OMWCS states that proposals for minerals and waste development shall demonstrate that they will not have an unacceptable adverse impact on: the local environment; human health and safety; residential amenity; and the local economy. Those impacts include from: noise; dust; traffic; mud on the road; and the cumulative impact of development. The site currently has conditions in place to protect the local amenity from noise, dust, and mud on the road. This is combined with other conditions relating to other uses on the site that in combination cover the cumulative impact.
28. There have been objections to the application based on those issues. The site is monitored regularly and spot checks also take place. The overall levels of noise were found to be within the acceptable limits, and were affected by noisier activities in the monitoring locations. Dust was observed within the site and has been raised by residents. There have been concerns about the number of vehicle movements exceeding the permitted levels but these would relate to all the permissions on the site and have been raised and it is understood are being addressed by the applicant. I therefore consider that the planning conditions on the site are effectively monitored and that breaches identified are pursued with the applicant.
29. The applicant doesn't propose to alter the way the mineral is extracted. All existing conditions and schemes on site protecting the local amenity will continue. Whilst the extension of time for the extraction of the remaining mineral will extend any impacts arising from that part of the permitted development and it is acknowledged that this is not the first such application for an extension of time to complete the mineral extraction, the period proposed is relatively short. All existing conditions restricting noise, dust and traffic levels will be brought forward into any new planning permission granted. Therefore, whilst the objections are noted it is not considered that the situation will significantly alter from that already permitted.
30. There is now a local liaison meeting, and an informative could be added advising that the applicant to keep the liaison meeting informed of the progress of the mineral extraction so that the local residents will be aware of the date that mineral extraction will finish.

31. With the conditions in place the development would be controlled to the extent that it would not adversely affect the local amenity. The number of concerns from the local residents with regard to the existing development highlight the need for specific issues to be investigated when they arise, and this is facilitated through the liaison committee meeting regularly as well as the councils' monitoring visits.

Landscape Character

32. Policy C8 of the OMWCS states that proposals for minerals and waste development shall demonstrate that they respect and where possible enhance local landscape character. Policy ESD13 of the CLP seeks opportunities to secure the enhancement of the character and appearance of the landscape through, among other things, the restoration, management or enhancement of existing landscapes.
33. The permission for the quarry currently has a restoration condition, and that would remain unchanged by this proposal. The landscape character would therefore continue to be suitably protected.

Highways

34. Policy C10 of the OMWCS states that minerals and waste development will be expected to make provision for safe and suitable access to the advisory lorry routes shown on the Oxfordshire Lorry Route Maps. The proposed development would make no changes to the existing access and routing of lorry movements. It would therefore comply with this condition.

Other matters

35. Policy C7 of the OMWCS states that minerals and waste development should conserve and, where possible, deliver a net gain in biodiversity. The proposal would have no overall effect on biodiversity.
36. The conditions have been reviewed to see whether any further controls are necessary to meet the concerns of the local residents, but it is considered that the controls are already in place to cover the issues raised.

Conclusions

37. The proposed development would allow the extraction of the remaining mineral and avoid its sterilisation. The concerns of the local residents are noted and individual issues of breaches to conditions are and would continue to be investigated and pursued with the applicant. However, the proposed conditions are such that the local amenity and other impacts discussed above would continue to be protected. It is disappointing that the applicant has not completed mineral extraction within the time period

which was approved one year ago which was not in itself the first extension of time granted but this is not in its own right a reason to refuse planning permission to this application. The development remains generally in accordance with development plan policy, is sustainable development and should be approved.

SUSAN HALLIWELL
Director of Planning and Place

February 2019

European Protected Species

The habitat on and around the proposed development site indicate that European Protected Species are unlikely to be present. Therefore, no further consideration of the Conservation of Species & Habitats Regulations is necessary.

Compliance with National Planning Policy Framework

In accordance with paragraph 38 of the NPPF Oxfordshire County Council take a positive and creative approach to decision making focused on solutions and fostering the delivery of sustainable development. We work with applicants in a positive and proactive manner by; offering a pre-application advice service; by updating applicants and agents of any issues that may arise in the processing of their application and where possible suggesting solutions. In this case there were no concerns that needed to be overcome prior to the decision being made.

Local Liaison Meeting

The applicant should make use of the local liaison meeting to keep the local residents informed of the progress of the mineral extraction, and the likely end date of the extraction.