

Division: Ploughley

For: PLANNING AND REGULATION COMMITTEE – 15 April 2019

By: Director for Planning & Place

Development proposed:

Section 73 application for the continuation of development permitted under 15/01660/CM (MW.0123/15) (for the winning and working of limestone and clay at Dewars Farm as an extension to Ardley Quarry) without complying with conditions 1 and 2, to allow the quarry to continue operating beyond 2020, to permit working until 2028 and restoration by 2029.

Divisions Affected: Ploughley

Contact Officer: Naomi Woodcock **Tel:** 07754 103464

Location: Dewars Farm Quarry, Ardley Road, Middleton Stoney, Oxfordshire, Bicester, OX27 7PH

Application No: MW.0102/18 **District Ref:** 18/01610/CM

Applicant: Smith & Sons (Bletchington) Ltd

District Council Area: Cherwell

Date Received: 20 August 2018

Consultation Period: 13 September 2018 – 4 October 2018

Recommendation:

The report recommends that the application be approved

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Part 1 –Facts and Background

Location (see site plan)

1. Dewars Farm Quarry is located 4 miles (6.5 km)¹ west of Bicester, 1.5 miles (2.5 km) south of the village of Ardley and 0.6 miles (1km) north of Middleton Stoney.

The Site and its Setting (see site plan)

2. Dewar's Farm quarry was granted planning permission for limestone extraction and restoration to low level agriculture in 2004 (03/0272/CM). A section 73 application (06/00381/CM) was subsequently approved to allow the site to be prepared for working before Ardley Quarry closed. A further Section 73 application was approved in 2009 (09/00431/CM) to allow the development to continue with an amendment to conditions to allow mineral extraction to commence prior to highway works. A Section 73 application (14/01202/CM) was granted in 2014 to amend the phasing plans to show the continued presence of a storage area for Incinerator Bottom Ash Aggregate, which was approved under permission 14/01189/CM. A further Section 73 application (15/01660/CM) was granted in 2015 for the winning and working of limestone and clay at Dewars Farm as an extension to Ardley Quarry without complying with condition 3, to allow the removal of an oak tree within phase 4 of the approved mineral working scheme. The quarry is currently operating under this permission . The quarry has permission for extraction until 2020 and restoration must be complete by the end of 2021.
3. The quarry was developed as an extension to Ardley Quarry which lies immediately to the north and is now being landfilled and is the site of the Ardley Energy Recovery Facility (ERF).
4. The quarry is also immediately bounded by the B430 Middleton Stoney Road to the west and agricultural land to the south and Gagle Brook and agricultural land to the east. The M40 lies 250 metres to the east of the quarry, just beyond the agricultural land.
5. Access to the quarry is gained from the B430. Access to the quarry can also be gained from an agricultural access route which lies 55 metres to the south of the main quarry access junction.
6. A footpath runs along the south eastern boundary of the quarry and a bridleway runs along the northern and north eastern boundary.
7. The quarry lies within a designated geological SSSI due to the presence of dinosaur trackways.

¹ All distances are approximate.

8. The nearest residential properties to the site are Dewar's Farm, which lies 300 metres away to the south of the quarry, and Bucknell Lodge which lies 500 metres away to the south east.
9. The site is in Middleton Stoney Parish Council area; however Ardley Parish lies directly to the north of the site and Bucknell Parish to the east.

Details of the Proposed Development

10. The applicant has permission to extract limestone and clay from Dewars Farm Quarry. Mineral working at the quarry is due to be completed by 2020 and restoration is due to be completed by the end of 2021.
11. This application seeks to amend condition 1 (development to cease by 31/12/2020) and condition 2 (removal of building, plant and equipment and restoration to be complete by 31/12/2021) of the current planning permission² to allow the winning and working of limestone and clay at Dewars Farm Quarry to continue until 2028, and for the site to be restored by 2029.
12. The applicant explains that due to the slow down in construction during the recession, output at Dewars Farm Quarry decreased from 250,000tpa to 100,000tpa between 2009 and 2013.
13. It is anticipated that at the current rate of production (circa 250,000tpa) it will take approximately 10 years to work out the remaining 2.5 million tonnes of permitted reserve.
14. The applicant has applied to extend the period of time for the development to ensure that the permitted reserve can be worked.
15. It is proposed that the wording of condition 1
"The development shall cease no later 31.12.2020"
be amended to the following:
"The development shall cease no later than 31.12.28".
16. It is also proposed that the wording of condition 2
"All buildings, plant and equipment to which this permission relates shall be removed and restoration shall be completed by 31.12.2021"
be amended to the following:
"All buildings, plant and equipment to which this permission relates shall be removed and restoration shall be completed by 31.12.29."

² Cherwell District Council planning reference: 15/01660/CM. OCC planning reference: MW.0123/15.

17. Annex 2 details the proposed wording for conditions 1 and 2.
18. As no other changes are proposed, the quarry would continue to operate in accordance with all other planning conditions, including those relating to operating times, the use of vehicles, plant and machinery silencers, noise levels, dust suppression, archaeology, no extraction beneath the white limestone, restricted hours for blasting and drilling, ground vibration, surface water management, the protection of a buffer strip alongside Gagle Brook, and the public footpath and public bridleway, the storage of top soil, wheel washing, maintenance of the internal roads, signage at the site entrance, avoidance of the kerb alongside the B430, aftercare scheme, trees and biodiversity.
19. There is no routeing agreement associated with the existing permission. A separate planning permission for the storage of incinerator bottom ash (IBAA) at the site from the adjacent ERF is subject to a routeing agreement requiring vehicles to travel to and from the site via the B430 in line with that associated with the ERF.

Part 2 – Other Viewpoints

Third Party Representations

20. No third party responses have been received to this application.

Consultation Responses

21. Local Member - The Local Member objects to the proposal. His full response is detailed at Annex 1.
22. Cherwell District Council – No objections to the proposal.
23. Environmental Protection Officer (initial response) – No objections to the proposal. There are no complaints relating to this site’.
24. Middleton Stoney Parish Council – Initially commented that ‘the import/export calculations may be underestimated by over 10%’ and requested that the calculations be revisited. Middleton Stoney Parish Council have since objected to the planning proposal, explaining that ‘the application does not explain coherently the rationale for the proposal. Why does the application ‘not have to meet conditions 1 and 2’... there is no mention of traffic mitigation through the village of Middleton Stoney. For example, Viridor have a routing agreement to force traffic away from Middleton Stoney. Therefore due to the increase in traffic linked with Smith’s Quarry, the Parish Council would like to pursue a routing agreement through Middleton Stoney... Please clarify the justification of increase to 8 years...The message from Oxfordshire County Council is “residents’ interest come first.” Both OCC and Cherwell District Council are acutely aware of the profound traffic concerns of the residents of Middleton Stoney. This application further exacerbates these concerns and there are Cherwell District plans to design a scheme that will help alleviate the traffic

problems in the village. We wanted to make sure that Planning Dept are aware.'

25. Bucknell Parish Council – Object. “The local community has suffered for many years from all the disadvantages associated with having a quarry in its midst, such as noise, dust and traffic pollution, as well as the detrimental visual impact. It is unreasonable that the local community should be expected to endure an additional eight years solely for the commercial benefit of the applicant”.
26. Natural England – No comment to make on the application.
27. Environment Agency – No objection provided that there are no significant other changes.
28. Transport Development Control – “To date, the quarry has been worked across the northern half of the site (Phases 1 to 4). The southern half, Phases 5 to 8, will complete the works. There is an existing access route between the north-west corner of Phase 8 and the B430, approximately 55m to the south of the main quarry access junction. Further information from the applicant has confirmed that this access is used by the tenant farmer who is managing the land prior to it being used for quarrying. This access would not be suitable for vehicles associated with quarrying, so I am requesting a condition that would guarantee it is used only by agricultural vehicles. In the long term, when quarrying is finished and restoration is complete, the access may be required once again, so I am not requesting a full closure... If you consider that having “Site Entrance” marked on the Application Plan is sufficient to preclude the use of the other access by quarry vehicles then the condition is not necessary. A routeing agreement is not required on highway safety grounds.
29. Rights of Way – No comment to make on the application.
30. Environment Strategy Manager – ‘As there are no specific amendments to the scheme I do not anticipate that the overall landscape impacts will change, though I note the duration over which the previously identified effects are experienced will be extended...a new Conservation Target Area has been identified in the Upper Heyford / Ardley / Dewar’s Farm area by the Oxfordshire Biodiversity Action Group. This is a recent decision and the formal mapping of the boundaries has not yet been undertaken...If the application is approved I would like to include a condition that seeks further enhancements to the biodiversity value of the proposed restoration scheme.’

Part 3 - Relevant Planning Documents

Relevant Development Plan and other policies

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

32. The Development Plan for this area comprises:
- i. Oxfordshire Minerals and Waste Core Strategy (OMWCS) 2017;
 - ii. Adopted Cherwell Local Plan 2011 – 2031 (Part 1); and
 - iii. Adopted Cherwell Local Plan 1996 (saved policies).
33. There are a number of saved policies from the Oxfordshire Minerals and Waste Local Plan 1996 (OMWLP) that still form part of the Development Plan. However, none of these are relevant to the determination of this application as they all relate to specific areas and none of them relate to this area.
34. Other documents that need to be considered in determining this development include:
- i. National Planning Policy Framework (NPPF) was revised in July 2018. This is a material consideration in taking planning decisions.
 - ii. The Cherwell Draft Local Plan 2011 - 2031 (Part 2) is currently being prepared and will contain non-strategic site allocations and development plan policies. The plan is not yet at an advanced stage

Relevant Policies

35. The relevant policies are:

Oxfordshire Minerals and Waste Core Strategy 2017 (OMWCS)

- M2 (Provision for Working Aggregate Minerals)
- M3 (Principal Locations for Working Aggregate Minerals)
- M5 (Working of Aggregate Minerals)
- M8 (Safeguarding Mineral Resources)
- M10 (Restoration of Mineral Workings)
- C1 (Sustainable Development)
- C2 (Climate Change)
- C5 (Local Environment, Amenity and Economy)
- C7 (Biodiversity and Geodiversity)
- C8 (Landscape)

Adopted Cherwell Local Plan 2011 - 2031 (Part 1) (CLP)

- ESD10 (Protection and Enhancement of Biodiversity and the Natural Environment)
- ESD13 (Local Landscape Protection and Enhancement)

Cherwell Local Plan (Saved Policies) (CLP)

- C1 (Nature Conservation)
- ENV1 (Pollution Control)

The Government's National Planning Policy Framework (NPPF) was published in 2012 and updated in 2018 and again in February 2019. This is a material consideration in taking planning decisions.

The Mid-Cherwell Neighbourhood Plan (MCNP) 2018 – 2031 is also a material consideration. The relevant policy is PT1: Travel Plans.

Part 4 – Analysis and Conclusions

Comments of the Director for Planning and Place

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

- i. Need for the development
- ii. Restoration of the site
- iii. Environmental and amenity impacts
- iv. Air Quality
- v. Transport impacts
- vi. Impact on the Site of Special Scientific Interest (SSSI)
- vii. Ecological impacts

Need for the development

Sustainable Development

37. Policy C1 of the OMWCS takes a positive approach to minerals and waste development in Oxfordshire, which reflects the presumption in favour of sustainable development contained in the NPPF. Policy C1 states that planning applications which accord with the policies in this plan will be approved unless material considerations indicate otherwise.
38. Middleton Stoney Parish Council have raised concerns about the need for the proposed development. In particular, they are concerned that the: i) import/export calculations may be underestimated by more than 10%; ii) rationale for the planning proposal has not been explained; and ii) the need to extend the development by 8 years has not been justified.
39. The applicant has since confirmed that the import/export calculations are correct.
40. In my view, the planning application fully explains the rationale for the proposed development and the need to extend the development by 8 years. In particular, the supporting information states
41. *'Due to the slow in construction during the recession, production in many quarries slowed and some even became dormant or closed. Output at Dewars Farm decreased from 250,000tpa to 100,000tpa between 2009 and 2013. At the current rate of production, circa 250,000tpa, the current permitted reserve will take approximately 10 years to work out...'*
42. *In order to ensure this mineral is not sterilised, it is necessary to seek an extension to this deadline by varying the relevant conditions. It is anticipated that the mineral should be worked out in 2028'*

43. Whilst as discussed below, I do not agree that a refusal of permission to this application would lead to the sterilisation of the permitted mineral reserve at the site, I consider that a positive approach should be taken towards this proposed mineral development in Oxfordshire which would ensure that the existing permitted mineral reserves continue to be available and released in a sustainable manner over the OMWCS plan period, which reflects the presumption in favour of sustainable development contained in the NPPF.

Working Aggregates Minerals

44. Policy M2 of the OMWCS explains that permission will be granted for aggregate mineral working under policy M5 to enable separate landbanks of reserves with planning permission to be maintained for the extraction of minerals of at least 10 years for crushed rock; in accordance with the annual requirement rates in the most recent Local Aggregate Assessment, taking into account the need to maintain sufficient productive capacity to enable these rates to be realised.
45. The covering letter which was submitted alongside the planning application states that “output at Dewars Farm decreased from 250,000tpa to 100,000tpa between 2009 and 2013” and “at the current rate of production, circa 250,000tpa, the current permitted reserve will take approximately 10 years to work out”.
46. The applicant has confirmed there is a reserve of around 2.5 million tonnes remaining within the site.
47. Permitted reserves of crushed rock in Oxfordshire at the end of 2017 totalled 9.318 million tonnes. Based on the annual requirement rate in the most recent Local Aggregate Assessment (Oxfordshire LAA 2018, as approved by Cabinet 20/11/2018), which is 0.584 million tonnes per annum, the landbank at the end of 2017 was 16.0 years.
48. Annual sales of crushed rock in recent years have exceeded the LAA rate; average annual sales over the 3 years 2015 – 2017 were 0.832 million tonnes per annum. At this rate, the permitted reserves at the end of 2017 are equivalent to 11.2 years of extraction.
49. The remaining reserves at Dewars Farm form a significant part of the current crushed rock landbank. Assuming a remaining reserve of 2.5 million tonnes, this represents 4.3 years of the landbank based on the LAA rate, or 3 years at the 3 year average rate. If this application is not permitted, and the remaining reserves at Dewars Farm are thereby lost from the landbank, the Oxfordshire crushed rock landbank would be significantly reduced, although it would still be more than 10 years based on the LAA rate.
50. The requirement in policy M2 is for a landbank of at least 10 years to be maintained for crushed rock. Whilst there would still be a landbank of over 10

years for crushed rock without Dewars Farm, this is a minimum requirement. There is no policy ceiling on the size of landbank to be maintained and therefore on this basis the application accords with policy M2.

51. Prior to the adoption of the OMWCS: Part 2 Site Allocations Document, policy M5 of the OMWCS grants permission for the working of aggregate minerals which contributes to the provisions set out in policy M2 provided that the proposal is in accordance with policy M3, and meets the requirements set out in policies C1 – C12.
52. Policy M3 of the OMWCS explains that one of the principal locations for the extraction of crushed rock will be the strategic resource area located north west of Bicester.
53. Given that Dewars Farm Quarry extracts crushed rock and falls within the strategic resource area to the north west of Bicester, I am of the view that the planning proposal accords with policy M3 of the OMWCS.

Sterilisation

54. Policy M8 of the OMWCS safeguards Mineral Resources in the Mineral Safeguarding Areas for possible future use. Development which would prevent or otherwise hinder the possible future working of the mineral will not be permitted unless it can be shown that the mineral will be extracted prior to the development taking place.
55. The applicant considers that an extension of time is necessary to ensure that the mineral is not sterilised.
56. In my view the restoration of the site and removal of the plant and machinery would make future extraction of this reserve less likely. However, I do not consider that this reserve is being threatened by other development that would prevent future mineral working. In addition, the quantity of mineral remaining is large and there are further deposits of limestone within adjoining land such that I consider quarrying could economically be re-established at this location in the future in the event that the current Dewars Farm operation had to close at the end of 2020. Therefore, I do not consider sterilisation relevant to the determination of this application.

Restoration of the site

57. Policy M10 of the OMWCS requires mineral workings to be restored to a high standard in a timely manner.
58. Paragraph 204 (h) of the NPPF ensures that worked land is reclaimed at the earliest opportunity.

59. As no changes are proposed to the aftercare scheme which was assessed and approved under details pursuant application 14/00009/CDISC, I am of the view that the standard of restoration will not be affected by this proposal.
60. I consider 31 December 2029 to be reasonable and/or the earliest opportunity in which to reclaim the land as:
- the quarry's rate of production is back to the pre-recession rate (250,000 tonnes per annum);
 - based on the pre-recession rate of production, the applicant has recalculated that it will take until 31 December 2028 to work the remaining permitted reserves (2.5 million tonnes); and
 - the land would be restored within one year of the mineral workings ceasing.
61. The proposals would result in a delay to the restoration of this site. However, the restoration would still take place within a timely manner as it would be completed as soon as possible after the completion of mineral extraction. Therefore, I consider the proposal to accord with OMWCS policy M10.

Environmental and amenity impacts

Noise and dust

62. Policy C5 of the OMWCS seeks to ensure that mineral developments do not have an unacceptable adverse impact on residential amenity.
63. Policy ENV1 of the saved CLP explains that development likely to cause materially detrimental levels of noise or other type of environmental pollution will not normally be permitted.
64. Buckland Parish Council comment that the local community has suffered for many years from all the disadvantages associated with having a quarry in its midst, such as noise, dust and traffic pollution. In their view it is unreasonable that the local community should be expected to endure an additional eight years solely for the commercial benefit of the applicant.
65. The Environmental Protection Officer raised no concerns about the proposal and has commented that the Environmental Protection team has not received any complaints about the site.
66. On average, Dewars Farm Quarry is monitored three times a year by Oxfordshire County Council's Monitoring and Enforcement team who seek to ensure that the site complies with its planning permissions, and planning regulations.
67. Having reviewed the reports produced by the Monitoring and Enforcement team over the past 5 years, it is evident that no complaints about noise associated with the mineral workings at the site have been raised during this period.

68. In November 2017 the Monitoring and Enforcement team recorded that the dust suppression system at Dewars Farm Quarry is working well, and that at the last visit in June 2018 no complaints had been made about dust.
69. Given that no complaints about noise have been made in the last 5 years, I am of the view that the existing noise restrictive conditions work well to ensure that the existing development does not have an unacceptably adverse impact on residential amenity.
70. I am also of the view that the existing dust suppression conditions work well to ensure that the existing development does not have an unacceptably adverse impact on residential amenity.
71. The proposal would extend the duration of any noise and dust impacts arising from the quarrying operation. However, provided that the existing noise restrictive and dust suppression conditions are imposed, I consider that these impacts are adequately controlled and not significant. I therefore consider that subject to appropriate dust and noise conditions the proposal would not have an unacceptable adverse impact on residential amenity or cause materially detrimental levels of noise. The amenity impacts of associated lorry movements are addressed below.

Greenhouse gas emissions

72. Policy C2 of the OMWCS seeks to minimise greenhouse gas emissions.
73. Buckland Parish Council are concerned about traffic pollution.
74. Whilst it is acknowledged that the application seeks to extend the period over which the permitted lorry movements would take place, I am of the view that this planning proposal would not increase traffic pollution levels as additional traffic movements are not proposed as part of this application. In addition, traffic levels fell significantly during 2009 and 2013. If permitted, this application would see traffic movements continue at the levels permitted under application number MW.0123/15 over a longer period than currently permitted so that the operator can make up for the short fall during the recession.
75. I therefore consider that the planning proposal accords with policy C2 of the OMWCS.

Visual impact

76. Policy C5 of the OMWCS seeks to ensure that mineral developments do not have an unacceptable adverse impact on the local environment in terms of visual intrusion.
77. Policy C8 of the OMWCS and ESD13 of the CLP2031 require developments to respect and where possible, enhance the local landscape character.

78. Buckland Parish Council have expressed concern that the quarry has a detrimental visual impact.
79. The Environmental Strategy Manager comments that the overall landscape impacts will not change as a result of this planning application. However, the duration over which the previously identified effects on the landscape are experienced will be extended.
80. I agree that the proposed development would have a neutral impact on the existing local landscape character and, therefore, would not be visually intrusive. Whilst the previously identified visual impacts and effects on the landscape would be extended, this would only be for a temporary period, at the end of which the visual impacts and local landscape character would be enhanced through the implementation of the approved restoration scheme. I am therefore of the view that the planning proposal meets with the aims of policy C8 of the OMWCS and policy ESD13 of the CLP2031, and that the development would not have an unacceptable adverse visual impact on the local environment.

Air Quality

81. Policy ENV1 of the saved CLP explains that development likely to cause materially detrimental levels of noise or other type of environmental pollution will not normally be permitted.
82. The Local Member is of the view that the application would prolong the traffic impacts of the development and subsequently be detrimental to public health. He comments that based on the 2017 bias adjustment factor, the annual mean nitrogen dioxide level for 2018 is 34 µg/m³ against a recommended maximum of 40µg/m³. The Local Member considers this figure to be a very high figure for a rural location and, given the location of the diffusion tube, flatters the levels experienced in the properties in Bicester Road. The Local Member suggests the imposition of a routeing agreement to protect residential amenity and air quality improvements that would have been afforded by the previous permission coming to an end.
83. Having discussed the Local Member's concerns with the Environmental Protection Officer, the Environmental Protection Officer explained that the nitrogen dioxide levels in Middleton Stoney are below the objective level; the annual mean has consistently been around 34 µg/m³ for the last 5 years compared to the objective level of 40µg/m³. He also explained that the 2018 bias adjustment factor from Defra has not yet been received but he doesn't expect it be much different to the annual mean nitrogen dioxide level.
84. The Environmental Protection Officer confirmed that he has no objection to this planning proposal. He is of the view that the application would not have a significant impact on air quality as no increase in vehicle movements are proposed and the annual average is below the objective level.

85. In my view a routeing agreement is not required to restrict vehicular movements associated with this development from travelling through Middleton Stoney village as:
- no additional vehicular movements, to that originally envisaged, are being proposed;
 - the nitrogen dioxide levels in Middleton Stoney are below the objective level; and
 - the Environmental Protection Officer is of the view that the proposed development would not have a significant impact on air quality.
86. I therefore consider that the planning application accords with policy ENV1 of the saved CLP as the proposed development would not cause materially detrimental levels of nitrogen dioxide.

Transport Impacts

87. Policy C10 of the OWMCS explains that where minerals will be transported by road, mineral workings should as far as practicable, use roads suitable for lorries. Policy C10 of the OMWCS also explains that minerals developments which would generate significant amount of traffic will be expected to be supported by a transport assessment or transport statement, as appropriate, including mitigation measures where applicable. NPPF paragraph 109 states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
88. Policy PT1 of the MCNP2031 requires developers of non-residential development to provide an independent Traffic Assessment to identify the impact of the proposed development on the traffic hot-spot in Middleton Stoney. Policy PT1 of the MCNP2031 explains that any works of mitigation recommended by that assessment as necessary to reduce the impact of traffic, and avoid residual cumulative impacts that are severe, should be funded through developer contributions.

Traffic Volumes

89. Middleton Stoney Parish Council express concern that the planning application does not include traffic mitigation through the village of Middleton Stoney. The parish council consider that a routeing agreement which avoids Middleton Stoney should be pursued due to the increase in traffic linked to the applicant's quarry.
90. The parish council also comment that the increase in traffic will further exacerbate the traffic concerns of residents of Middleton Stoney.
91. Transport Development Control are of the view that a routeing agreement is not necessary on the grounds of road safety.

92. Whilst there may be an existing problem with traffic volumes within Middleton Stoney village, I consider that a Transport Assessment is not required as this planning application would not exacerbate the existing traffic hotspot in Middleton Stoney as:
- no additional vehicular movements, to that originally envisaged, are being proposed; and
 - the originally envisaged vehicular movements would be spread out over a longer period.
93. There are routeing agreements in place for other minerals and waste sites within the area however, including for the IBAA facility at the site, but I do not consider it necessary or relevant to now apply an agreement to this development as: i) there would be no additional impacts on highway safety; and ii) the proposed change to the conditions would not generate any additional traffic on the local highway network, including through Middleton Stoney Village. Transport Officers at Oxfordshire County Council are currently considering various mitigation measures to alleviate the impacts of traffic generally within Middleton Stoney. In my view this would provide a more appropriate solution to the transport problems within Middleton Stoney.

Suitable roads

94. Transport Development Control are of the view that the existing agricultural access route which is located approximately 55 metres south of the main quarry access junction) is not suitable for vehicles associated with quarrying. They have suggested that a suitable restrictive condition could be imposed.
95. In my view such a condition is not necessary to make this development acceptable as:
- The site access is clearly shown on the approved plans;
 - no changes are proposed to the site access
 - use of the existing agricultural access route is not proposed as part of the application;
 - no complaints have been received about vehicles associated with quarrying using the existing agricultural access route.
96. I therefore consider that the planning proposal is in line with policy C10 of the OMWCS.

Impact on the Site of Special Scientific Interest (SSSI)

97. Policy C7 of the OMCS seeks to ensure that development do not have a significant adverse effect on a Site of Special Scientific Interest.
98. Policy ESD10 of the CLP2031 and saved policy C1 of the CLP1996 seek to ensure that there is no loss or damage to a SSSI.

99. In my view the proposed development would not result in the loss, damage or have a significant adverse effect on the fossilised dinosaur trackways as no changes are proposed to:
- the part of the site being worked;
 - condition 9 (development to be implemented in accordance with the approved Written Scheme of Investigation) of planning permission MW.0123/15); or
 - condition 10 (no excavation below the base of the White Limestone horizon) of the existing permission which seeks to preserve the fossilised dinosaur trackway) of planning permission MW.0123/15.
100. I therefore consider that subject to conditions 9 and 10 of the existing permission being imposed, the proposed development accords with policy C7 of the OMWCS and policy ESD10 of the CLP2031.

Ecological Impacts

101. Policy C7 of the OMWCS ensures that mineral workings contribute to the objectives of the Conservation Target Areas, where possible.
102. The Environmental Strategy Manager has suggested the imposition of a condition for further enhancements to the biodiversity value of the proposed restoration scheme as, a new Conservation Target Area has been identified in the Upper Heyford / Ardley / Dewar's Farm area by the Oxfordshire Biodiversity Action Group. The applicant has confirmed that they are agreeable to such a condition.
103. I consider that subject to such a condition, the proposed development would contribute to the objectives of the new Conservation Target Area, in accordance with OMWCS policy C7.

Conclusions

104. This application seeks to amend condition 1 and condition 2 of the current planning permission to allow the winning and working of limestone and clay at Dewars Farm Quarry to continue until 2028, and for the site to be restored by 2029.
105. The planning proposal accords with policies M2 and M3 of the OMWCS.
106. The planning application is in line with policy M3 of the OMWCS as Dewars Farm Quarry extracts crushed rock, and the site falls within the strategic resource area to the north west of Bicester.
107. The proposed restoration date would enable the land to be reclaimed within a reasonable timeframe and at the earliest opportunity given the slow down in production that occurred during the recession.

108. The development proposal would not cause any materially detrimental levels of noise or dust pollution. The impacts from lorry movements would not be greater than originally envisaged albeit that they would continue over a longer time period. Whilst the concerns associated with air quality and disturbance from lorry movements generally through Middleton Stoney and the surrounding area are appreciated, a routeing agreement has not previously been considered necessary to make this development acceptable. It is not considered that the impacts associated with granting planning permission to this application would now be such as to make one necessary to render the development acceptable.
109. The proposed development respects the existing local landscape character and would not have an unacceptable adverse visual impact on the local environment.
110. The proposal accords with policy C10 of the OMWCS as there would be no additional HGV movements on the highway network.
111. The development would not result in the loss of, or have a significant adverse effect on a SSSI, and it would contribute towards the objectives of the new Conservation Target Area, in accordance with OMWCS policy C7
112. As such the proposed development accords with the Development Plan policies, emerging policies and national government policy and guidance and is considered acceptable on its planning merits.

RECOMMENDATION

113. **It is RECOMMENDED that planning permission for Application MW.0102/18 be approved subject to conditions to be determined by the Director for Planning and Place but to include matters set out in Annex 2.**

SUSAN HALLIWELL

Director for Planning & Place

April 2019

Annex 1 – Local Members consultation response

I wish to object to the above planning application. Traffic volumes in the villages around the Heyford Park development are constantly increasing. This is particularly true in Middleton Stoney, where its proximity to Bicester means the cumulative effect is acutely felt. HGV's are a particular problem and whilst this application does not add to that total, it prolongs the impact, which is just as detrimental to public health. We know from the air quality monitoring carried out by Cherwell District Council that European limits are being breached:

The diffusion tube in Middleton Stoney is located at the crossroads, grid reference 453397:223516. It is not located adjacent to the houses on the Bicester Road, the living areas of which sit no more than 2m back from the highway (see attached photograph)

The latest data for 2018 to date is as follows:

| Jan | Feb | Mar | Apr | May | Jun | Jul | Aug | Sep | Oct |
|------|------|------|------|------|-------------|------|------|------|------|
| 44.7 | 43.2 | 48.8 | 49.9 | 40.8 | 31.4 | 41.3 | 37.9 | 39.5 | 64.6 |

Using the 2017 bias adjustment factor (0.77) the annual mean nitrogen dioxide level for 2018 for the data to date is 34 µg/m³ against a recommended maximum of 40µg/m³. This is a very high figure for a rural location and given the location of the diffusion tube flatters the levels experienced in the properties in Bicester Road.

Over the past 6 months I have been working with both Oxfordshire County Council and Cherwell District Council to deliver a short, medium and long term traffic mitigation plane for Middleton Stoney and it is important that we take all available steps to minimise any adverse impacts on that. Should the planning committee be minded to approve this application, I would ask that they condition a routing agreement to protect the residential amenity and air quality improvements that would have been afforded by the previous permission coming to an end.

Annex 2 – Proposed Conditions

1. The development shall cease no later 31st December 2028.
2. All buildings, plant and equipment to which this permission relates shall be removed and restoration shall be completed by 31st December 2029.
3. The development shall be carried out strictly in accordance with the particulars of development, plans and specifications contained in the application except as modified by conditions of this permission.
4. No development or operations permitted or required by this operation to be carried out except between the following times:
 - 0700 hours to 1800 hours Mondays to Fridays;
 - 0700 hours to 1300 hours Saturdays; and
 - no such operations shall take place on Sundays or recognised Bank Holidays or Saturdays immediately following Bank Holiday Fridays.
5. All vehicles, plant and machinery operated within the site shall be fitted with and use effective silencers.
6. Noise levels from the operations shall not exceed 55dB(A) Leq (1 hour).
7. For temporary operations noise levels shall not exceed 70dB (A).
8. Implementation of the approved Dust Suppression Scheme.
9. Implementation of the approved Written Scheme of Investigation for a Strip, Map and Sample Archaeological Recording Action scheme.
10. No excavation shall take place below the base of the White Limestone horizon.
11. No blasting shall be carried out on site except between the following hours:
12. 0900 hours to 1600 hours Mondays to Fridays
13. 1000 hours to 1200 hours Saturdays
14. There shall be no blasting or drilling operations on Sundays or recognised Bank Holidays, or on Saturdays immediately following Bank Holiday Fridays.
15. Ground vibration as a result of blasting operations shall not exceed a peak particle velocity of 10mm/second in 95%.

16. Implementation of the approved Surface Water Management Plan and Groundwater Monitoring Plan dated August 2008.
17. A 10m buffer strip alongside Gagle Brook shall be delineated by a fence prior to the commencement of any work. No access shall be granted to any plant, vehicle, machinery or other equipment other than for maintenance or restoration of this strip.
18. A corridor of land, a minimum of 4.0 metres wide shall be kept free from obstruction and shall be retained along the route of Middleton Stoney Bridleway No 27 and Middleton Stoney Footpath No 8.
19. Retention and seeding of topsoil and subsoil.
20. Soil handling, cultivation and trafficking shall not take place other than in suitable weather conditions between 1 May and 30 September when soils are in a dry and friable condition unless otherwise agreed with the Minerals Planning Authority.
21. Installation of wheel washing facilities.
22. Maintenance and removal of internal haul roads.
23. Erection and maintenance of signs to warn users of the A420 of the site entrance.
24. No working shall take place within 12.0 metres of the eastern kerb of the B430.
25. No development shall take place except in accordance with the aftercare scheme.
26. Planting, retention and maintenance of additional trees.
27. Installation, retention and maintenance of bird boxes and bat boxes.
28. All wood from the felling of the oak tree in Phase 4 shall be retained on site and made into a dead wood pile and allowed to decompose.
29. Submission and implementation of full details of the proposals to improve the biodiversity value of the new linear habitats in the restoration scheme.

Annex 3 – European Protected Species

European Protected Species (to include in Committee/Delegated reports as an Annex, not on Decision Notices)

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 2017 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.

Our records and/ or the habitat on and around the proposed development site and/or ecological survey results indicate that European Protected Species are unlikely to be present. Therefore, no further consideration of the Conservation of Species & Habitats Regulations is necessary.

The recommendation.

European Protected Species are unlikely to be present. Therefore, no further consideration of the Conservation of Species & Habitats Regulations is necessary.

Annex 4 – Compliance with National Planning Policy Framework

In accordance with paragraph 38 of the NPPF Oxfordshire County Council takes a positive and creative approach and to this end seeks to work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. We seek to approve applications for sustainable development where possible.

We work with applicants in a positive and creative manner by;

- offering a pre-application advice service, and
- updating applicants and agents of any issues that may arise in the processing of their application and where possible suggesting solutions. For example, in this case we updated the agent on the issues raised during the consultation period and encouraged the agent to liaise with Middleton Stoney Parish Council to discuss their concerns.