

Planning Report

For: PLANNING AND REGULATION COMMITTEE – 15 JULY 2019

By: DIRECTOR FOR PLANNING AND PLACE

Development Proposed:

Planning application for the extraction of sand, gravel and clay including the creation of new access, processing plant, offices with welfare accommodation, weighbridge and silt water lagoon system with site restoration to agriculture and nature conservation including lakes with recreational afteruses and the permanent diversion of footpath 171/15 and creation of new footpaths at Land at Fullamoor Plantation, Clifton Hampden, Abingdon, OX14 3DD

Division Affected: Sandford, Sutton Courtenay and Appleford
Contact Officer: Emily Catcheside **Tel:** 07741 607684
Location: Land at Fullamoor Plantation, Clifton Hampden, Abingdon, OX14 3DD
Application No: MW.0074/18 **District Ref:** P18/S2134/CM
Applicant: Hills Quarry Products Ltd
District Council Area: South Oxfordshire DC
Date Received: 6 June 2018
Consultation Period:
i) 28 June 2018 – 31 July 2018
ii) 24 January 2019 – 25 February 2019
iii) 2 May 2019 - 3 June 2019
iv) 20 June 2019- 22 July 2019

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Recommendation Summary:

Members to consider whether the reasons for refusal for planning application MW.0039/16 have been overcome and therefore approve or refuse accordingly.

• **Part 1 – Facts and Background**

1. A planning application for substantially the same development as is proposed in this current application [Ref: MW.0039/16] was originally considered at the meeting of the Planning and Regulation Committee on 27 November 2017. At the time, the officer's report and addenda, when read together, recommended that the application should be approved, however members resolved to refuse the application for the following reasons:
 - i) The additional vehicle movements arising from the development would lead to severe highways impacts contrary to paragraph 32 of the National Planning Policy Framework; would not maintain the safety of road users and the efficiency of the road network contrary to the Oxfordshire Minerals and Waste Core Strategy policy C10 and would contribute to congestion, disruption and delays on the road network, contrary to Local Transport Plan policy 02.*
 - ii) The additional vehicle movements arising from the development would worsen queuing at local junctions leading to stationary vehicles with associated air emissions, causing unacceptable adverse impacts on environmental amenity, contrary to Oxfordshire Minerals and Waste Core Strategy policies C5 and C10.*
 - iii) The development would prejudice the future development of a new link road and Thames crossing along one of the routes safeguarded by policy TRANS3 of the emerging South Oxfordshire Plan 2033 and core policy 18 of the adopted Vale of White Horse Local Plan 2031 Part 1 contrary to these policies.*
 - iv) The development is inappropriate in the Green Belt contrary to Oxfordshire Minerals and Waste Core Strategy policy C12, South Oxfordshire Local Plan policy GB4 and National Planning Policy Framework paragraphs 87, 88 and 90 and no very special circumstances exist to justify making an exception to these policies.*

The Committee report and addenda report for that application and the relevant minutes are appended at Annex 3.

2. The current application is a resubmitted version of application MW.0039/16 which includes amendments that seek to overcome the reasons for refusal. The application also includes updated environmental and other information and addresses circumstances that have changed since the previous decision was made (e.g. related to policy and designations). Details of the amendments to the scheme are set out below in paragraph 8.
3. The application is submitted with an Environmental Statement and therefore falls within the scope of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (The 'EIA Regulations'). The Environmental

Statement comprises an introductory document, a Non-Technical Summary, and the following technical documents, which are summarised at Annex 2:

- Hydrology and Hydrogeology
 - Flood Risk Assessment
 - Cultural Heritage
 - Agriculture
 - Bird Strike
 - Landscape and Visual Impact (LVIA) & Addendum
 - Traffic & Highways
 - Noise & Addendum
 - Biodiversity
 - Geology and Reserves
 - Air Quality
 - Alternatives
 - Climate Change
 - Socio Economic
 - Arboricultural Assessment
4. The EIA Regulations require the Planning & Regulation Committee to reach a reasoned conclusion on the significant effects of the proposed development on the environment, taking into account the environmental information submitted in the Environmental Statement and summarised in this report, as well as in the reports at Annex 3 and to integrate that conclusion into the decision-making process.

The Site

5. A description of the application site and its setting is set out in paragraphs 1-15 of the Committee Report for MW.0039/16 and appended at Annex 3. Members are advised that, since the previous Committee Report was published and as set out in the Addenda Report for MW.0039/16 (also appended at Annex 3), Fullamoor Farmhouse which is one of the closest properties to the application site has been designated as a Grade II Listed Building.
6. Additionally, members are advised that although the site itself is not located within an Air Quality Management Area (AQMA), approximately 35% of the development traffic would pass through the centre of Abingdon which has been declared an AQMA.

Details of the Development

7. The current application is for substantially the same development as previously proposed in application no. MW.0039/16 (see paragraphs 16-47 of the Committee Report appended at Annex 3), as amended by the applicant in response to the reasons for refusal. As with the previous application, it is proposed to extract 2.5 million tonnes of sand, gravel and clay with progressive working and restoration across 10 phases to a mix of agricultural land, lakes with recreational use, and areas for ecological habitats using on-site material

only (no waste importation). Extracted clay would be used to facilitate the restoration of the mineral working and would not be taken off-site. The applicant also continues to propose the construction of a purpose-built access onto the A415.

8. The changes to the application previously reported to the committee are as follows:
 - The annual rate of extraction has been **reduced** from **250,000tpa to 200,000tpa**, to allow for a reduction in daily HGV movements to and from the site;
 - The average HGV movements would be **reduced** from **521 per week to 416 per week**; and **92 per day to 74 per day**;
 - To cater for the reduction in extraction rates, the proposed lifetime of the site has **increased** from **10 years to 12.5 years**;
 - Whilst no changes are proposed to the quarry operating hours, which would be 7am-6pm on Mondays and Fridays, and 7am to 1pm on Saturdays with no operations on Sundays and/or Bank and Public Holidays; the applicant has proposed to **restrict all vehicle movements** to and from the site access **during the extended peak periods of 7.30-9.15am and 4-6.30pm**;
 - The applicant has amended the dimensions of the largest proposed bund, which would be located along the western boundary of the plant site, resulting in a **reduction in height** from **10m to 8m** and a **reduction in length** from **37m to 36m**;
 - The applicant originally proposed the use of a legal agreement to prevent the quarry development from prejudicing the delivery of the link road and Thames crossing, however the applicant no longer considers this is required as the preferred route for the link road has since been confirmed to lie to the west of the quarry and would not be affected by the development.

9. Other aspects of the development remain unchanged from application MW.0039/16.

10. The applicant considers that the above amendments are sufficient to overcome the reasons for refusal for application MW.0039/16. Specifically, it is stated that the 20% reduction in HGV movements and the restriction of HGV movements during the extended AM and PM peak hours would result in a negligible impact on traffic, and that updated traffic and air quality assessments, including an assessment of the impact of the development on the Abingdon AQMA, indicate that reasons for refusal i) and ii) have been addressed.

11. Although the applicant originally proposed a legal mechanism to ensure the quarry operation would not prejudice the delivery of a link road and Thames crossing, subsequent submissions by the applicant concluded that this matter was resolved because central government funding has been announced for the route based on a preferred alignment to the west of the application site and not passing through it. Accordingly, the applicant considers that reason for refusal iii) no longer applies.

12. With regard to reason for refusal iv), the applicant's starting point is that the proposal is not inappropriate development in the Green Belt because it would not be harmful to openness and therefore it is not necessary for very special circumstances to be demonstrated to justify the proposal. However, the applicant has also stated that, should the Council consider the development to be inappropriate, very special circumstances exist to outweigh the Green Belt harm and therefore the location within the Green Belt should not be an impediment to planning permission being granted. The very special circumstances advanced by the applicant are:

- The proposal would provide a sustainable and deliverable supply of aggregate minerals in south Oxfordshire where new reserves are required due to production issues at other sites within the county. This will have the secondary effect of reducing the cost of aggregate (due to increased supply) and would reduce the transportation miles for aggregate minerals thus lowering HGV emissions;
- The most recent Local Aggregates Assessment (LAA) states that the county is looking at higher levels of demand for aggregates in the coming years of the plan to 2031 due to anticipated levels of economic growth, population and housing growth and major infrastructure/key development projects;
- The most recent LAA notes that higher levels of demand are likely to occur in the first part of that period;
- Many growth projects are on the immediate doorstep of the application site, including the new Thames crossing, Science Park development and housing allocation site, and the Clifton Hampden bypass. The quarry would be operational within the first part of the plan period and would be able to supply these projects in a highly sustainable manner, with minimal transportation requirements;
- Minerals can only be worked where they are found and the application site is located within the Thames and Lower Thame Valleys Strategic Resource Area as identified in OMWCS policy M3 as a broad location for mineral extraction;
- The restoration proposals will deliver substantial biodiversity and recreational gains to the area. The proposals provide for an extended aftercare management period and will provide greater access to the site as a legacy of the development.

13. Overall, the applicant concludes that the proposal is essential to supply construction aggregates to local markets to support the planned economic growth in the area and that the reasons for refusal of the previous application have been overcome by amendments made to the scheme or circumstantial changes. The proposal has been carefully designed to fit around adjacent constraints and would not fundamentally or permanently change the character of the Thames setting. The site would operate within acceptable environmental limits and the restoration scheme would provide an increase in flood storage capacity across the site. Therefore, the applicant considers that planning permission for the revised scheme should be granted.

Part 2 – Other Viewpoints

Representations

14. Representations have been received from approximately 327 individuals or organisations, 321 of which object to the proposal and 2 in support. Multiple comments were received from some household addresses and, whilst the majority of comments were received from within the local area, comments were received from further afield including Hampshire, Newcastle, Kent, Surrey, and Suffolk. One of the comments received in objection was from the Vale of White Horse District Councillor for Sutton Courtenay, Gervaise Duffield and another from Abingdon-on-Thames Parish Councillor Jan Mortar.

15. Comments received in support of the development related to economic growth and job creation.

16. Comments received in objection to the development related to the following impacts:
 - Green Belt harm and lack of very special circumstances;
 - Visual impact arising from the screening bunds as well as the operational working and use of plant and machinery;
 - Traffic congestion and queuing on local roads;
 - Highway safety, and risk to cyclists, horse riders, pedestrians, and school children as a result of increased HGV movements;
 - Damage to and mud on local roads;
 - The impact on the historic environment, including the Scheduled Ancient Monument, Listed Buildings including Fullamoor Farmhouse, conservation areas, and archaeology;
 - The development would prejudice the delivery of a new link road across the River Thames;
 - The diversion of the Right of Way and suitability of the proposed route;
 - Amenity impacts, including noise, dust and vibration;
 - Wildlife and biodiversity impacts, including on river ecology;
 - Landscape impacts and impact on the setting of the AONB, and views to and from the River Thames;
 - The loss of hedgerows and trees;
 - The impact on tranquillity and the experience of the Thames Path;
 - Air pollution and air quality impacts, including from HGVs;
 - The cumulative effect of multiple quarries, housing and economic growth in general;
 - Lack of need and the availability of alternative sites;
 - Flooding risk;
 - The development would result in a reduction in the number of businesses wishing to locate at Culham Science Park;
 - The loss of good quality agricultural land;

- The likelihood of future extensions (both in time and area) to the quarry and scheme amendments including the implementation of a concrete batching plant;
- The application has not changed from the refused version;
- A lack of community engagement by the applicant;
- Lack of need for a boating lake;
- The sound mitigation bunds are too high and may slump;
- The impact on house prices.

Consultation Responses

17. Consultation responses are summarised in the paragraphs below. The full text of the consultation responses can be seen on the council's public access website using the reference MW.0074/18.
18. **The Local Member, Councillor Lorraine Lindsay-Gale** has not formally commented on the proposal.
19. **South Oxfordshire and Vale of White Horse Councils** submitted a comment in August 2018 in response to the first round of consultation, and no further comment has been received. The comment includes those made by technical officers including the Conservation Officer. The councils object to the scheme as the revisions do not overcome concerns particularly in respect of the new link road and Thames crossing, the landscape and heritage impacts. The Thames crossing is identified as a key piece of infrastructure to alleviate both existing congestion and to plan for proposed growth. One of the two routes for the Thames crossing runs through the application site and has been safeguarded in the Vale of White Horse Local Plan (part 1) and in the emerging South Oxfordshire Local Plan and are included within the Transport Plan and South Oxfordshire Core Strategy. Strategic policy is very clear on ensuring that development does not prejudice the future delivery of these key transport schemes. The development would change the deliverability and viability of the Thames bridge and would undermine the strategic vision for the county.
20. The impact of the proposal, and in particular the bunds of up to 10m high, on the landscape character of the Thames corridor has not changed since the previous application and would be contrary to policy CSEN1 of the core strategy and C3 of the local plan. This cannot be resolved through revisions or a landscaping scheme. To proceed without noise mitigation is not an option and therefore there is conflict between safeguarding the amenity and safeguarding the landscape.
21. The application site forms part of the setting of the Grade II Listed Fullamoor Farm that makes a positive contribution to the significance of the designated asset. The relationship between the listed building and the adjoining agricultural land is important because i) the architectural design of the listed building was intended to command views over the farmland to the south, ii) historic mapping shows that the land and its relationship to the main farmhouse has been consistent for a very long period of time, and iii) The landscape has continued to

be managed for the benefit of the farmhouse - Grasshill Covert and Fullamoor Plantation not only frame views to the Downs but also obscure views of Long Wittenham and Appleford from the garden.

22. The setting of the farmhouse would be considerably impacted by the development. Although the scheme proposed visual mitigation in the form of bunds, this will alter the landscape and command of the house over it. Setting aside the visual impact, the loss of legible landscape features and the introduction of new areas of woodland and water would alter the character of the landscape which contributes to the significance of the listed building permanently.
23. The effects of the development would be less-than-substantial. However, the balancing exercise must consider the effects will be permanent on a landscape scale.
24. **Clifton Hampden and Burcot Parish Council, Appleford Parish Council, Culham Parish Council and Long Wittenham Parish Council** jointly provided a comprehensive document in response to the first round of consultation. As with all consultation responses, the full text is available to view on the Council's public access website. In summary, the Parish Councils do not consider that the current application resolves any of the concerns that have previously been raised by Bachport and sustain a strong objection to the scheme. The reasons for objection are:
- The development would give rise to severe highways impacts with unacceptable harm being caused to all road users and significant worsening of already excessive local congestion;
 - The effects of the HGV traffic travelling to and from the quarry would be highly detrimental to local residential and environmental amenity;
 - The proposed development would jeopardise the proposed new Thames crossing between Culham and Didcot Garden Town transport scheme and prejudice delivery of the Vale of White Horse and South Oxfordshire Local Plan strategies;
 - The proposed development would be inappropriate in the Green Belt, and there are no very special circumstances that outweigh the harm to the Green Belt, and any other harm;
 - The proposed development would have significantly detrimental landscape and visual impacts;
 - The proposed restoration objectives are contradictory, conflicting with purported nature conservation benefits; and would be contrary to the development priorities of the Burcot and Clifton Hampden Neighbourhood Plan;
 - The development proposal would be harmful to the local historic environment;
 - The proposed development would lead to significant loss of Best and Most Versatile Agricultural Land (BMV);

- The submitted proposal does not demonstrate that the water management systems would not have any adverse effects on the water environment and flood risk;
- The proposed activities are likely to generate an unacceptable level of disturbance to local sensitive receptors; and
- There has been a failure to carry out a proper assessment of alternatives and to consider the cumulative effects of the proposal with other proposed or planned developments.

25. A further response was submitted by the Parish Councils in February 2019. That response challenged the content and conclusions of the applicant's Green Belt Openness Impact Assessment and states that, when full case law is considered, and all of the effects of the proposal properly assessed, it should be concluded that there would be harm to the Green Belt and that very special circumstances must exist to outweigh that harm. The Parish Councils state that very special circumstances do not exist.

26. It was also stated that the Councils remain highly concerned about and object to the harmful effects of traffic. Planning permission would not be able to prevent vehicles arriving at the site during restricted hours. Additionally, the safeguarded route for the Thames crossing remains part of the emerging South Oxfordshire Local Plan 2034 and will continue to do so until the preferred route has been confirmed, which will not be reached for some time.

27. The Parish Councils also comment that the applicant underplays the contribution the application site makes to the significance of the listed building, which is at odds with the National Planning Policy Framework requirement that great weight should be given to a designated heritage asset's conservation, even when there is less than substantial harm and the harm is from development within the asset's setting. The need for aggregate is not substantiated, and the restoration proposals are mitigation for the development, therefore there are no public benefits that outweigh the harm to the setting of the listed building.

28. The applicant's conclusion on the landscape/Area of Outstanding Natural Beauty (AONB) effects of the development are disputed. The Parish Councils state that the baseline position in relation to rights of way is greater than as set out in the application and therefore the effects of the proposal are diminished. The proposed diversion route is circuitous and would not be entirely new. The proposed diversion route would also be unsafe because it would be prone to flooding. It would be preferable if two lakes could be provided, rather than one to allow the footpath to remain close to its existing route. The Parish Councils assume this is to allow for the creation of a 1km long rowing lake which would further intensify the use and development of the area, adding to Green Belt harm.

29. The Parish Councils have provided legal opinion to support the objection to the proposal. The legal opinion references case law examples and concludes that

- (1) The development constitutes inappropriate development in the Green Belt;
 - (2) Very special circumstances (VSC) are required to be demonstrated to overcome the harm to the green belt. VSC have not been identified;
 - (3) The development would harm the setting of the Grade II Listed Building and the Council is required to assess the development having regard to the provisions of paragraph 194 of the NPPF;
 - (4) The development appears to be in breach of relevant highways policies and there is no basis for the Council to reach a different conclusion as to severe impact; and
 - (5) The development would be likely to prejudice the future of the new link road and Thames crossing along one of the routes safeguarded by policy.
30. In response to the consultation on the reduction of the height of the largest bund from 10m to 8m, the Parish Councils raised concerns about inconsistencies between the methodology and conclusions of both the noise assessment and the flood modelling and flood risk assessment. The objection on other matters, including green belt grounds, was maintained.
31. **Long Wittenham Parish Council** submitted separate comments in addition to the above. The Council objects to the proposal on the grounds that it would have an unacceptable impact on a beautiful section of the River Thames within the Oxford Green Belt. The impact of noise and dust would have a serious impact on the amenity and environment of properties in Long Wittenham and potentially also on Long Wittenham School and the Grade I Listed Church. The quarry would increase traffic on roads that are already overloaded. Other sites are available with limited impact on the landscape and with better access to the road network. The quarry may also increase the risk of flooding along the Thames. The Parish Council supports BACHPORT in its aims and objectives. During the most recent round of consultation, Long Wittenham Parish Council commented that the additional information submitted does not overcome the fundamental objection on green belt grounds and fails to address the important issue of traffic. The bunds continue to be a gross intrusion and would cause immense damage to the local landscape.
32. **Little Wittenham Parish Meeting** objects to the application on the grounds of traffic and congestion, visual impact on the local landscape and Green Belt openness with the loss of natural habitat, and the risk to the delivery of the new Thames bridge and link road. It is commented that there has been little change between the decision to refuse the previous application and this fresh application.
33. **Culham Parish Council** submitted a separate comment in addition to the joint response set out above. In the separate comment, the Parish Council confirms that it fully supports Clifton Hampden and Burcot Parish Council's objection and reiterates its own objection on the grounds of vastly increased traffic movements on local roads.
34. **Abingdon Town Council** objects to the application, in particular regarding the volume of traffic through Abingdon and the damage to buildings caused by vibration of heavy goods vehicles.

35. **Sutton Courtenay Parish Council** continues to have concerns regarding the impact of the development on the immediate rural area and locality. The Parish Council endorses the BACHPORT report and comments from nearby parishes. The road network in the vicinity is extremely congested and, in some cases e.g. the Sutton bridge, is at capacity. The Parish Council is concerned that vehicles would cross the river Thames and travel through Sutton Courtenay. If the application is approved, the Parish Council requests that routeing agreements are consistent with those on the Sutton Courtenay gravel extraction and landfill sites.
36. The **Transport Development Control Officer** initially recommended that the application is refused unless appropriate controls can be implemented prohibiting all vehicular access to and from the site during extended peak times (7.30-9.15am and 4-6.30pm), which would allow the objection to be withdrawn. The restriction is required due to the excessive queueing and junction blocking in the area at peak times. In these circumstances, the impact of additional trips is disproportionate and may add significantly to delay. Frustrated drivers manoeuvring may increase the likelihood of rear end shunt collisions. Idling vehicles would add to particulate and carbon dioxide emissions. In these circumstances the impact of this development would be unacceptable and would meet the NPPF criteria of severe harm so as to justify the refusal of planning permission. The officer also advised that the proposed junction with the A415 is acceptable in principle and that the proposed footway improvements adjacent to Clifton Hampden Primary School are welcomed.
37. Conditions and legal agreements are recommended to restrict vehicular access to the site from 0730 to 0915 hrs and 1600 to 1830 hrs, to secure implementation of the junction with the A415 and visibility splays prior to first use, HGV routeing, a construction traffic management plan, and footpath improvements adjacent to Clifton Hampden Primary School. If these matters are secured, the objection can be withdrawn.
38. The **Environmental Health Officer** originally had no objections to the proposal provided mitigation works are carried out as proposed. However, as a result of the consultation on the reduced height of the largest noise mitigation bund in May 2019, the Environmental Health Officer requested additional information to enable him to assess the acceptability of the change on noise levels. This information was provided by the applicant in June 2019 and is currently subject to consultation. The Environmental Health Officer's comments on the additional information are awaited, and an update will be provided to members in advance of or at the meeting on 15 July 2019.
39. **The Environment Agency** initially requested further information on the flood risk assessment for clarity and accuracy. This information was provided by the applicant and was subject to consultation in January 2019 however no formal comment from the Environment Agency has since been received. Officers have on numerous occasions requested a substantive response from the Environment Agency, as well as clarification that the flood modelling results

allow for the stripping of soils from the plant site, however to date a written comment is still awaited. An update will be provided to members on this point in advance of or at the meeting on 15 July 2019.

40. **Natural England** has no objection subject to conditions relating to soil handling, stripping, storage and replacement as well as the provision of an aftercare scheme. It states that whilst the proposed development will result in the net permanent loss of 15ha of BMV land, the restoration proposals are such that the application should not be considered inappropriate. In May 2019, Natural England requested additional information to confirm that the storage of topsoil and subsoil would conform to the best practice set out in the Environmental Statement Chapter 5 (Agriculture) and that the higher bunds (7-8m) are only for the storage of overburden. Information to address this request was provided by the applicant in June 2019 and is currently subject to consultation. Natural England's comments on the additional information provided are awaited, and an update will be provided to members in advance of or at the meeting on 15 July 2019.

41. **Historic England** has no objection to the application on heritage grounds. It states that there is a Scheduled Monument known as the Round Barrow Cemetery and Fullamoor Plantation, List Number: 1421606 on the western edge of the development area and further, more distant, scheduled monuments to the west and east, and on the opposite bank of the river Thames to the south (List number 1004849, Settlement site south-east of Appleford Church). It notes that the area to be quarried does not extend into the scheduled area but does extend close to it.

42. Historic England was previously concerned that the effect of this would be to dry out the ground in the monument area. However, having considered this further, Historic England does not consider that the quarrying activity would increase the risk of erosion of the monument. Physical damage from arable land use is likely to be of greater concern, together with the impact of both wind and water (run-off) erosion in periods when the soil is exposed. These are likely to be occurring at the current time to some extent and there is little evidence to suggest quarrying will increase the rates.

43. The creation of soil bunds and the plant site will have some impact on the setting of the scheduled monument, although temporary, they will appear as artificial, regular mounds within the landscape.

44. The restoration scheme proposes a new lake to the south-east of the monument in an area which is currently agricultural land, and substantial areas of new planting, which is assessed in the cultural heritage chapter of the ES as 'minor adverse at final restoration transitioning to negligible in 15 years', however Historic England consider the screening will cut across views which contribute in a minor way to the significance of the scheduled monument. There will therefore be some residual effect, rather than a negligible effect.

45. There will be some impact on the Scheduled Monument to the south of the river due to the changes to its setting. This monument is more distant, which may lessen the impact, but the soil bunds will not have a mitigating effect here.
46. If planning permission is granted the LPA should secure through conditions the management and maintenance of the hedge so that a gap is maintained to allow views from the Thames path to the round barrow cemetery as well as the installation and maintenance of an information board.
47. Historic England concludes that there will be some harm (through impact on setting) to the significance of the scheduled monument and to the scheduled monument south of the river. This will not be substantial harm. This harm will need to be considered against public benefit, by the local authority. With regard to non-designated heritage archaeological remains, Historic England defers to the advice of the Oxfordshire Archaeology Team Leader. With regard to listed buildings, Historic England defers to the advice of the district council's Conservation Officer.
48. The **Archaeology Team Leader** echoes the comments of Historic England and recommends that, if planning permission is granted, the applicant should be required by condition to implement a programme of archaeological works and to erect fencing around the Scheduled Monument to the west of the site.
49. The **AONB Officer** objects to the proposal. It is commented that the site sits outside of the North Wessex Downs AONB but is within its setting, which is just as important as the AONB itself as it sets the frame for the protected landscape and often provides long distance views. The Thames Path sweeps in and out of the AONB and is an asset to the landscape allowing access to it and the opportunity to enjoy it from near and far. The existing route provides a tranquil experience and includes the Wittenham Clumps, an iconic landmark within the AONB, which would be considerably altered by the creation of a quarry. The long distance views from the Wittenham Clumps would also be affected. If you have to screen something from view it suggests harm. Development should be acceptable on its own merits and any planting should be included for enhancement purposes. The LVIA should assess the value of the AONB settings as high, rather than medium, because it affects a nationally protected landscape. The effects of change are minor to medium adverse not negligible to minor adverse. The trees will not have an effect for 15-20 years. Overall the development would not comply with the North Wessex Downs Management Plan, the NPPF and policies C5 and C8 of the adopted Core Strategy.
50. The **Countryside Access Strategy & Development Officer** has no comments from a Rights of Way perspective.
51. The **Environment Strategy Manager** refers to the comments made by the council's landscape consultant in respect of application MW.0039/16 given the similarities between the two schemes. The Manager originally requested additional information on landscape and visual impacts, and this information

was provided by the applicant in May 2019 and has been considered by the consultee.

52. It is commented that the effect of the post-restoration change in view on the listed Fullamoor Farmhouse is not without consequence and that the increase in intervening tree cover as a result of mitigation planting weakens the visual connection across the more distant river terrace. It is also noted that such views can potentially be managed through tree and woodland management if required and would not be a significant adverse change in the long term.
53. In terms of the effect on tranquillity, the Manager comments that it is the relative change in tranquillity that is of particular importance. It is agreed that the riverside meadows are the most relatively tranquil part of the site. Introducing a new lake with increased levels of human activity seem likely to make this relatively less tranquil. Creation of a car park and by association additional vehicle movements in the valley would seem to reinforce this change. However, given existing detractors and activity the Manager considers this a moderate adverse rather than significant adverse change provided that use remains within the proposed limit.
54. It is accepted that tree roots get water primarily from rainfall, however by removing opportunities for securing water other than from rainfall and affecting the moisture profile within the root protection area the trees are likely to be more susceptible to periods of low rainfall should they occur. These issues are complex and further examination of this aspect should be secured through a condition requiring the submission of an arboricultural method statement.
55. Overall, having reviewed the additional submitted information, the Environment Strategy Manager has no objections subject to conditions in respect of the details of advance planting and aftercare, maintenance measures for bunds, soil placement, tree protection fencing, the submission of an arboriculture method statement, and the proposals to be undertaken in accordance with BS 3998:2010 Tree Works.
56. The **Ecology Officer** is satisfied that there will be no significant negative effect on biodiversity and has no objections subject to conditions to secure a construction environmental management plan, updated protected species surveys, an ecological restoration and management plan, and a biodiversity monitoring and remediation strategy. It is stated that a number of sensitive ecological receptors have been identified within the site, however mitigation is provided to prevent long term negative impacts, achieving a net gain in biodiversity overall. Given the long-term nature of the proposals, it will be necessary to undertake updated protected species surveys and mitigation provision for protected species prior to the commencement of each phase. The advance planting of new hedgerow and the commitment to an extended aftercare period of 20 years are welcome and details of the long-term management of the restored site are required.

57. The **CPRE** comments that the application is not materially different to the earlier, refused plan and there have been no change in circumstances since its refusal in 2017. CPRE are particularly concerned about the damage to the Green Belt. Other causes for concern are the loss of high-grade agricultural land, the loss and damage to trees and hedgerows including veteran trees, the major adverse impacts on footpaths, including the Thames Path. CPRE also comments that, whilst the additional footpaths are welcomed in an area poorly provided with rights of way, the CPRE is concerned that the proposed diversion of footpath 15 is circuitous in comparison to its current definitive line. As the most frequent use of the footpath is by local residents using it as part of a circular walk in combination with the Thames Path, it is considered that the proposals could be made much more convenient by providing an additional link to Clifton Lock to allow the option of a shorter circuit than it current proposed.
58. The **Ramblers Association** state that access to the Thames Path should be provided from the diverted footpath, either at the corner of the site or via the track to Clifton Lock. The Association has no view on the application itself.
59. The **Technical Officer (Lead Local Flood Authority)** states that he has concerns the watercourses could back up and flood properties off-site. Calculations for additional discharge and details of control measures for these discharges should be provided by condition as should a maintenance and management plan for drainage.
60. **Thames Water** has requested a condition stating that no construction shall take place within 5m of an on-site water main until information has been submitted to demonstrate how the water main will be diverted and/or aligned with the development to prevent the potential for damage.
61. **Network Rail** has no objections subject to conditions including to ensure ground water is monitored to prevent the development from compromising Network Rail's property and infrastructure, and a clay lined barrier is installed as part of the works that is sufficient to manage groundwater conditions.
62. The **Defence Infrastructure Organisation** has confirmed that the site falls within the statutory birdstrike safeguarding consultation zone surrounding RAF Benson but that it has no safeguarding objections to the proposal. Conditions should be included as requested for the previous application in relation to bird management.
63. No comments have been received from the River Thames Society, MHCLG Planning Casework Unit, the Oxford Green Belt Network, RSPB, the Open Spaces Society, and BBOWT.

Part 3 – Relevant Planning Documents

Relevant planning documents and legislation (see Policy Annex to the committee papers)

64. In accordance with Section 70 of the Town and Country Planning Act 1990, planning applications must be decided in accordance with the Development Plan unless material considerations indicate otherwise.

65. The development plan for this area comprises:

- Oxfordshire Minerals and Waste Local Plan Part 1: Core Strategy (OMWCS)
- Oxfordshire Minerals and Waste Local Plan 1996 (Saved Policies) (OMWLP)
- South Oxfordshire Local Plan 2011 (Saved Policies) (SOLP)
- South Oxfordshire Core Strategy (Adopted 2012) (SOCS)

66. The OMWCS was adopted in September 2017 and covers the period to 2031. The Core Strategy sets out the strategic and core policies for minerals and waste development, including a suite of development management policies. It is anticipated that Part 2 of the Plan will include Site Allocations and any further development management policies that may be necessary in relation to the allocated sites. The Council intends to undertake a Regulation 18 (Preferred Options) consultation on Part 2 of the Plan later in 2019 and a Regulation 19 consultation in January-February 2020. Part 2 of the plan is at an early stage of preparation and therefore carries no weight in the decision-making process.

67. The OMWLP was adopted in July 1996 and covered the period to 2006. 46 policies within the OMWLP were 'saved' until the adoption of the OMWCS and 16 of these policies continue to be saved until the Part 2 Site Specific document is adopted. The saved policies are non-strategic site-related policies and none of them apply to the area proposed in this planning application. Therefore, they are not relevant to the determination of this planning application.

68. The emerging South Oxfordshire Local Plan 2034 (SOLP 2034), which will replace both the SOLP and the SOCS was submitted to the Secretary of State for examination on 29 March 2019, although it is currently being reviewed by the new administration following the elections in May 2019. At the current time and unless the new administration wishes to make any amendments to the submitted plan, it is anticipated that the plan will be examined and adopted later in 2019. The emerging plan is a material consideration although, as it is not yet adopted, its policies should continue to be given limited weight.

69. The National Planning Policy Framework (NPPF) is a material consideration in taking planning decisions. Relevant sections include those on facilitating the sustainable use of minerals, meeting the challenge of climate change, flooding and coastal change, conserving and enhancing the natural environment, conserving and enhancing the historic environment.

70. The national Planning Practice Guidance (PPG) contains specific advice on matters including flood risk, minerals, conserving and enhancing the historic

environment, determining a planning application and the natural environment. This advice is material to the consideration of planning applications.

71. The Oxfordshire Local Transport Plan 2015-2031 (LTP4) was adopted by the County Council in September 2015 (and updated in 2016) and is a material consideration. LTP4 has the following goals: to support jobs and housing growth and economic viability; to reduce transport emissions; to protect and enhance Oxfordshire's environment and improve quality of life; to improve public health, air quality, safety and individual wellbeing.
72. The North Wessex Downs Management Plan 2014-2019 presents objectives and policies to help conserve and enhance the AONB and is a material consideration in determining applications that lie within its setting.
73. Clifton Hampden and Burcot has been designated as a neighbourhood area by South Oxfordshire District Council and Clifton Hampden Parish Council has commenced the preparation of the Neighbourhood Plan. The area identified includes the application site and once 'made' the Neighbourhood Plan would form part of the development plan for the area. The Clifton Hampden and Burcot Neighbourhood Plan currently carries no weight in the decision-making process.

Relevant Development Plan Policies

74. Oxfordshire Minerals and Waste Core Strategy

- Policy M2: Provision for working aggregate minerals
- Policy M3: Locations for working aggregate minerals
- Policy M5: Working of aggregate minerals
- Policy M10: Restoration of mineral workings
- Policy C1: Sustainable development
- Policy C2: Climate change
- Policy C3: Flooding
- Policy C4: Water environment
- Policy C5: Local environment, amenity and economy
- Policy C6: Agricultural land and soils
- Policy C7: Biodiversity and geodiversity
- Policy C8: Landscape
- Policy C9: Historic environment and archaeology
- Policy C10: Transport
- Policy C11: Rights of way
- Policy C12: The Oxford Green Belt

75. South Oxfordshire Local Plan 2011 (Saved Policies)

- Policy G2: Protection and enhancement of the environment
- Policy G4: Development in the countryside and on the edge of settlements
- Policy C3: The River Thames and its valley
- Policy C4: The landscape setting of settlements
- Policy C6: Biodiversity conservation
- Policy C9: Landscape Features

Policy GB4: Visual amenity in the Green Belt
Policy CON5: The setting of listed buildings
Policy CON7: Proposals affecting a conservation area
Policy CON11: Archaeology and historic building analysis and recording
Policy CON12: Archaeology and historic building analysis and recording
Policy CON13: Archaeology and historic building analysis and recording
Policy EP1: Prevention of polluting emissions
Policy EP2: Noise and vibrations
Policy EP3: Light pollution
Policy EP6: Surface water protection
Policy EP7: Groundwater protection
Policy R8: Public rights-of-way
Policy T1: Transport requirements for new developments
Policy T2: Transport requirements for new developments
Policy T10: Lorries and freight distribution depots

76. South Oxfordshire Core Strategy

Policy CS1: Presumption in favour of sustainable development
Policy CSM1: Transport
Policy CSM2: Transport Assessments and Travel Plans
Policy CSEN1: Landscape
CSEN2: Green Belt
CSEN3: Historic Environment
CSG1: Green Infrastructure
CSB1: Conservation and improvement of biodiversity

Part 4 – Analysis and Conclusions

Comments of the Director for Planning and Place

Need and the Spatial Strategy for Mineral Extraction

77. The NPPF states that it is essential that there is a sufficient supply of minerals to provide the infrastructure, buildings, energy and goods that the country needs (paragraph 203) and that “great weight” should be given to the benefits of mineral extraction, including to the economy (paragraph 205). The OMWCS sets out that around 100,000 additional homes could be built in Oxfordshire between 2011 and 2031 and, in order to facilitate that growth, there is a need for considerable investment in new infrastructure. It is the County Council, as Mineral Planning Authority, that is responsible for ensuring there is sufficient mineral available to provide the construction materials that will be needed to enable that level of growth, and the OMWCS seeks to balance the need for mineral with the need to protect and enhance Oxfordshire’s special environment.
78. Paragraph 207 of the NPPF requires provision to be made for the maintenance of landbanks of reserves with planning permission of at least 7 years for sand and gravel, based on the latest Local Aggregate Assessment (LAA). However, the footnote to paragraph 207 of the NPPF states that landbanks of longer than

the minimum period may be appropriate to take account of the need to supply a range of types of aggregates, locations of permitted reserves relative to markets, and productive capacity of permitted sites. Therefore, whilst there is a minimum land bank period required by policy, which may indicate an urgent need, there is no maximum. Additionally, advice from Government set out in the PPG (Paragraph 084, Reference ID 27-084-20140306) is clear that there is no maximum landbank level and each application for minerals extraction must be considered on its own merits regardless of the length of the landbank. It states that there are a number of reasons why an application for aggregate minerals development is brought forward in an area where there exists an adequate landbank, which could include:

- Significant future increases in demand that can be forecast with reasonable certainty;
- The location of the consented reserve is inappropriately located relative to the main market areas;
- The nature, type and qualities of the aggregate such as its suitability for a particular use within a distinct and separate market; and
- Known constraints on the availability of consented reserves that might limit output over the plan period.

79. Policy M2 of the OMWCS provides for the minimum landbank requirement within the Oxfordshire context. It states:

“Provision will be made through policies M3 and M4 to enable the supply of:

- *sharp sand and gravel – 1.015mtpa giving a total provision requirement of 18.270 million tonnes*

... from land-won sources within Oxfordshire for the period 2014-2031 inclusive.”

And

“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 7 years for sharp sand and gravel*

... 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”.

80. At the time of its publication, the OMWCS calculated the additional requirement for which provision needs to be made for sharp sand and gravel at approximately **5 million tonnes**. Once this figure has been updated to take account of more recent sales data for 2016 and 2017, permitted reserves at the end of 2017, planning permissions granted since the end of 2017 (including the permission for a new quarry at New Barn Farm, Cholsey, granted in November 2018), and permitted reserves that are not expected to be worked until after the OMWCS plan period, the additional requirement for sharp sand and gravel

across the OMWCS plan period is reduced to approximately **3.6 million tonnes**.

81. Policy M3 of the OMWCS states, in part, that sites allocated for sharp sand and gravel working to meet the requirement in policy M2 set out above will be located such that approximately 25% of the additional tonnage requirement is in northern Oxfordshire and approximately 75% of the additional tonnage requirement is in southern Oxfordshire to achieve an approximately equal split of production capacity for sharp sand and gravel between northern and southern Oxfordshire by 2031. Applying these percentages to the current additional requirement for sharp sand and gravel gives the following northern / southern Oxfordshire split:

- Sharp sand and gravel in northern Oxfordshire – approximately 0.9mt;
- Sharp sand and gravel in south Oxfordshire – approximately 2.7mt;
- Total sharp sand and gravel in Oxfordshire – approximately 3.6mt.

82. An alternative method of calculating the subdivision of the requirement between northern and southern Oxfordshire is under consideration for use in the Minerals and Waste Site Allocations Plan. This involves applying the 25% / 75% split at the beginning of the calculation of the remaining requirement. If this alternative methodology is adopted, it gives the following northern / southern Oxfordshire split:

- Sharp sand and gravel in northern Oxfordshire – approximately 0.5mt;
- Sharp sand and gravel in south Oxfordshire – approximately 3.1mt;
- Total sharp sand and gravel in Oxfordshire – approximately 3.6mt.

83. There is therefore an ongoing need for additional reserves to come forward over the OMWCS period to 2031, of which at least **2.7 million tonnes** should be located in southern Oxfordshire.

84. The most recent LAA (2018) maintains the OMWCS provision requirement for sharp sand and gravel at 1.015mtpa. Based on this, the Oxfordshire sharp sand and gravel landbank at the end of 2017 was 10.6 years. However, taking into account additional permitted reserves to date, the landbank has increased by 3 years to **13.6 years** (as at the end of 2017) and is therefore currently (July 2019) approximately 12.1 years, 5.1 years more than the minimum 7-year requirement set out in national and local policy. If members were minded to grant planning permission for the proposed development, this would have the effect of increasing the landbank by a further 2.5 years to **14.6 years**, approximately 7.6 years above the 7-year minimum level. This would theoretically provide for a landbank of at least 7 years to be maintained until the end of 2026, with sufficient permitted reserves then remaining to enable production at the policy M2 provision rate to the end of the plan period (2031) and two years beyond.

85. On the face of it, this suggests there is currently no need for planning permission to be granted for the proposed development. However, when the year on year reserves and production capacity depletion is considered,

members are advised that the theoretical supply position set out above is unlikely to be realised in practice, due to the uneven split of reserves and production capacity between sites (i.e. individual sites being worked out and closed at different rates). Approximately 59% of permitted reserves and 52% of production capacity is in the north of the county and around 40% of the entire county's reserves are held at one site (Gill Mill Quarry) which is one of only two sites that is expected to be in production throughout the plan period. Once the effect of this on production capacity and supply is considered, it is anticipated that there will be a **shortfall of production capacity from 2022 onwards**, with a shortfall in southern Oxfordshire from 2021. The lead-in time for a quarry to become operational following the grant of planning permission is circa 1-2 years and up to 3 years, therefore to ensure the continuity of supply, a site or sites would need to come forward for planning approval now.

86. If planning permission is granted for the proposed development, the effect would be to reverse the north-south split in permitted reserves and production capacity such that 51% of permitted reserves and 54% of production capacity would be in southern Oxfordshire. As the proposed development could be in operation for the entirety of the remaining plan period, it would then also prevent a shortfall in production capacity from occurring until **2027**, and until **2029** in southern Oxfordshire. The need for additional reserves weighs in favour of the proposal and should be attributed "great weight" in accordance with paragraph 205 of the NPPF.
87. Given the above paragraphs establish the need for additional reserves of sharp sand and gravel to come forward, and particularly in the south of the county, it is appropriate to refer to the spatial strategy set out in the OMWCS to assess the principle of the proposed location in meeting that need. Taken together, policies M3 and M5 of the OMWCS set out the principal locations for mineral extraction prior to the adoption of the Site Allocations Document. Policy M5 states that permission will be granted for the working of aggregate minerals where this would contribute towards meeting the requirement for provision and provided the proposal is in accordance with the locational strategy in policy M3 and the requirements of policies C1-C12 are met. The locational strategy in policy M3 identifies the application site as a principal location for aggregate mineral extraction as it forms part of the Thames and Lower Thames Valleys strategic resource area. Therefore, the working of mineral at the proposed site would be in accordance with the spatial strategy in the OMWCS.
88. The above paragraphs show that there is a need for additional reserves to come forward in southern Oxfordshire and that the application site falls within a principle location for meeting that need. Therefore, the development is considered to be in accordance with the spatial strategy in the OMWCS and acceptable in principle. Consideration as to whether planning permission should be granted or refused should focus on compliance with other development plan policies, including those relating to the Green Belt and highway impacts which formed the basis of the reasons for refusal of application MW.0039/16 and are considered further below.

Reasons for Refusal i) & ii): The Impact of Increased HGV Movements

89. Reason for refusal i) of planning application MW.0039/16 states:

“The additional vehicle movements arising from the development would lead to severe highway impacts contrary to paragraph 32 of the National Planning Policy Framework; would not maintain the safety of road users and the efficiency of the road network contrary to the Oxfordshire Minerals and Waste Core Strategy policy C10 and would contribute to congestion, disruption and delays on the road network, contrary to Local Transport Plan policy 02.”

Reason for refusal ii) of planning application MW.0039/16 states:

“The additional vehicle movements arising from the development would worsen queuing at local junctions leading to stationary vehicles with associated air emissions, causing unacceptable adverse impacts on environmental amenity, contrary to Oxfordshire Minerals and Waste Core Strategy policies C5 and C10.”

90. The OMWCS states, at paragraph 2.44, that most mineral workings are located in rural areas, many of which are served by minor roads. In some cases lorries carrying aggregates have to pass through small villages and towns, contributing to congestion and impacting on local communities and the environment. Policy T10 of the SOLP does not support development that would give rise to a significant increase in traffic generation in relatively inaccessible or isolated rural locations, including from lorries and freight traffic. Policies C10 of the MWCS and T1 and T2 of the SOLP require development to make provision for safe and suitable access to the advisory lorry routes shown on the Oxfordshire Lorry Route Maps to maintain and, where possible, improve road safety for all users, the efficiency and quality of the road network and residential and environmental amenity, including air quality. Policies CSM1 and CSM2 of the SOCS also support improvements to the transport infrastructure to improve accessibility and reduce the impact of new development.
91. Paragraph 109 of the NPPF states that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe (NB. Paragraph 109 of latest version of the NPPF updated and replaced the paragraph 32 referenced in the reason for refusal).
92. Planning application MW.0039/16 originally proposed that HGV movements to and from the site would occur throughout the proposed operating hours of 7am to 6pm Monday to Friday and 7am to 1pm on Saturdays. However, in response to objections from the Transport Development Control Team, the applicant agreed to accept a condition prohibiting peak hour HGV movements between 8-9am and 5-6pm, which resulted in the highway objection being removed.
93. In his consideration of this application, the Transport Development Control Officer reiterated concerns about the impact of peak hour traffic based on recent survey and modelling data which shows excessive queuing and junction blocking at adjacent junctions. In such circumstances the addition of a few trips is disproportionate and may add to delay significantly as well as having a

detrimental effect on safety due to the increased likelihood of rear end shunt collisions. Additionally, idling vehicles would add to particulate and carbon dioxide emissions. It was stated that, unless all vehicles were prohibited from accessing the site between the extended peak hours of 7.30am and 9.15am and 4pm to 6.30pm the development would be unacceptable and would meet the NPPF criteria of severe harm.

94. In response to the above comments, the applicant has agreed to a condition restricting all vehicles accessing or departing the site during the extended peak hours of 7.30am-9.15am and 4pm-6.30pm.
95. Members are advised to give consideration as to whether the extended peak hour restriction for all vehicles, along with the proposed conditions and planning obligations (Annex 1) are sufficient to overcome reasons for refusal i) and ii) of planning application MW.0039/16. Officer advice remains that conditional planning permission should not be withheld on the basis of highway or air quality impacts.

Reason for Refusal iii): The Impact on the Safeguarded Route for a Link Road and Thames Crossing

96. Reason for refusal iii) of planning application MW.0039/16 states:

“The development would prejudice the future development of a new link road and Thames crossing along one of the routes safeguarded by policy TRANS3 of the emerging South Oxfordshire Plan 2033 and core policy 18 of the adopted Vale of White Horse Local Plan 2031 Part 1 contrary to these policies.”

97. The policy context for the safeguarding of routes for the new link road and Thames crossing has not changed since the committee report for MW.0039/16 was published (see paragraph 160 of Annex 3). The emerging South Oxfordshire Local Plan 2034 continues to safeguard two potential routes for a new Thames crossing between Culham and Didcot Garden Town, one of which includes land within the application site, and both of which tie-in with safeguarded routes on the other side of the river in the adopted Vale of White Horse Local Plan 2031.
98. However, since planning application MW.0039/16 was refused, the County Council has undertaken feasibility assessments of both safeguarded routes in preparation of a Housing and Infrastructure Funding (HIF) bid to MHCLG, which identified a preferred route to the west of the application site and which would be unaffected by the mineral working proposals. HIF funding has now been announced, with a funding award granted subject to a contract with Government, and detailed proposals for the preferred alignment are continuing with a view to a planning application being submitted and determined and construction commencing within the funding window to circa 2024.
99. The route across the application site will continue to be safeguarded in policy despite the outcome of the feasibility work and funding announcement. However, it now appears very unlikely that the route will be promoted and/or

sought to be delivered during the lifetime of the mineral working and as such it is the officer's view that it would be unreasonable to withhold permission for the quarry on the basis that it may prejudice the delivery of the strategic link. Members are therefore invited to consider whether this change in circumstances is sufficient, or not, to uphold the third reason for refusal of application MW.0039/16.

Reason for Refusal iv): The Impact on the Green Belt & Very Special Circumstances

100. Reason for refusal iv) for planning application MW.0039/16 states:

The development is inappropriate in the Green Belt contrary to Oxfordshire Minerals and Waste Core Strategy policy C12, South Oxfordshire Local Plan policy GB4 and National Planning Policy Framework paragraphs 87, 88 and 90 and no very special circumstances exist to justify making an exception to these policies.

101. Chapter 13 of the NPPF sets out national policy on development in the Green Belt, which aims to prevent urban sprawl by keeping land permanently open. Paragraph 133 of the NPPF states that the Government attaches "great importance" to Green Belts, and paragraph 143 makes it clear that development that is inappropriate in the Green Belt is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 144 states that, when considering any planning application, local planning authorities should ensure that "substantial weight" is given to any harm to the Green Belt and that very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations. The development plan supports national policy through policies GB4 of the SOLP, CSEN2 of the SOCS and C12 of the OMWCS.

102. Some forms of development, including mineral extraction, are listed in paragraph 146 of the NPPF as exceptions to Green Belt policy (i.e. they are not inappropriate development) provided they preserve openness and do not conflict with the purposes of including land within it. The five purposes of the Green Belt are listed in paragraph 134 of the NPPF, and are:

- a) To check the unrestricted sprawl of large built-up areas;
- b) To prevent neighbouring towns merging into one another;
- c) To assist in safeguarding the countryside from encroachment;
- d) To preserve the setting and special character of historic towns; and
- e) To assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

103. Paragraphs 102-109 of the committee report for application MW.0039/16 (Annex 3) considered whether the proposed development fell within the exception criteria set out in paragraph 146 of the NPPF or whether it was inappropriate development in the Green Belt. The report concluded that, whilst the extraction of mineral and the use of conveyors, the access, areas of

hardstanding and silt ponds would not form inappropriate development in themselves, the impact on openness of the processing plant (7.5m high) and soil storage bunds (up to 10m high) would mean that the development as a whole was inappropriate development in the Green Belt and that very special circumstances must therefore be advanced if planning permission was to be granted. Comments received during the consultation process for this application, including that accompanied by legal opinion from the Parish Council, concur with the view that the development is inappropriate in the Green Belt.

104. The applicant has maintained throughout that it does not consider the development to be inappropriate in the Green Belt however in response to concerns raised during the determination process, the scheme has been amended to reduce the height of the largest soil storage/noise attenuation bund from 10m to 8m. The scheme now includes two 8-metre high bunds - one along the western plant site boundary and one in the north-western corner of the site nearest to Fullamoor Farmhouse and Barns, a series of 5-7m high bunds along the diverted footpath route, around the plant site, and along the north-eastern corner of the site; and 2-3m high bunds along the access road and to the west of the extraction area. The processing plant would be 7.5m tall, up to 40m wide, and 130 metres long.
105. In December 2018, the applicant submitted a Green Belt and Openness Assessment document which comments that there is no definition of 'openness' in the NPPF but that the courts have identified (amongst other things) that openness has both a visual and spatial dimension; and must include an assessment of the existing degree to which the Green Belt is already built up and the change in that degree if development proceeds. The assessment concludes that the setting is strongly influenced by a major road and substantial built-up areas and that whilst some of the essential components of the development (e.g. the noise attenuation and soil storage bunds) would have a minor, temporary impact (both spatially and visually) on openness, the perception would be reduced though progressive working, advance planting, and overall restoration. The permanent restoration scheme would remove all built features and would therefore preserve openness in the longer term. The assessment also confirms agreement with the officer's report for application MW.0039/16, which concluded that the development would not conflict with any of the five purposes of the Green Belt designation.
106. In April 2019, the applicant submitted further supporting information by referring to a recent recovered appeal decision by the Secretary of State for Housing, Communities and Local Government (appeal reference APP/M1900/W/17/3178839, dated 4th April 2019). This appeal decision is a new material consideration that has arisen since the previous application was considered by the Planning & Regulation Committee and provides commentary on the assessment of the impact on openness of a 10 years long mineral extraction operation, inclusive of 7m high bunds and processing plant, in the Green Belt in Hertfordshire. It is also relevant that, in his consideration of the appeal and advice to the Secretary of State, the Inspector gave consideration to a number of legal judgements that have been referenced by

both the applicant and Clifton Hampden and Burcot Parish Council in written representations. The recovered appeal decision includes the following comments:

“The Secretary of State... agrees with the Inspector... that plant, equipment, access and activity associated with the mineral extraction here would, to some extent, impair the openness of the area, but not enough to exceed the threshold or tipping point for the purpose of applying paragraph 146 of the Framework.

He has also considered the Inspector’s reasoning... in relation to the effect of the bunds and tree planting on the openness of the Green Belt and the setting of historic Hertford. In reaching his conclusion, the Secretary of State has taken into account that the bunds could exist for up to 10 years, which... in landscape terms marks a boundary between medium and long term effects..., and that the adverse effects on openness would be fully reversible in time... He has also taken into account that there would be no permanent built development impacting on the openness of the Green Belt, and that tree planting does not constitute development and therefore is not inappropriate development in the Green Belt. He does not consider that the tree planting would be in conflict with the purposes of the Green Belt. Overall the Secretary of State considers that the exception for mineral extraction at paragraph 146 of the Framework does apply, the proposed mineral extraction is therefore not inappropriate development in the Green Belt and there is no conflict with local or national Green Belt policies.”

107. The application for Fullamoor Quarry has similarities with the appeal scheme mentioned above, although the largest bunds are 1m higher at 8m and the duration of working is 2.5 years longer at 12.5 years. Additionally, the proposal at Fullamoor would have a noticeable visual impact during the lifetime of the working, including from the Thames Path, properties to the north of and overlooking the site, and footpaths in the vicinity of the site, therefore its impact on openness is considered to be more acute than at the appeal site. However, the reversibility of the impact on openness and the absence of permanent built development are consistent elements of both schemes.
108. Members are advised that it is for the decision-maker to determine, on the basis of the facts of the individual case, whether the tipping point in paragraph 146 of the NPPF has been reached. Officers have re-considered the scheme in light of the recovered appeal decision and have concluded that, in this case, the impact on openness does exceed the threshold for applying paragraph 146 of the NPPF and that the scheme represents inappropriate development in the Green Belt due to its impact on openness.
109. If members conclude, contrary to officer advice, that the scheme falls within the exception criteria in paragraph 146 of the NPPF, then the development would be in accordance with Green Belt policy and very special circumstances would not need to be evidenced to overcome Green Belt harm and, as such, reason for refusal iv) would no longer apply.

110. However, if members conclude that the development does exceed the threshold or tipping point for applying paragraph 146 of the NPPF, the development should be considered as inappropriate development in the Green Belt and very special circumstances must therefore exist to outweigh Green Belt harm, and any other harm, if planning permission is to be granted.
111. The officer's report for application MW.0039/16 previously advised members that very special circumstances did overcome all harms and therefore recommended that planning permission was not withheld on Green Belt grounds, however the committee did not agree with this view. Therefore, Members will need to consider whether the amendments to the scheme (listed in paragraph 8), the additional supporting information provided by the applicant (summarised in paragraphs 9-13), the need for additional mineral workings to come forward to maintain supply (set out in paragraphs 77-88) and the very special circumstances advanced by the applicant (listed in paragraph 12) are sufficient, or not, to overcome the fourth reason for refusal of application MW.0039/16.

Other Matters

Grade II Listed Building

112. In the addenda to the committee report for application MW.0039/16 (paragraphs 8-16), members were advised that, since the main report was published, Fullamoor Farmhouse had been designated as a Grade II listed building. At the time the decision was made on the application, the applicant had provided an assessment of the effects of the development on the listed building, but this had not been subject to consultation and the views of the Conservation Officer and other interested parties were therefore unknown.
113. Section 66(1) of the Listed Buildings and Conservation Areas Act 1990 states that in considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.
114. Paragraph 190 of the NPPF states that local planning authorities identify and assess the particular significance of any heritage asset that may be affected by the proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset's conservation and any aspect of the proposal.
115. Paragraph 193 of the NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The same

paragraph states that this great weight should be applied irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

116. Paragraph 196 of the NPPF goes on to state that *“where a development proposal will lead to less than substantial harm to the significance of a designated asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use”*.
117. Policies CON5 and CON7 of the SOLP, CSEN3 of the SOCS and C9 of the OMWCS collectively seek to protect listed buildings from harmful development.
118. Fullamoor Farmhouse is summarised by Historic England in the list entry as a *“house, probably originating in the C17, with a major enlargement in 1769, a Victorian extension, and subsequent additions”*. It is listed principally for its architectural and historic interest, as follows:

Architectural Interest:

*“A multi-phase building that retains a significant proportion of fabric from its principal stages of development, which pre-date 1840; *The north/south range retains timber framing, and so has the potential to provide evidence of the date and the vernacular tradition for this type of construction;* The early plan forms remain legible and clearly illustrate the development of the building, reflecting the changing modes of use of domestic buildings from the C17 onwards”*.

Historic Interest:

*“*The high-quality construction of the east/west range may reflect the prosperity of the farm during the mid to late C18, and so has the potential to contribute to our understanding of the historic agricultural economy of the region”*.

119. The proposed development would not result in any direct harm to the listed building itself and would not impact upon its architecture, however the application site forms an important part of the setting of the building and makes a positive contribution to the significance of the designated asset. The Conservation Officer considers the relationship between the listed building and the adjoining agricultural land is important for the following reasons:
- It is clear that the architectural design of the listed building was intended to command and benefit from views over the farmland to the south. The house is situated on the highest point of the land making its south elevation visible from across the wider farmland. In addition, the

alterations to the internal layout clearly indicates that the rooms were re-planned to benefit from views to the south with the stairwell and landings on the north site where the views are less dramatic;

- Historic mapping shows the extent to which the farmhouse managed the land with the small domestic garden sitting between the attractive south elevation and the functional land consisting of an orchard, grazing and cultivation separated from the domestic land by a haha. This pattern remains clearly legible on current mapping and likely dates from the 1770 enclosure indicating that the land and its relationship to the main farmhouse has been consistent and unchanged for a very long period of time;
- Continued management of the landscape for the benefit of the farmhouse is also evident in the location of the Grasshill Covert and Fullamoor Plantation which screen and channel the landscape views from the higher status rooms of the house. These areas of woodland not only frame views south to The Downs but also effectively obscure the settlements of Long Wittenham and Appleford leaving just the distinctive steeple of Appleford parish church visible in views from the garden.

120. The Conservation Officer further considers that the setting of the farmhouse would be considerably impacted by the development because the earth bunds would alter the landscape and the command of the house over it; and the longer-term, permanent changes to the character of the landscape (loss of field boundaries and additions of new woodland and water bodies) would have an impact on the contribution the setting makes to the significance of the building. However, members are reminded that the restoration scheme would return the majority of the site, nearest to the listed building, to agricultural land at existing levels with the proposed water bodies being located adjacent to the River Thames at the southern extent of the site, albeit still within the setting of Fullamoor Farmhouse.

121. The development would result in less-than-substantial harm to the significance of the listed building and therefore, in accordance with paragraph 196 of the NPPF, that harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use. The development would not affect the viability of the use of the listed building and would offer public benefit through ensuring a steady and adequate supply of minerals in an area of Oxfordshire that is expected to experience significant levels of growth. The economic benefits of mineral extraction are also to be given “great weight” in accordance with paragraph 205 of the NPPF and the local need position is set out in paragraphs 77-88 of this report.

122. Taking into account the need to give special regard to the desirability of preserving the setting of the listed building and the temporary and/or minor nature of the mineral working operation, along with the great weight to be attached to the economic benefits of mineral extraction and the suitability of the restoration scheme, the proposal is considered to be in accordance with the NPPF and local policies that seek to protect designated heritage assets.

123. At the time that application MW.0039/16 was determined, members were advised that although there would be some adverse visual and landscape effects, including on the setting of the North Wessex Downs AONB, these effects were not significant and, overall, the development was not in conflict with landscape policies and policies aimed at protecting AONBs and their settings. This conclusion included consideration of comments made by the AONB Officer during early rounds of consultation, and which are echoed in the objection lodged to this application. Members did not refuse the application for reasons relating to landscape and visual impacts or the impact on the AONB.
124. Since the decision on application MW.0039/16 was made, the applicant has amended the dimensions of one of the noise attenuation bunds to reduce its visual prominence in the landscape such that it is now 8m rather than 10m tall and is also reduced in length. The applicant submitted an addendum to the LVIA to assess the effects of this change, which concludes it would have a negligible effect on the conclusions of the landscape impact assessment and would make no changes to the overall conclusions of the visual impact assessment. Members are therefore advised to refer to the officer's advice set out in paragraphs 130-147 of the committee report for MW.0039/16 which provide substantive advice on these issues.
125. In summary, the development would have a short-term visual impact, principally through the creation of screening and soil storage bunds, although this impact is temporary and reversible and would be necessary if mineral is to be extracted in this location. In the longer term, the proposed restoration scheme would result in a change to the landscape character in that it would make changes to the field boundaries, trees and hedgerows within the site and would introduce water bodies to the southern part of the site adjacent to the River Thames. Officers do not consider that the introduction of the water bodies would result in a change to the landscape character that is so substantial or adverse that it should result in the refusal of the scheme; and, additionally, some weight should be attached to the flood storage, recreational, and biodiversity benefits offered by the scheme, all of which are appropriate to the location.
126. The officer advice therefore remains that the development is acceptable in landscape and visual impact terms and with consideration to the site's location within the setting of the North Wessex Downs AONB.

Potential Amenity & Health Impacts

127. The Planning & Regulation Committee did not refuse application MW.0039/16 for reasons relating to amenity and health. However, as a result of the amendments to the physical dimensions of one of the bunds, the applicant submitted an addendum to the Noise Assessment document to assess the impact of this change on the amenity, which concludes that the bund can be reduced to the level proposed without adverse effects by way of noise. Members are therefore advised to refer to the officer's advice set out in

paragraphs 172-187 of the main committee report and paragraph 7 of the addenda in Annex 3, in addition to this report which provide advice on these issues. Unless the awaited advice of the Environmental Health Officer indicates otherwise, the advice from officers is that the development remains acceptable in terms of amenity and health issues.

Flood Risk & Water Environment

128. Paragraphs 188-210 of the committee report for application MW.0039/16 set out the officer advice on flood risk matters and the water environment, including the requirement for the Council to conduct a sequential test exercise where development is proposed in areas of flood risk. Annex 5 of the report includes a sequential test, which identifies potential alternative sand and gravel extraction sites as those which would extract 1.8mt or above or mineral and have been nominated in Minerals and Waste Local Plan evidence base documents. The sequential test concluded that there was one alternative site available in an area of a lower probability of flooding at New Barn Farm, Cholsey and therefore that the sequential test was not passed. However, it was concluded that even if development was permitted at New Barn Farm, there would continue to be a need for an additional mineral extraction site such as at Fullamoor Quarry and, as such, the sequential test was not put forward as a reason for refusal of the application.
129. Since the decision was made on application MW.0039/16, planning permission has been granted for mineral extraction at the New Barn Farm site, therefore this site is no longer available as an alternative. However, the following three sites have been nominated for extraction of over 1.8mt of sand and gravel since the previous report was published, and were not therefore considered in the previous sequential test exercise:
- SG59 & SG09: Land north of Drayton St Leonard and Berinsfield, and land at Stadhampton
 - SG65 & SG11: Land NE of Sonning Eye (Caversham Phases D & E)
 - SG42: Nuneham Courtenay
130. Large parts of all of the above nominations are located within flood zones 2 and 3, therefore none of the sites offer a preferential alternative to the application site with consideration to flood risk. Additionally, none of the sites have the benefit of planning permission, or have been submitted as planning applications, therefore they are not currently considered to be deliverable. Accordingly, it is concluded that the sequential test is passed.
131. Members are advised to refer to paragraphs 188 to 210 of the main report in Annex 3 and paragraph 5 of the addenda to that report for advice on other matters related to flood risk and the water environment.

Further Technical Issues

132. The following issues were discussed in the committee report and addenda for MW.0039/16 at the paragraph numbers noted in brackets and were not advanced as reasons for refusal by members of the Planning and Regulation Committee. There have been no changes to the application, decision-making process, and/or the planning policy context, that would amount to a material change in circumstances that would suggest these matters need to be re-considered:

- Rights of Way (paragraphs 164 to 171)
- Archaeology and Historic Environment, other than the impact on the setting of Grade II Listed Fullamoor Farmhouse which is discussed above (paragraphs 211 to 232)
- Biodiversity (paragraphs 233 to 242)
- Restoration (paragraphs 243 to 248)
- Soils and Agriculture (paragraphs 249-252)
- Socio-economic (paragraphs 253 to 258)
- Cumulative Impact (paragraphs 259 to 262)

Conclusion on Environmental Effects

133. As stated above, the application falls within the scope of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 and is accompanied by an Environmental Statement. Officers of the Council have reviewed the submitted environmental information and have consulted with competent experts in the relevant fields, who other than where specifically noted, have accepted the methodology and conclusions of the reports.

134. Taking the above into consideration, it is concluded that the residual environmental effects of the development would not be significant and subject to the inclusion of the recommended conditions and legal agreement to control and monitor environmental effects where appropriate there is no basis of the refusal of planning permission on environmental grounds.

Overall Conclusion

135. As the previous application no. MW.0039/16 was refused contrary to officer advice and the current application is essentially for the same proposed development with amendments as set out and addressed above, it is considered that the determination of this application should proceed on the basis of members' consideration as to whether the reason for refusal have now been addressed. The officer's previous advice is set out in the reports attached as Annex 3 and it remains that conditional planning permission should be granted subject to the provisos set out in Recommendation b).

RECOMMENDATION

136. That members consider whether the application overcomes their previous concerns and so reasons for refusal with regard to application no. MW.0039/16; and EITHER

- a) if not, refuse for one or more of the following reasons:
- i) The additional vehicle movements arising from the development would lead to severe highways impacts contrary to paragraph 109 of the National Planning Policy Framework; would not maintain the safety of road users and the efficiency of the road network contrary to the Oxfordshire Minerals and Waste Core Strategy policy C10 and would contribute to congestion, disruption and delays on the road network, contrary to Local Transport Plan policy 02.
 - ii) The additional vehicle movements arising from the development would worsen queuing at local junctions leading to stationary vehicles with associated air emissions, causing unacceptable adverse impacts on environmental amenity, contrary to Oxfordshire Minerals and Waste Core Strategy policies C5 and C10.
 - iii) The development would prejudice the future development of a new link road and Thames crossing along one of the routes safeguarded by policy TRANS3 of the emerging South Oxfordshire Plan 2033 and core policy 18 of the adopted Vale of White Horse Local Plan 2031 Part 1 contrary to these policies.
 - iv) The development is inappropriate in the Green Belt contrary to Oxfordshire Minerals and Waste Core Strategy policy C12, South Oxfordshire Local Plan policy GB4 and National Planning Policy Framework paragraphs 143, 144 and 146 and no very special circumstances exist to justify making an exception to these policies.

OR

- b) if so,
- i) subject to the consultation period closing without any new material considerations arising following consultation with the committee Chairman and deputy Chairman; and,
 - ii) if members conclude the development is inappropriate development in the Green Belt, the application first being referred to the Secretary of State to provide the opportunity for the application to be called in for his own determination, as required under the Town and Country Planning (Consultation) (England) Direction 2009; and
 - iii) the Secretary of State not calling in the application for his own determination following referral to him as set out in

point ii) a routeing agreement to ensure the vehicle movements from the new development use only the HGV routes on the A-Road network as proposed by the applicant and a Section 106 legal agreement to cover the matters outlined in Annex 1; and

- iv) The Director of Planning and Place being authorised to refuse the application if the legal agreements referred to in iii) above are not completed within 10 weeks of the date of this meeting on the grounds that it would not comply with OMWCS policy M10 in that there would not be satisfactory provisions for the long term management of the restored site**

that planning permission for application no. MW.0074/18 be granted subject to conditions to be determined by the Director for Planning and Place to include the matters set out in Annex 1 to this report.

SUE HALLIWELL
Director for Planning and Place