

For: PLANNING AND REGULATION COMMITTEE – 9 SEPTEMBER 2019

By: DIRECTOR FOR PLANNING AND PLACE

Development Proposed:

Use of land for manufacture of recycled aggregate and soils

Division Affected: Eynsham

Contact Officer: Naomi Woodcock **Tel:** 077554103464

Location: D & M Plant Hire Ltd, Dix Pit, Linch Hill, Stanton Harcourt, OX29 5BB

Application No: MW.0059/19 **District Ref:** 19/01776/CM

Applicant: D & M Plant Hire Ltd

District Council Area: West Oxfordshire DC

Date Received: 4 June 2019

Consultation Period: 20 June – 11 July 2019

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Recommendation Summary:

Approval.

Part 1 – Facts and Background

Location (see Site plan 1)

1. The village of Stanton Harcourt lies about 1 Km to the north of the application site and the towns of Witney and Eynsham are located about 5 kilometres (3 miles) to the north west and north east respectively. Oxford is about 10 kilometres (6 miles) to the east. The West Oxfordshire District Local Plan landscape character assessment places the application site within the Lower Windrush Valley and Eastern Thames Fringes Landscape Character Areas and floodplain Wetland Landscape Type.
2. The application site comprises an area about 0.32 hectare in size, immediately to the north of the applicant's existing depot within the Dix Pit Waste Management Complex at Stanton Harcourt. There is a lake to the north and a landfill site to the east, while to the west there is a former block making works (Conbloc), a waste transfer station, a household waste recycling centre and various workshops and small scale industrial units lie to the south. All these units as well as the landfill site and the Recycled Aggregate Plant to the north are served by a purpose-built, tarmacked haul road running to up to Blackditch near the junction with the B4449. Blackditch also provides access to the Lakeside (Oasis) Industrial Estate on the edge of Stanton Harcourt about 1 Km metres to the north-east of the application site. The base of the application site lies some 3 metres below adjoining land. With the exception of the eastern boundary and access point from the Dix Pit haul road, the perimeter of the site is largely enclosed by existing trees and woodland. The site lies within the area of an existing mineral and landfill permission for which the end date is 31 December 2028 with restoration required by 30 August 2030.
3. The nearest residential property is Cutmill Farm about 440 metres to the southwest, and the village of Stanton Harcourt lies about 1km to the north. The Devil's Quoits Ancient Monument, which was a Neolithic henge and stone circle (now reconstructed), lies about 300 metres to the northeast.

Details of the Development

4. The development is partly retrospective as the use of the land has already commenced. The site is proposed to be used, in conjunction with the remaining term of the existing depot (i.e. until 31 December 2028), for manufacturing recycled aggregates from construction, demolition and excavation (CDE) waste materials. The process would involve crushing and screening of the materials to produce a range of recycled materials for re-use as building materials. Re-usable soil-making materials would also be recovered as a by-product of the process. The proposed layout of the site is shown on drawing no.: 252DMAR/3. The site would be enclosed by a 2 metres high metal palisade fence and gates for security purposes.

5. The applicant anticipates that the facility would handle up to about 40,000 tonnes per annum (tpa) of material, which would generate a maximum average of 32 daily HGV (heavy goods vehicle) movements. This is based on 275 working days in any year, and is a worst case scenario, as they assume that for one trip either in or out of the site the lorry is empty. However, it is stated that there would in reality be a significant proportion of lorries that would be fully loaded for both movements in and out of the site, i.e. returning from a delivery of aggregates with a load of waste materials or vice versa. It is anticipated that this backloading would be at a rate of at least 50% if not more, which would reduce the average movements to 24 per day. If 75% of trips are backloaded then the movements would reduce to 20 per day. The applicant states that as transport is a significant cost element of the business, there is a strong incentive to reduce lorries entering or leaving the site empty. Some trips at the beginning and the end of the day would also be combined with lorries leaving and returning to the D & M depot in any event, which would mean that the increase in lorry movements are actually likely to be even lower.
6. Following cessation of the use which would be in line with the existing end dates on the minerals and landfill permission, the fencing and gates would be removed and the land would revert to the landowner in order for it to be restored to grassland, or such other scheme as is approved under the mineral/landfill permission.
7. In support of the application it is stated that it is considered the development is in accordance with development plan policies including those with regard to providing additional recycled and secondary aggregate capacity and locational criteria including that it is at an active mineral working or landfill site, is already in waste management or industrial use and is previously developed, derelict or underused. It is not considered that the development would have any harmful landscape impacts. It is considered that it may be possible to implement improved planting of the perimeter of the site, using native and shrub species consistent with those of the local area. In addition, suitable bat and bird boxes could be erected in existing trees surrounding the site at agreed locations. These measures would achieve net biodiversity gains. The site and machinery would be subject to noise and dust controls and it is considered in any instance that the distance to the nearest residential property would ameliorate any amenity impacts. No external lighting is proposed as part of the application and the submission of any such proposals for approval could be the subject of a planning condition. It is not considered that the application would lead to any significant traffic impacts including through Sutton. It is considered that the application constitutes sustainable development.
8. Additional supporting information was submitted by the applicant on 5 August to address concerns raised about transport impact, noise and dust impacts. In particular, the applicant explains that they are agreeable to entering into a routeing agreement subject to the exception that D&M Plant lorries that would be leaving the premises to start work for the day, or to come back to finish at the end of the day and park up, as these are existing business movements that are

currently already allowed independently of the proposed new activity and have no such restriction.

9. The additional supporting information also explains that the proposed works complies with the World Health Organisations guidance on general daytime outdoor noise levels and the noise limits as set out within the National Planning Practice Guidance for mineral sites.
10. In terms of dust, the additional supporting information explains that a rate of 200mg/m²/day is commonly accepted as the guideline figure for when complaints (from local residents) are likely, and whilst the zone of influence will vary depending on factors such as source emission strength, wind direction, and terrain, any dust escaping from the site (due to lack of mitigation or control) is likely to drop out within about 100 m.
11. The additional supporting information also details that a crusher would be brought in when needed and would only be used occasionally for a few weeks or months a year. The modern crusher would include dust suppression systems such as jet sprays or misting nozzles mounted at the loading point and at the end of the receiving conveyor.

Part 2 – Other Viewpoints

Third Party Representations

12. No third party responses have been received.

Consultation Responses

13. Whilst no written response has been received, it is understood that the local member, Councillor Charles Mathew objects to the application in principle but also in relation to the adverse impact of additional HGVs on the local road network including on the village of Sutton.
14. *West Oxfordshire District Council Environmental Protection Officer (Noise) first response:* No objection in principle and no conditions to recommend in terms of noise control and amenity protection.
15. *West Oxfordshire District Council Environmental Protection Officer (Noise) second response:* 'The opinion on noise is useful, although I don't agree with the distance attenuation decibel value suggested. I understand in acoustics it is actually 1.5 dB less than that the level referenced. (In a free field - a doubling of the distance from a noise source reduces the sound pressure level with 6 decibel). Notwithstanding this error of fact, I have no objection to the application in principle and no conditions relating to noise to recommend, given the substantial distance between source and potential receivers'.
16. *West Oxfordshire Environmental Protection Officer (Dust):* 'The activity would be regulated by the Environment Agency in the event it was given permission, so

they would regulate the operational aspect. As standard procedure with this sort of application, I would request that the applicants submit a dust management plan for consideration, as part of the application process’.

17. *Northmoor Parish Council*: ‘The site for this work is close to the Northmoor Parish boundary and would affect residents of this Parish. The Council objects for three reasons, an increase in HGV traffic, potential noise and dust contamination. 1) HGV traffic in the Lower Windrush Valley already exceeds acceptable levels on local rural unclassified roads that presents a danger to both cyclists and pedestrians, and is frequently alarming when travelling by motor-car. The high volume of HGV traffic that comes from the business parks at Stanton Harcourt and Standlake has already seen an increase due to the high level of new housing being constructed within the locality, and there is still the traffic that will arise when quarrying for aggregates at the Stonehenge site in Northmoor begins commercial operations sometime in 2020. Moving past Eynsham onto the Witney to Oxford A40, now more often at a standstill than moving traffic, the present development of some 1000 new homes west of Eynsham and the proposed Garden Village to the north of Eynsham will add even more to this gridlock. So no more consents for more HGVs. 2) Noise is also a concern. Yes, the site is not adjacent to any immediate housing, but there are a small number of houses on Cow Lane that would be affected, and noise can travel long distances, the noise of motor racing on the west of Standlake can clearly and annoyingly be heard here in Northmoor. 3) Dust Contamination is a similar unwanted consequence. The site is to the west of Northmoor and the prevailing wind will carry this dust towards this village. There appears to have been trial workings already on this site and the roadway that goes past is covered in sand grit. We object to this Application for the reasons given. The prospect that a better environment was on the horizon with the ending of landfill at Dix Pit and its possible reclamation for the enjoyment of its residents would be severely set back if consent was given.’
18. *Environment Agency*: No objections. ‘This site has been subject to historic sand and gravel extraction and therefore the underlying geology is likely to be the Oxford Clay. The application site is adjacent to but not located over the authorised FCC landfill therefore we have no particular concerns about this Aggregate Recycling Facility that will need to be regulated by an Environmental Permit’.
19. *Natural England*: No comments to make on this application.
20. *Oxfordshire Fire and Rescue*: No objection to this application.
21. *Transport Development Control as the Local Highways Authority*: No objection. ‘The proposal is to create a material recycling facility that would handle 40,000 tonnes per annum. This would result in an approximate worst-case average of 32 HGV movements per day. This application is directly comparable to the expansion of the nearby Sheehan’s site (MW.0073/17), which was to increase throughput by 75,000 tonnes. This application was initially refused due to the impact on the amenity of the residents of Sutton village due to the increased number of HGVs, but was approved on appeal. OCC Highways did not object to

the proposal. MW.0073/17 included a Transport Assessment which contained a detailed turning count at the junction of Blackditch and the B4449. Approximately 75% of HGVs associated with the site travelled to/from the east, through the village of Sutton. If the same distribution is applied to the application site, this would imply 24 HGVs per 12-hour period, i.e. one each-way per hour on average. The number of HGVs is around half that of the Sheehan's expansion so there are no grounds to object to this latest proposal. There is a routing agreement attached to the Sheehan's site and I would expect to see a similar agreement applied to this permission, if granted. This would prevent any HGVs from passing through Sutton village during the peak hours (07:30 to 09:00 and 16:30 to 18:00). I find the application proposals acceptable from a highway safety and traffic movement point of view'.

22. *Landscape Specialist*. No objection. 'The proposed development is not expected to cause additional landscape or visual impacts'.

23. *County Archaeologist*. There are currently no archaeological constraints to this application.

24. *Rights of Way Officer*. No comments.

Part 3 – Relevant Planning Documents

Relevant planning documents and legislation (see Policy Annex Item 10 to the committee papers)

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

26. The relevant development plan documents are:

- Oxfordshire Minerals and Waste Local Plan Part 1: Core Strategy (OMWCS)
- Oxfordshire Minerals and Waste Local Plan (saved policies) (OMWLP)
- West Oxfordshire Local Plan 2031 (WOLP)

27. 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.

28. 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.

29. Other material considerations are:

- i) The National Planning Policy Framework (NPPF) and National Planning Policy for Waste are also material considerations; and
- ii) The National Planning Practice Guidance (NPPG) Minerals published 2014.
- iii) The County Council's Lorry Routeing Agreements Protocol 2018.

Relevant Policies

30. The relevant policies are:

OMWCS

- M1 - Recycled and secondary aggregate
- W1 – Oxfordshire Waste to be managed
- W2 – Oxfordshire Waste Management targets
- W4 – Locations for facilities to manage the principal waste streams
- W5 - Siting of waste management facilities
- C1 - Sustainable Development
- C5 – Local environment, amenity & economy
- C10 – Transport

OMWLP 1996

- SH2 – Stanton Harcourt Sutton Bypass
- SH3 – Routeing agreements

WOLP 2031

- EH8 – Environmental Protection
- OS1 – Presumption in Favour of Sustainable Development
- OS4 – High Quality Design

Part 4 – Analysis and Conclusions

Comments of the Director for Planning and Place

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

- i) sustainable Development;
- ii) need for the development;
- iii) environmental and amenity impacts;
- iv) impact on the local highway network; and
- v) impact on the natural environment.

Sustainable Development

32. Policy C1 of the OMWCS and OS1 of the WOLP seek to deliver sustainable development. In particular these policies state that planning applications that accord with the policies in this plan will be approved, unless material considerations indicate otherwise.
33. The key planning issues for this application are summarised above in paragraph 30. The rest of this section of the report assesses whether these key issues of the proposed development accord with development plan policy.

Need for development

Demand for recycled aggregate materials

34. Policy M1 of the OMWCS states that aggregate mineral supply to meet demand in Oxfordshire should be from recycled and secondary aggregate materials in preference to primary aggregates, in order to minimise the need to work primary aggregates.
35. Policy M1 also states that permission will normally be granted for temporary recycled aggregate facilities at aggregate quarries and landfill sites that are located in accordance with policies W4 and W5 of the OMCS, taking into account the benefits of providing additional recycled aggregate capacity and unless the adverse impacts of doing so significantly and demonstrably outweigh the benefits. Where permission is granted for such a facility at a time-limited mineral working or landfill site this will normally be subject to the same time limit as that applying to the host facility and the site shall be restored in accordance with the requirements of policy M10 for restoration of mineral workings at the end of its permitted period. Except where a new planning permission is granted for retention of the facility beyond its permitted end date, temporary facility sites shall be restored at the end of their permitted period.
36. In my view the proposed development accords with the aims of the first part of policy M1 of the OMWCS as the manufacture of circa 40,000tpa of recycled aggregates, would minimise the need to work primary aggregates. I am of the view that the planning proposal accords with the aims of policy M1 of the OMWCS.
37. Paragraphs 42 - 46 below discuss whether the location of the proposed development accords with policies W4 and W5 of the OMWCS.
38. In my view the proposed time limits and restoration of the temporary facility are in line with the aims of policy M1 of the OMWCS as the cessation of development would be in line with the existing end dates of the minerals and landfill permission. After which, the land would revert back to the landowner in order for it to be restored to grassland, or such other scheme as is approved under the mineral/landfill permission

Management of waste in Oxfordshire

39. Policy W1 of the OMWCS ensures that provision is made for waste management facilities that provide capacity which allows Oxfordshire to be net self-sufficient in the management of its principal waste management streams (including CDE waste materials) over the period to 2031.
40. Given that the development is seeking permission to manage CDE waste until 31 December 2028, I am of the view that the planning application accords with the aims of planning policy W1 of the OMWCS.

Oxfordshire's waste management target

41. Planning policy W2 of the OMWCS seeks to provide capacity to manage the principle waste streams in a way that allows for the maximum diversion of waste from landfills. In particular, policy W2 of the OMWCS seeks to recycle 70% of inert waste by 2031.
42. In my view the manufacturing of recycled materials from CDE waste would contribute to the diversion of waste away from landfills and subsequently help Oxfordshire to meet its target of recycling 70% of its inert waste by 2031. I am therefore of the view that the proposed development accords with policy W2 of the OMWCS.

Location and siting of waste management facilities

43. Planning policy W4 of the OMWCS advises that non-strategic waste management facilities (i.e. facilities producing 20,000tpa – 50,000tpa) should be located in or close to Banbury, Bicester, Oxford, Abingdon and Didcot, the other large towns (Witney and Wantage & Grove) and the small towns (Carterton, Chipping Norton, Faringdon, Henley-on-Thames, Thame and Wallingford), as indicated on the Waste Key Diagram. Policy W4 further explains that locations further from these towns may be appropriate where there is access to the Oxfordshire lorry route network.
44. I am of the view that the application site falls outside of the Witney non-strategic waste management area as shown on the Waste Key Diagram. However, the Waste Key diagram shows that the site is within close proximity to a local access road which forms part of the Oxfordshire lorry route network. Therefore, I consider that the site location is supported by policy W4 of the OMWCS.
45. Planning policy W5 of the OMWCS gives priority to the siting of waste management facilities on land that is already in waste management or industrial or an active mineral working or landfill site.
46. Given that the application site lies within an area which has an existing mineral and landfill permission, I am of the view that the siting of the development is supported by policy W5 of the OMWCS.

Safeguarding waste management sites

47. The application is supported by policy W11 of the OMWCS which seeks to safeguard operational waste management sites with planning permission for the duration of their planning permission.

Impact on the local environment and amenity

Noise

48. Policy C5 of the OMWCS requires proposals for waste development to demonstrate that they will not have an unacceptable adverse impact on residential amenity including from noise.
49. Policy OS4 of the WOLP 2031 seeks to ensure that new development does not harm the use or enjoyment of land and buildings nearby, including living conditions in residential properties.
50. Planning Policy EH8 of the WOLP 2031 ensures that new development does not take place in areas where it would cause unacceptable nuisance to the occupants of nearby land and buildings from noise or disturbance.
51. Northmoor Parish Council have raised concerns about noise. In particular they consider that some properties on Cow Lane would be affected as noise can travel long distances.
52. The Environmental Protection Officer (noise) is of the view that no conditions are required given the substantial distance between source and potential receivers.
53. The applicant explains that all equipment to be used would be modern and acoustically screened or fitted with silencers.
54. In my view, subject to a suitable limitation on hours of operation, the proposed development would not have an adverse impact on residential amenity in terms of noise, nor would it harm the living condition of nearby occupants or cause unacceptable noise nuisance to nearby occupants due to the:
- i) 440m distance between the application site and the nearest dwellings;
 - ii) buildings and planting between the application site and the nearest dwellings, which would help to minimise any noise impacts;
 - iii) acoustic screening and filters on the equipment; and
 - iv) the supportive comments provided by the Environmental Health Protection Officer (noise).

Dust

55. Policy C5 of the OMWCS requires proposals for waste development to demonstrate that they will not have an unacceptable adverse impact on the local environment and human health and safety including from dust.
56. Planning policy EH8 of the WOLP 2031 explains that proposals which are likely to cause pollution or result in exposure to sources of pollution or risk to safety, will only be permitted if measures can be implemented to minimise pollution and risk to a level that provides a high standard of protection for health, environmental quality and amenity.
57. Northmoor Parish Council also raise concerns about dust. In particular, they cite that the application site is to the west of Northmoor and that prevailing winds will carry this dust towards the village.
58. The parish council also comment that the roadway adjacent roadway to the site is covered in sand grit due to the trial workings that have taken place on site.
59. The Environmental Protection Officer (Dust) considers it appropriate to impose a dust management condition.
60. The applicant explains that the materials and running areas would be dampened in dry conditions to control dust and that the crusher would have a dust suppression system.
61. Whilst the proposed development would expose the local environment and human health and safety to dust pollution, I do not consider this impact to be unacceptably adverse, particularly given the:
- i) proposed dust control measures;
 - ii) the distance between the application site and the nearest residential dwelling;
 - iii) Environment Agency robust regulation of the operational activities. I agree with the comments of the Environmental Protection Officer (Dust).
62. I do however consider it necessary to impose a dust management scheme condition to minimise the dust pollution to a level that provides a high standard of protection for health, environmental quality and amenity.

Light pollution

63. Planning policy C5 of the OMWLP also seeks to ensure that waste development do not have an unacceptable adverse impact on the local environment and residential amenity, including from light pollution.

64. WOLP 2031 Policy EH8 also seeks to ensure that any lighting installation does not have a detrimental effect on local amenity
65. As no external lighting is proposed, I am of the view that the proposed development will not give rise to any light pollution, particularly for residents. However, to ensure that any future lighting does not have a detrimental effect on local amenity or an unacceptable adverse impact on the local environment and residential amenity, a suitably worded lighting condition could be attached to any consent which may be given.

Impact on the local highway network

66. Policy C10 of the OMWCS requires waste developments to make provision for safe and suitable access to the advisory lorry routes shown on the Oxfordshire Lorry Route Maps in ways that maintain: the safety of all road users including pedestrians; the efficiency and quality of the road network; and residential and environmental amenity, including air quality.
67. Policy C5 of the OMWCS requires proposals for waste development to demonstrate that they will not have an unacceptable adverse impact on the local environment and human health and safety, including from traffic.
68. Saved Policy SH2 of the OMWLP explains that planning permission will not be granted for mineral extraction or waste disposal, where the development would lead to a significant increase in traffic in Sutton or prolongation of significant traffic intrusion, unless the Sutton bypass has been constructed and brought into use.
69. Saved policy SH3 of the OMWLP explains that the County Council will seek routeing agreements with operators in order to limit the use of the A415 through Standlake and southwards over Newbridge.
70. Paragraph 109 of the National Planning Policy Framework explains that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
71. Northmoor Parish Council are of the view that existing HGV traffic in the Lower Windrush Valley exceed acceptable levels on local rural unclassified roads which present a danger to cyclists and pedestrians.
72. The parish council express concern about the increase in HGV traffic from business parks at Stanton Harcourt and Standlake as a result of the new housing in the local area. They also express concern about future traffic on the local and

wider road network resulting from the quarrying works at the Stonehenge site in Northmoor, new housing west of Eynsham and the proposed Garden Village to the north of Eynsham.

73. Transport Development Control has advised that the B4449 is part of the Oxfordshire lorry network and that the residual cumulative impacts on the road network are not seen as severe.
74. Transport Development Control consider the planning proposal to be acceptable from a highway safety and traffic movement point of view. However, they do consider it necessary to require that a routeing agreement be entered into (similar to that of the Sheehan's Recycled Aggregates site) to prevent any HGVs from passing through Sutton village during the peak hours (07:30 to 09:00 and 16:30 to 18:00).
75. Whilst the parish council has raised concerns about future traffic movements, this application can only be assessed against the impacts that the development would have on the existing highway network.
76. The application explains that at worse case scenario, the development would attract 32 daily HGV (heavy goods vehicle) movements over a 275 working day year. At best, the development would attract 20 daily HGV movements across the same period if 75% of trips are backloaded.
77. Transport Development Control has raised no concerns about the number of HGV movements on the existing local highway network. As they have also advised, the permission was granted on appeal earlier this year for a development at the nearby Sheehan's Recycled Aggregates Plant which had been refused by the County Council on the grounds that there would be an unacceptable impact on the amenity of residents in Sutton village arising from the additional HGV movements. In his decision letter, the inspector appointed by the Secretary of State commented:

I am mindful that, where residents are already sensitive to traffic volumes, any additional traffic may have a perceived impact on the residents. However, the B4449 is identified as being capable of accommodating additional traffic, and having reviewed the traffic surveys, and taking into account the level of traffic that is actually associated with the appeal site I do not consider that the level of traffic associated with this proposal would result in an increase that would have a significantly detrimental impact on the amenity of residents such to justify dismissing the appeal.

78. Therefore, it is concluded that the level of additional vehicle movements generated by this development would be unlikely to have a significantly different impact to those that were considered as part of the earlier appeal referenced above. It is not therefore considered that it can be demonstrated that the application would be contrary to policy C5 of the OMWLP through unacceptable

adverse traffic impacts. In addition, paragraph 109 of the NPPF states that an increase in vehicular movements alone is not a reason for refusal on highway grounds.

79. Northmoor Parish Council are concerned about the safety of cyclists and pedestrians on unclassified roads. However, unlike most unclassified roads, the haul road which provides access to the application site is restricted to 20mph and is regularly used by HGVs. In addition, Transport Development Control comment that the application is acceptable from a highway safety perspective. In my view, the application is supported by Policy C10 of the OMWCS as the application makes provision for safe and suitable access to the advisory lorry routes in ways that maintain the safety of all road users. The efficiency and quality of the network would be maintained as the increase in vehicular movement is not considered to have an unacceptable adverse impact. An assessment of the environmental and amenity impacts, as required by policy C10 of the OMWCS, have been carried out in paragraphs 48 – 65 above.

80. I agree with Transport Development Control that the residual cumulative impacts on the road network are not severe, particularly given speed restriction on the haulage road which helps to minimise vehicular and pedestrian/cyclist conflict, the good and close access to the lorry network. In addition, it is not considered that the maximum number of HGV movement would have an unacceptable adverse impact.

81. I do think it necessary for the applicant to enter into a routeing agreement to restrict HGV movements through Sutton during peak hours as set out above. I consider that this would reflect the aims of saved OMWLP planning policies SH2 and SH3.

82. Members will also be aware of the council's Lorry Routeing Agreements protocol which was adopted by the Planning and Regulation Committee in June 2018. This includes that if an application is received in an area where there has been an ongoing concern with regard to existing vehicle movements but there has been no history of non-compliance on the part of the applicant, the routeing agreement will include a provision that if the Council reasonably determines that there have been substantiated, persistent or flagrant breaches of that agreement then operations will cease until a security deposit has been paid to the County Council to be used to fund the council's costs incurred in monitoring the agreement, investigating suspected breaches of the agreement and securing compliance with the agreement as necessary. The security deposit would not normally exceed an amount of £5,000 per year for the number of years of the development or a minimum of £25,000.

83. As members are aware, a routeing agreement cannot be imposed on an applicant and must be freely entered into. If the applicant was not prepared to freely enter into such an agreement then consideration would need to be given as to whether there were then grounds for refusal of the application. Officers will update the committee on whether the applicant is prepared to enter into a

routeing agreement and its terms at the committee meeting. However, it is advised that should permission be refused on grounds related to the applicant not entering into a routeing agreement or not being prepared to do so due to certain of its terms and such a refusal was appealed, the Secretary of State would have to consider what weight to attach to the council's Lorry Routeing Agreements Protocol which does not form part of the development plan.

Impact on the natural environment

Biodiversity

84. Policy C7 of the OMWCS and policy EH3 of the WOLP requires new developments to deliver a net gain in biodiversity.
85. The supporting statement advises that there is scope for the planning proposal to deliver a net gain in biodiversity.
86. To ensure that the application accords with policy C7 of the OMWCS, a biodiversity enhancement condition can be imposed.

Landscape

87. Planning Policy C8 of the OMWCS and policy EH2 of the WOLP requires development to respect the local landscape quality.
88. The Landscape specialist is of the view that the development will not cause any additional landscape or visual impacts.
89. In my view the proposed development would respect the local landscape quality as:
- i) No tree removal is proposed as part of the works;
 - ii) The development would be temporary in nature; and
 - iii) The development would be viewed from within the context of an existing mineral and landfill area.
90. I therefore consider that the proposed development accords with policies C8 of the OMWCS and EH2 of the WOLP 2031.

Conclusions

91. This application seeks permission to temporarily use 0.32ha of land at Dix Pit for the manufacturing of recycled aggregate and soils.
92. The need for the development is supported by OMWCS policies M1, W1, W2, W4, W5 and W11.

93. Subject to conditions, the development would not have an unacceptable adverse noise, dust or lighting impacts and the application is therefore considered to be in line with the aims of planning policy C5 of the OMWCS and policies EH8 and OS4 of the WOLP.
94. Subject to a routeing agreement restricting HGV movements from occurring through Sutton during peak hours the planning proposal is in line with OMWCS planning policies C5, C10, SH2, SH3 and therefore would not have an unacceptable adverse impact on the highway network. The application is also supported by paragraph 109 of the NPPF and therefore should not be refused on highway grounds.
95. Subject to condition the development would deliver a net biodiversity gain.
96. The proposal would respect the landscape character of the area.

RECOMMENDATION

- 97. It is RECOMMENDED that subject to a routeing agreement first being entered into planning permission for Application MW.0059/19 be approved subject to conditions to be determined by the Director for Planning and Place including the matters set out at Annex 3 to this report.**

SUE HALLIWELL
Director for Planning & Place

August 2019