

Planning Report

For: PLANNING & REGULATION COMMITTEE – 20 JULY 2020

By: Director for Planning & Place

Development proposed:

Revisions to existing asphalt plant layout, including widening site entrance to Waterworks Road (Grimsbury Green), upgrading site access road, provision of new weighbridges, relocation of administrative buildings and staff parking area; provision of new relocated concrete batching plant; provision of aggregate storage and unloading facility with new Bottom Discharge Unit (BDU) rail unloading system.

Divisions Affected: Banbury Grimsbury & Castle

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

Location: Asphalt Plant, Concrete Batching Plant and adjoining land, Water Works Road, Hennef Way, Banbury, OX16 3JJ

Application No: MW.0026/20 **District Ref:** 20/00777/CM

Applicant: Tarmac Trading Ltd

District Council Area: Cherwell

Date Received: 24 January 2020

Consultation Period: 19 March 2020 – 8 April 2020

Extended consultation period*: 9 April - 30 April 2020*

* The consultation period was extended by 21 days to provide consultees and interested parties with additional time to review and comment on this application during the COVID-19 pandemic.

Recommendation:

The report recommends that the application be approved subject to condition.

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Location and site (see Annex 1)

1. The existing asphalt plant which is the subject of this application is in Banbury and lies immediately west of the Birmingham to Oxford railway line. It is 1.3 kilometres¹ north of the centre of Banbury and 1 kilometre west of junction 11 of the M40 motorway.
2. The site lies north of Water Works Road, which itself is immediately north of the A422 Hennef Way. Water Works Road is also known as Grimsbury Green and carries a public footpath which links the residential areas of north east Banbury to the canal towpath. The site is bounded to the east by the railway line and siding. Beyond that lies an industrial estate extending to the M40 motorway.
3. Open fields border the site to the west and north and are bounded beyond by the River Cherwell. Further to the west lies Grimsbury reservoir, and beyond this the Oxford Canal which is approximately 0.5 kilometres west of the site boundary. The Oxford Canal Walk to the west of the reservoir is a promoted walk managed by the county council. There is permissive access around the reservoir. Banbury Ornithological Society manages a nature reserve to the north east of the reservoir.
4. The reservoir and surrounding habitats are popular for bird watching. Part of the area is managed by the Banbury Ornithological Society as a nature reserve. It also has a recreational use for a sailing club and forms part of the public water supply.
5. The closest designated nature reserve is Fishponds Wood Local Wildlife Site in Hanwell, which lies approximately 2.3 km (1.4 miles) north east of the site. The site lies approximately 170 metres north west from Grimsbury Manor which is a grade II listed building.
6. The application site lies primarily within flood zone 1 with small areas of land falling into flood zone 2.
7. The application site measures 2.67ha and comprises several hard-standing areas. The asphalt plant lies in the southern half of the site. The asphalt plant is surrounded by a concrete plant to the immediate north, a workshop to the west and a car park to the south. A substation lies to the south of the car park. There are also plant structures, ancillary buildings and open storage bays in the

¹ All distances are approximate.

southern half of the site. An informal parking area lies to the north of the concrete plant.

8. The access road runs adjacent to the western site boundary.
9. Access to the site is gained from Waterworks Road, which is also known as Grimsbury Green. This is a no-through road off Hennef Way providing access to the waterworks, reservoir and rail sidings. Most mineral used for the production of Asphalt at the site is imported via the rail siding. Some sand and gravel is imported by road from quarries without rail head access. Asphalt is exported by road.
10. The site has some vegetation along its boundaries, consisting of hedgerows and scrub vegetation with some trees. This provides some screening to the site.
11. The site is not located in a residential area. The closest residential area is Grimsbury in north east Banbury. The closest dwellings in this area lie 150 metres south of the application site on the other side of Waterworks Road, the A422 and the railway. A small group of dwellings lie 150 metres to the east of the site on the other side of the railway line.

Planning Background

12. Permission was granted for an asphalt plant in this location in 1993 under consent CHN.45/90. This was subject to a routeing agreement dated 26 October 1992. The site currently operates under a different consent issued with the same reference number in 2003. The 2003 consent was issued following a section 73 application on the original consent which extended the operating hours. The proposed development would be subject to a new routeing agreement which would revise and update the existing requirements and ensure that HGVs use an agreed route to the main trunk road network.
13. In September 2018 an application² was submitted for the temporary use of the land as a rail unloading and aggregate storage and distribution facility, including offices, two weighbridges, lorry loading and parking areas, maintenance shed, aggregate storage bays and conveyors linking the storage bays to the rail unloading area to the north and the creation of a new vehicular access into Waterworks Road. This application was withdrawn in October 2019.
14. In October 2018 an application³ was submitted for the continuation of the development permitted by CHN.45/90 (permanent consent for coated Roadstone) without complying with conditions 2, 3, 4, 5, 8, 12, 13 and 16 (to remove hours of working for asphalt plant to allow operations at any time of day or night and to update plans to relocate existing office, canteen and WC). This application was also withdrawn in October 2019.

² Planning Application Reference: MW.0116/18

³ Planning Application Reference: MW.0117/18

Details of the Development

15. This application seeks permission for the provision of a new permanent aggregate unloading and storage facility which will serve:
 - the High Speed 2 (HS2) development;
 - the existing onsite asphalt and concrete batching plant; and
 - various national and local infrastructure projects in the surrounding area.
16. The new aggregate unloading and storage facility would provide a higher capacity rail terminal, which would enable material to be imported by rail and then exported by road to local construction projects and/or compounds.
17. It is proposed to carry out the development in two phases.

Phase 1

18. For approximately the first 5 years, the aggregate storage/unloading facility would primarily service the construction of HS2.
19. The HS2 compounds to be served by this development are located in Kenilworth, Offchurch, Bascote, Wormleighton, Chipping Warden, Brackley, Steeple Clayton, Aylesbury, Wendover and Great Missenden.

Phase 1 works

20. It is proposed to install a Bottom Discharge Unit (BDU) and a 25,000 tonne capacity "toast-rack" storage facility (with associated conveyor) immediately north of the existing asphalt plant.
21. The existing concrete batching plant would be demolished to facilitate the BDU and storage facility. A replacement concrete batching plant would be installed immediately north of the new BDU and storage facility.
22. It is also proposed to consolidate and relocate the existing asphalt plant office, welfare, storage and toilet facilities to the south of the existing car park. The workshop would be relocated immediately east of the asphalt plant.
23. A turning area and lorry parking for up to 12 HGVs are to be created at the northern part of the site.
24. 10 parking bays for staff would be created immediately north of the replacement concrete plant. The existing car park which lies at the southern end of the site would also be enlarged as part of the works.
25. The table below outlines the lighting which is proposed as part of the works.

Proposed lighting details

Location	Number of lighting poles	Number of lights on each pole	Wattage of each light	Height of lighting pole
At each weighbridge	1	4	300	6m
Asphalt plant car park	4	2	60	4m
Lorry parking area	1	4	300	6 m
Lorry turning area	1	4	300	6 m
Rail siding	16	1	30	4m
Concrete batching plant*	-	-	300	17m
BDU toast rack**	-	-	40	4.5metres

*6 lights are proposed to the top of the cement silo.

** each BDU toast rack would have a light attached on top of its rear wall.

26. The Landscape and Visual Assessment explains that illumination in the vicinity of the weighbridge and asphalt plant would not exceed current levels for receptors moving east along Grimsby Green.

27. The opportunity would be taken to widen and resurface the existing access road and to install a new weigh in and a new weigh out bridge.

28. The site entrance gates would be relocated from immediately north of the substation to immediately south of the substation. It is also proposed to widen the existing access of Grimsbury Green.

29. To facilitate the modifications the site entrance, it will be necessary to remove part of the area of pioneer trees and scrub to the east of the existing access road.

30. New advanced tree and scrub planting are proposed within the existing area of scrub to the east of the site entrance area. New advanced native tree and scrub planting is also proposed between the access road and the western site boundary.

31. As part of the phase 1 works improvements would be made to the road junction opposite the site entrance, including the provision of 2 new footpaths, a 2 metre central refuse to facilitate road crossing and a cycle path.

Site operations during Phase 1

32. The application explains that HGVs associated with the HS2 construction works would enter the site via an upgraded western access road and pass over the

new 'in'-weighbridge. They would then drive up to the toast-rack facility, receive loads via loading shovels and return to the new 'out'-weighbridge before exiting the site. Visitors to the new replacement concrete batching plant would also enter/exit via this route.

33. HGV's associated with the HS2 construction works would generate on average, 17,000 tonnes of aggregate movement per week with a peak of 24,000 tonnes per week. These movements would be undertaken Monday to Friday and Saturday mornings using 32 tonne capacity articulated vehicles, which would generate circa 160 loads per day, or 320 movements per day.
34. These HGV movements would be in addition to the 80 traffic movements which currently taking place on-site.
35. On average, the associated HS2 construction works would generate approximately 28 HGV movements per hour (14 in and 14 out of the site). Deliveries are expected to be significantly reduced at weekends and Bank Holidays.
36. In order to align with the constraints placed on the HS2 compounds, the first delivery would leave the application site at 0500 and the last HGV would return to the site at approximately 2030.
37. During the construction of HS2, deliveries to the site via rail to the BDU would take place approximately four times within a 24 hour period Monday – Friday, with two deliveries expected on Saturdays and occasional deliveries on Sundays.
38. Deliveries of materials by train to the asphalt and concrete batching plant will continue to utilise the existing rail grab.
39. The proposed operational hours of the aggregate storage facility during phase 1 would be:
 - 0500 – 2100 Monday to Friday
 - 0600 – 1500 Saturdays
 - 0800 – 1500 Sundays and Bank Holidays
40. No changes are proposed during phase 1 to the asphalt plant's operational hours. These are:
 - 04:00 – 19:00 Mondays to Saturdays; and
 - 08:00 – 17:00 on Sundays.
41. Similarly, no changes are proposed during phase 1 to the concrete batching plants operational hours. These are:
 - 0700 – 1800 Monday to Friday; and
 - 07:00 – 13:00 on Saturdays.

Proposed planning conditions

42. The application explains that the applicant would be agreeable to conditions which:
- a. restrict HGV movements to and from the existing Grimsbury Green access to no more than 20 between 08:00 and 09:00; and 17:00 – 18:00 Monday to Fridays;
 - b. prevent train deliveries to the asphalt plant via the existing rail grab between 22:00 and 07:00; and
 - c. require the submission and agreement of landscaping details.
43. At the beginning of July, the applicant requested that a revision be made to the proposed hours of use for the existing rail grab. It is now proposed to prevent train deliveries to the asphalt plant via the existing rail grab between 22:00 and 06:30.

Phase 2

44. Following the completion of the operations associated with the construction of HS2, the BDU will be used for the unloading of materials to the site.

Phase 2 works

45. As part of the phase 2 works it is proposed to remove the:
- existing rail grab facility associated with the asphalt plant;
 - turning area and associated lighting from the northern section of the site;
 - weighbridge and associated lighting on the resurfaced western access road;
 - lighting from the lorry parking area and rail siding.
46. The weighbridges and weighbridge office within the asphalt plant would be retained.

Phase 2 operations

47. The application explains that train deliveries would reduce to four per week on average, all via the BDU.
48. The hours of operation for the aggregate storage facility, asphalt plant and concrete batching plant would be aligned as follows:
- 04:00 – 19:00 Monday to Saturday; and
 - 08:00 – 17:00 Sunday.
49. It is anticipated that HGV movements across the site would revert to the current level of approximately 80 movements per day.

Mitigation

Transport mitigation measures

50. A number of transport mitigation measures are proposed as part of the overall development, some of which include:

- Cleaning of the highway as required, with two daily inspections of routes to define need or otherwise; and
- stopping vehicles from laying-up in surrounding roads;

Noise mitigation measures

51. A number of noise mitigation measures are proposed, including:

- no train unloading between the hours of 2200 – 0630 on any day from the asphalt plant rail-grab;
- all feed / transfer hoppers to be lined with resilient material to minimise the noise arising from aggregate hitting metal panels;
- no standard reversing beepers on loading shovels; and
- prohibition of the use of vehicle horns other than in an emergency.

52. The Supporting Planning Statement explains that if the noise mitigation measures identified in the Noise Assessment are implemented, noise levels from the proposed development would be below 48 db LAeg, 1 hour, free field at the dwellings, which is below the: i) noise standards set out in the Planning Practice Guidance Minerals; ii) guidance values set out in the WHO Guidance; and iii) external amenity design criteria from BS8233.

Air Quality mitigation

53. All HGVs associated with the proposed development would be at least a Euro VI standard in order to minimise traffic emission levels.

54. The Air Quality Assessment (AQA) which was submitted in support of this application assessed the impacts of the proposed development, against:

- nuisance, loss of amenity and health impacts associated with the construction phase of the development on sensitive receptors;
- changes in traffic related pollutant concentrations associated with the operational phase of the proposed development; and
- the significance of the impacts from the operational phase of the proposed development on human health receptors as a result of the changes in pollutant concentrations associated with vehicle emissions.

55. Appendix B of the AQA recommends several dust mitigation measures for the construction phase of the development including:

- locating machinery and dust causing activities far away from receptors;
- erecting solid screens or barriers around dusty activities or the site boundary that are as high as any stockpiles on site;
- fully enclosing the site or specific operations where there is a high potential for dust production and the site is active for an extensive period; and
- avoiding dry sweeping of large area.

56. The Planning Statement explains that subject to the implementation of the mitigation measures, the proposed development would have a slight adverse effect at existing receptors, with all but one experiencing a negligible effect.
57. The Planning Statement further explains that the proposed development can be operated in a manner unlikely to cause adverse air quality or dust impacts in its vicinity, and with reference to best practice guidance the overall impact of the development is considered to be not significant.

Dust mitigation

58. The Dust Assessment identifies that the following activities may give rise to dust:
- mineral processing and handling;
 - mobile plant (on-site vehicle movements); and
 - wind scouring of exposed surfaces and stockpiles.
59. The Assessment recommends several mitigation measures to minimise the impact of dust including:
- when working material in very dry, windy conditions, reducing the drop heights of materials when they are being transferred and controlling vehicle speeds;
 - sheeting of HGVs leaving the site before they join Grimsbury Green;
 - Wetting down stockpiled minerals to reduce the risk of wind-blow from exposed surfaces; and
 - using a high-powered road sweeper.
60. The Assessment concludes that provided that mitigation measures suggested are adopted by the site and applied to the proposed development, there would be minimal dust effects at existing receptors as a result of the proposed development.

Ecological Impacts

61. The Extended Phase 1 Habitat Survey which has been submitted in support of the application identifies that the habitats at the Site are of Negligible to Low Ecological Importance and that there would be no important adverse effect from the Proposed Development on fauna, flora, habitats and designated sites.

Submission of further information

62. After the consultation period had ended the following information was submitted to support the application:
- a revised Landscape and Visual Assessment;
 - additional lighting information about the location of the new lighting;
 - an Ecological Management Plan (EMP) has also been submitted after the consultation period to avoid the need for an EMP condition.

Part 2 – Other Viewpoints

Representations

63. A total of 17 third party consultation responses have been received, of which 16 are objections. The issues raised by the objectors are as follows:

- insufficient notification of community engagement in November 2019;
- impact on residential amenity due to increased and intensive noise nuisance, dust/air pollution, traffic congestion and light pollution;
- proposed hours of works and in particular increased working during unsociable hours;
- impact on human health and wildlife;
- road safety concerns at the Grimbury Green access including poor street lighting;
- poor visibility for HGV drivers when exiting the site;
- Impact on the Air Quality Management Area;
- existing noise, light and dust pollution coming from the plant;
- existing and potential issues with mud on road;
- the town council has declared the town a ‘climate emergency’;
- the need for the development at a time when people are losing jobs due to COVID – 19; and
- increased air pollution linked to increased risk of dying from COVID – 19.

64. One letter of support has been received from the main works contractor for HS2. The letter highlights that HS2 has been given the support of the Prime Minister and that a Notice to Proceed has been given to commence construction works. The letter also explains that the proposed development is critical to the delivery of the HS2 works.

65. Councillor Banfield objects to the planning proposal. Her objection is detailed in Annex 3.

Consultation Responses

66. The consultation responses are also detailed in Annex 3.

Part 3 – Relevant Planning Documents

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

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

68. 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)
 - Cherwell Local Plan (saved policies) (CLP 1996).
 - Cherwell Local Plan (CLP) 2011 – 2031 Part 1
69. 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.
70. 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.
71. Other material considerations are:
- i) The National Planning Policy Framework (NPPF);
 - ii) The National Planning Practice Guidance (NPPG);
 - iii) Banbury Vision and MasterPlan Supplementary Planning Document (December 2016); and
 - iv) Ministry of Housing, Communities & Local Government issued a Chief Planners Newsletter dated March 2020.

Relevant Policies

72. The relevant policies are:

OMWCS

- M6 - Aggregate Rail Depot
- M9 – Safeguarding Mineral Infrastructure
- C1 - Sustainable Development
- C3 – Flooding
- C5 – Local environment, amenity & economy
- C7 – Biodiversity and Geodiversity
- C8 – Landscape
- C10 – Transport

CLP

- ESD6 – Sustainable Flood Risk Management
- ESD7 – Sustainable Drainage Systems (SuDS)
- ESD10 – Protection and Enhancement of Biodiversity and the Natural Environment
- ESD13 – Local Landscape Protection and Enhancement
- ESD15 – The Character of the Built and Historic Environment

PSD1 – Presumption in Favour of Sustainable Development
SLE5 – High Speed Rail 2 – London to Birmingham

CLP 1996

C28 – Layout, Design and External Appearance of New Development
ENV1 – Development Likely to Cause Detrimental Levels of Pollutions

Part 4 – Analysis and Conclusions

Comments of the Director for Planning and Place

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

- i) sustainable Development;
- ii) need for the development;
- iii) impact on the built environment;
- iv) environmental amenity;
- v) residential and community amenity;
- vi) impact on the local highway network;
- vii) impact on the natural environment; and
- viii) Other issues (consultation and decision making)

Sustainable Development

74. Policy C1 of the OMWCS and PSD1 of the CLP 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.

75. The key policy issues for this application are summarised above in paragraph 74. 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

New Aggregate Rail Depot

76. Policy M6 of the OMWCS explains that permission will be granted for new aggregate rail depots at locations with suitable access to an advisory lorry route shown on the Oxfordshire Lorry Route Maps and that meet the requirements of policies C1 – C12.

77. The need to create an improved rail depot at the Banbury Tarmac site is supported by policy M6 as the application site is directly accessed from the A423 which forms part of the advisory route shown on the Oxfordshire Lorry Route Maps. The remainder of the report assess whether the development meets the requirements of the OMWCS Core Policies.

Infrastructure for the supply of minerals

78. Policy M9 of the OMWCS safeguards existing and permitted infrastructure that supports the supply of minerals in Oxfordshire against development that would unnecessarily prevent the operation of the infrastructure or would prejudice or jeopardise its continued use by creating incompatible land uses nearby. Safeguarded sites include the existing Hennef Way rail depot site in Banbury which is safeguarded for the importation of aggregate into Oxfordshire.
79. In my view, the planning application is supported by Policy M9 of the OMWCS as the development would use the existing safeguarded Hennef Way rail depot site to import aggregates into Oxfordshire.

HS2 development

80. HS2 is a nationally significant infrastructure project which would be supported by the proposed development. Policy SLE5 recognises that the decision to authorise the railway and associated works will sit with Parliament, and explains that the Council's involvement will be focused on the design and construction of the HS2 rail link and minimising the adverse impacts on the environment, and local communities including managing its construction.

Impact on the Built Environment

81. Policy ESD15 of the CLP and C28 of the CLP1996 requires new development to complement and enhance the character of its context through sensitive siting, layout and high-quality design.
82. In my view, the provision of a permanent aggregate unloading and storage facility compliments the character of the existing rail depot. In addition, the siting of this facility adjacent to the existing rail sidings and aggregated storage bays would be in keeping with the character of the application site.
83. The new aggregate unloading and storage facility would be visible from within the site. However, I consider its siting would be sensitively located within the site as it would not be widely visible other than from Grimsbury Green and from passing trains.
84. I also consider that the siting of the replacement concrete batching plant adjacent to the other predominant structures on the site would also compliment the character of the site.
85. The replacement concrete batching plant would have an industrial appearance which would not be out of context with the character of the site particularly as its appearance would be similar to the existing concrete batching plant. In addition, there is also an existing asphalt structure on site.

86. In my view, the appearance and layout of the site would be enhanced by the consolidation of the various ancillary buildings (asphalt plant office, welfare, storage and toilet facilities) into one building.
87. The proposed upgrading of the access and the provision of new weighbridges and car parking would also enhance the sites current layout.
88. I therefore consider that the proposed development would be in keeping with the character of its context through sensitive siting, layout and design.

Environmental impacts

89. The local member, Banbury Town Council and several public responses also raised concerns about the noise, air, dust and light and health impacts that the proposed development would have on residential amenity. These issues are assessed in detail under the 'Environmental Impacts' section of this report.

Noise

90. Policy C5 of the OMWCS require proposals for new minerals development to demonstrate that they will not have an unacceptable adverse impact on the local environment including from noise.
91. Policy ENV1 of the CLP1996 explains that development which is likely to cause materially detrimental levels of noise or other type of environmental pollution will not normally be permitted.
92. Paragraph 021 of the Planning Practice Guidance Minerals (2014) explains that the total noise from mineral operations should not exceed 55Db(A) LA eq 1 hour (free field) at noise sensitive properties.
93. The local member raises concern about noise impacts from the existing plant site.
94. Several public responses have also raised concerns about existing noise levels
95. The local member, Banbury Town Council and public respondents are also concerned about the noise impacts of the proposed development, in particular:
- the duration and frequency of the noise nuisance;
 - noise pollution during unsociable hours; and
 - noise from the loading of HGVs, BDU and additional HGV's on the road.
96. One public respondent has suggested that noisy activities be located at the northern end of the site and that a noise barrier should be created.
97. The applicant has made the following comments in response to concerns raised about noise. *'The acoustically shielded BDU shed provided for the aggregates*

offload would be contained within the northern part of the site and, upon completion of HS2, would be used for all rail deliveries. The trucks would be loaded from the toast rack behind the asphalt plant, which would mitigate the noise (compared to the existing location). In addition, the concrete batching plant would be replaced and relocated towards the northern edge of the site, further away from residential properties’.

98. The Environmental Protection Officer explains that in the last 2 years, a total of 2 noise complains about the site have been made to the district council. On in 2018 the other in April 2019. These complaints related to the operation of the grab extractor unloading aggregate from rail waggons at 0600.
99. The Environmental Protection Officer also comments that based on the noise assessment; he has no noise concerns about the operational phase of the development.
100. Cherwell District Council are of the view that a condition should be imposed requiring works to cease if justified complaints are made about noise during unsociable hours and that works shall not recommence until an agreed mitigation strategy has been implemented.
101. The concerns raised about the noise impacts of the proposed development are noted. However, I do agree with the comments of the Environmental Protection Officer as the Noise Assessment demonstrates that if the noise mitigation measures in the Noise Assessment are implemented, noise levels at the nearest noise sensitive property would not exceed the maximum noise levels set out in the Planning Policy Guidance for Minerals (2014).
102. In my view a condition should be imposed to ensure that the development is in accordance with the mitigation measures specified in the noise assessment. A further condition could also be imposed to ensure the noise levels at noise sensitive properties are not exceeded.
103. Whilst concerns are raised about existing noise levels, only 1 complaint has been lodged per year over the past two years. These 2 complaints related to the operation of the grab excavator at 0600. Under this proposal, the grab excavator would not be used between 2200 and 0630 and the grab excavator would be removed at the beginning of Phase 2. In my view, a suitable condition regulating the hour of use for the grab rail facility should be imposed. A condition should also be imposed to ensure that the grab excavator is removed once the HS2 construction works are completed. A suitable condition for the hours of use for the asphalt plant, concrete plant and the new BDU and storage facility should also be imposed to ensure that the operations on site are not carried out outside of the agreed hours.
104. I do agree with the district council that a condition should be imposed requiring works to cease should a justified complaint be made about noise, and that works should recommence once an agreed noise mitigation strategy is in place. In my view this condition is also imperative to ensure that any noises from the

extended hours of operation for the concrete batching plant are also appropriately mitigated.

105. I am therefore of the view that subject to conditions, the proposed development should not have an unacceptable noise impact or cause materially detrimental levels of noise.

Dust

106. Policy C5 of the OMWCS require proposals for new minerals development to demonstrate that they will not have an unacceptable adverse impact on the local environment including from dust.

107. Policy ENV1 of the CLP1996 explains that development which is likely to cause materially detrimental levels of environmental pollution will not normally be permitted.

108. Banbury Town Council and public respondents are concerned that the following activities would give rise to dust pollution:

- HGV's transporting aggregates in dry weather;
- unloading trains;
- using the crane to grab aggregates; and
- loading of trucks

109. In addition, the local member and some of the respondents have expressed concerns about the current dust impacts from the application site. One public response has also expressed that the road outside the entrance to the site is not being watering down. Two public respondents suggest the following measures to minimise dust pollution:

- a dust barrier; and loading aggregates straight into HGVs.

110. Oxfordshire County Council's Monitoring and Enforcement team and Cherwell District Council's Environmental Protection team have confirmed that no dust complaints have been made about the site within the last two years. In addition, two monitoring visits were made to the site last year and dust was not found to be an issue on either occasion.

111. No concerns about dust have been raised by the Environmental Protection Officer.

112. In response to the suggestion of loading aggregates straight into HGV's, the applicant has advised that this is not feasible as *'to ensure a safe method of loading the trucks, Tarmac need an intermediate stocking area (the toast rack). Network Rail have also banned direct discharge tripper hopper trains on their network. Furthermore, HS2 require Tarmac to stock 5 days of materials to ensure resilience against any possible disruption on the rail network'*.

113. In my view the Dust Assessment demonstrates that the proposed development would not have an unacceptable adverse dust impact on the local environment provided that that specified mitigation measures are implemented. I also consider that if the proposed dust mitigation measures are imposed the development should not cause materially detrimental levels of dust pollution.

Light Pollution

114. Policy C5 of the OMWCS require proposals for new minerals development to demonstrate that they will not have an unacceptable adverse impact on the local environment including from light pollution.

115. Policy ENV1 of the CLP1996 explains that development which is likely to cause materially detrimental levels of environmental pollution will not normally be permitted.

116. The local member and public respondents are concerned about light pollution from the existing site and that the existing impact would be made worse by the proposed development.

117. The Environmental Health Protection Officer has raised no concerns about lighting. However, Cherwell District Council and the Landscape Specialist have requested the imposition of an appropriate lighting condition as the information submitted is difficult to understand and interpret.

118. In my view it is difficult to determine the impact that the proposed lighting would have on the local environment as the submitted Lighting Report does not clearly illustrate the light spill outside of the application site. It is also unclear how the lighting would be controlled and when the lights would be in use. I consider that a suitable lighting condition should be applied to ensure that the proposed lighting does not have an unacceptable adverse impact on the local environment.

Air Quality

119. Policy C5 of the OMWCS require proposals for new minerals development to demonstrate that they will not have an unacceptable adverse impact on the local environment including from air quality.

120. Policy ENV1 of the CLP1996 explains that development which is likely to cause materially detrimental levels of environmental pollution will not normally be permitted.

121. The local member, Banbury Town Council and several public consultation responses have raised concerns about air quality. In particular there is concern as the air quality in Banbury is currently poor and the culmination of the proposed operations with the additional HGV movements over a 5 year period would have a detrimental effect on the area.

122. The local member also expresses that Hennef Way is the most polluted road outside of London and the most polluted road in the county. The local member further comments that the nitrogen dioxide reading is double the legal limit.
123. One public respondent comments that a responsible attitude should be taken towards air quality and that Cherwell District Council declared a climate emergency in July 2019.
124. The Environmental Health Protection Officer has commented that Hennef Way Air Quality Management Area (AQMA) was declared for exceedances of the annual mean air quality objective for Nitrogen dioxide of $40 \mu\text{g}/\text{m}^3$. Nitrogen Dioxide levels are falling. The difference in the modelled levels in the submitted air quality assessment between the without and with proposed development was $0.40 \mu\text{g}/\text{m}^3$, which is 1% of the air quality objective level. This is a small change, but because the levels are already above the air quality objective level the impact is identified as 'moderate adverse.'
125. The Environmental Health Protection Officer further comments that a moderate adverse impact would not be a reason to refuse the development on air quality impacts. The officer suggests that the impact of the development on air quality be quantified in monetary terms by requiring the applicant to undertake a Damage Cost Calculation assessment. Any funds identified can then be put towards off-setting measures, such as measures identified in the Air Quality Action Plan, additional monitoring, or put towards road improvement schemes in the area that the County Council are undertaking.
126. The applicant is of the view that a cost calculation assessment would be unreasonable and unnecessary for several reasons including:
- the air quality impacts would be based on a worst-case scenario rather than an accurate reflection;
 - any impacts would be temporary; and
 - the replacement of the external rail grab facility at the asphalt plant with the covered BDU would deliver a longer-term air quality improvements.
127. Given the Environmental Protection Officer's comments above, the findings of the Air Quality Assessment (AQA) and the temporary nature of the Phase 1 operations and HGV movements, I am of the view that the proposal has demonstrated that the impact on air quality would not be unacceptably adverse. Subsequently I consider that the proposed development is not likely to cause materially detrimental levels of environmental pollution provided that the air quality measures are implemented. An air quality condition could be imposed to ensure that mitigation measures specified in the assessment are implemented.
128. In my view a damage cost calculation is not needed to make the development acceptable in planning terms, especially as the air quality impacts of the should not conflict with the aims of policies C5 of the OMWCS or ENV1 of the CLP1996.

Residential and Community Amenity

129. Policy C5 of the OMWCS requires proposals for new minerals development demonstrate that they will not have an unacceptable adverse impact on residential amenity.
130. Policy ESD15 of the CLP seeks to: i) ensure that new development considers the amenity of existing development; ii) limit the impact of light pollution from artificial light on local amenity; and iii) ensure that new development delivers healthy places to live and work in.
131. The local member, Banbury Town Council and several public consultation responses have raised concern about the impact that the proposed development would have on the quality of life for residents and the local community.
132. They are particularly concerned that the dust, noise, light and air quality impacts could impact on mental health, and lead to an increase in heart attacks, strokes, respiratory diseases in older people and children, miscarriages and increased risk of dying from COVID-19.
133. The public respondents are also concerned that the noise and light impacts of the development would intrude on the community's peace and quiet for prolonged periods of the day and during unsociable hours.
134. Some of the respondents have expressed that they are currently affected by the noise, dust and light pollution coming from the site and as a result:
- their sleep is affected;
 - they close windows in their properties to block out the noise;
 - they frequently wash the dust of their homes; and
 - their washing gets covered in dust.
135. The Public Health Officer has explained that he is unwilling to comment on coronavirus as the understanding of the novel is still evolving.
136. Cherwell District Council suggest a construction environment management plan condition to minimise the environmental impact of the development during the construction phase.
137. Whilst I do agree that dust, noise, light and air quality impacts can impact on health, I do not consider that operational development would have an unacceptable adverse impact on residential amenity, particularly when considered in culmination with the environmental conditions set out in the environmental impacts of this report. In addition:
- phase 1 of the development would be temporary;
 - the replacement of the grab rail facility with the covered BDU would deliver a long-term benefit to residential amenity;
 - HGVs associated with HS2 would have at least Euro VI standard;

- effective dust, noise and air quality mitigation measures are proposed as part of the development; and
- whilst outside the scope of planning, the pollution control regimes from regulatory bodies would ensure that the development complies with regulatory standards.

138. I do agree that a construction environment management plan condition should also be applied to any consent granted to ensure that residential and community amenity is not unacceptably adversely impacted on during the construction phase of the development.

139. I therefore consider, that subject to conditions, the proposed development is in line with the aims of policy ESD15 of the CLP.

Impact on the local highway network

140. Policy C10 of the OMWCS requires minerals development to make provision for safe and suitable access to the advisory lorry route in a way which maintains the safety of all users, the efficiency of the road network and residential and environmental amenity. Where development leads to a need for improvement, the developer is expected to provide such improvement or make an appropriate financial contribution. Policy C10 explains that minerals development should be located and operated to enable the transport of minerals by rail. This policy also explains that minerals development that would generate a significant amount of traffic will be expected to be supported by mitigation measures where applicable.

141. Policy C5 of the OMWCS requires new mineral development to demonstrate that they would not have an unacceptably adverse impact from traffic. Where appropriate, mitigation measures will be required.

142. The Banbury Vision and Masterplan Supplementary Planning Document 2016 explains that the traffic associated with the construction of HS2 is likely to be significant for Banbury.

143. The local member, Banbury Town Council and most of the public consultation responses have raised concern about the traffic impact that the additional 320 daily HGV movements would have on a busy part of the road network over a 5-year period.

144. Banbury Town Council are of the view that significant mitigation measures should be funded and put in place to address the traffic impacts.

145. Public consultation responses also raise concerns about road safety as the site is located on a busy junction with poor sight lines, and there is no crossing or footpath on Grimbsury Green.

146. Public consultation responses also raise concerns about mud on the road.

147. The Rights of Way Officer and Cherwell District Council comment that consideration should be given to the proposed pedestrian and cycle improvements to ensure that they are safe. The district council further comment that these improvements should fit with the existing network.
148. Transport Development Control has considered the comments of the Rights of Way Officer and the district council about the proposed pedestrian and cycle improvements and are of the view that the proposals are acceptable and should be secured through a S.278 agreement along with the other highway works.
149. In Transport Development Control's view, conditions should be imposed for the duration of phase 1 limiting the daily HGV movements to and from the site to 400 and the limiting the peak hour HGV movements to and from the site to 20. Transport are also of the view that a construction traffic management plan and a signage condition should be imposed.
150. Cherwell District Council comment that the construction traffic management plan should include a timetable of works to ensure that the highway works within the vicinity of the site and the wider town are timed to minimise disruption.
151. Cherwell District Council and Transport Development Control both consider a routeing agreement to be necessary. Transport Development Control further advise that the route should require HS2 traffic to travel directly to/from the M40 via Hennef Way (A422), or to/from the north or via Southam Road (A423) and Hennef Way.
152. The applicant has confirmed that they would be agreeable to conditions restricting HGV movements during phase 1 of the development.
153. The application site is immediately off an advisory lorry route and the application includes measures to improve the access to the site. In my view, requiring the applicant to enter into a legal agreement for the proposed highway works would go some way to mitigating the safety concerns which have been raised. The legal agreement would also ensure that safety is maintained (and improved) for all users. A condition requiring that the development is to be carried out in accordance with the transport mitigation measures specified in the Transport Assessment should further enhance the safety of the road by ensuring that the local road network is kept free of mud.
154. Whilst the application would place an additional 320 HGVs on the road network, the development also seeks to minimise traffic generation by utilising the railway for the transportation of aggregates. Conditions capping the number of daily HGV movements and peak hour HGV movements to and from the site would be an appropriate way to help mitigate the traffic impacts of the development during phase 1. The applicant is agreeable to a routeing agreement along the lines described in paragraph 151, and a signage condition could be imposed to remind drivers to use the agreed route. Subject to a legal agreement and conditions requiring the development to be carried out in accordance with these

mitigation measures, I am of the view that the development accords with policies C5 and C10 of the OMWCS.

Impact on the Natural Environment

Landscaping

155. Policy C5 of the OMWCS and ESD13 of the CLP ensure that new development respects local landscape character and that proposals include appropriate measures to mitigate adverse impacts on the landscape.
156. The Landscape Specialist comments that the northern end of the site is comparatively more natural and darker than the southern part of the site, and subsequently considers it appropriate to impose an external lighting condition to limit the effects at the northern end of the site.
157. Whilst not fully agreeing with some of the detailed landscaping assessments, the Landscape Specialist comments that on balance the Landscape and Mitigation Enhancement Plan is acceptable, and the landscape and visual effects of the proposed development would not be significant.
158. Although the site may become more densely used, I do not consider that the existing landscape character would be adversely harmed as the site is relatively well contained and that the additional landscaping is proposed. I do however agree that a suitable lighting condition should be imposed to ensure that the proposed development complies with policy C5 of the OMWCS and ESD13 of the CLP.

Protected Species

159. Policies C7 of the OMWLP and ESD10 of the CLP seek to conserve and where possible, deliver a net gain in biodiversity.
160. The Ecology Officer is satisfied that the potential impacts on protected species and habitats has been given due regard and that the implementation of the Ecological Management Plan (EMP) will deliver an overall net gain in biodiversity.
161. Some of the public responses express concern about the impacts that the proposed development would have on local flora and fauna.
162. I note the concerns about flora and fauna. However, the Extended Phase 1 Habitat Survey concludes that the proposed development would not have an important adverse effect on fauna or flora. In addition, the Ecology Officer has not raised the conservation of biodiversity as an issue and the EMP would deliver a net gain in biodiversity. I am therefore of the view that the proposed development is in line with Policies C7 of the OMWLP and ESD10 of the CLP

Flooding

163. Policy C3 of the OMWCS and ESD6 of the CLP explain that development will, wherever possible, take place in areas with the lowest probability of flooding. Where development takes place in an area of identified flood risk this should only be where alternative locations in areas of lower flood risk have been explored and discounted using the sequential approach.
164. As part of the application site lies within flood zone 2, the sequential test should be applied.
165. Stage 1 of the sequential test seeks to identify if the development can be allocated in flood zone 1. In this instance the development cannot be allocated in flood zone 1 as the development proposal relates to an existing and well-established site whose operations relies on the adjacent railway siding. It would therefore seem impractical to suggest that a more suitable alternative location be sought. In addition, the proposed HS2 construction works need to be within the vicinity of the railway siding as the aggregates would be delivered by rail.
166. Stage 2 of the sequential test seeks to allocate development which cannot be allocated in flood zone 1 into flood zone 2. The exception test should be applied at stage 2 if the development is highly vulnerable. Table 2 of the NPPG: Flood Risk and Coastal Change identifies minerals working and processing as less vulnerable development. The Flood Risk Vulnerability Classification table considers the siting of less vulnerable development within flood zone 2 to be appropriate development and identifies that the exception test does not need to be undertaken. I am therefore of the view that the proposed development accords with Policy C3 of the OMWCS and ESD6 of the CLP.
167. Policy ESD7 of the CLP requires development to use sustainable drainage system (SuDS) for the management of surface water run-off.
168. The LLFA are of the view that the submitted drainage scheme is not in line with local standards and have recommended a condition requiring the submission and approval of a surface water drainage scheme.
169. I agree that a surface water drainage scheme condition should be imposed to ensure that the development is in accordance with policy ESD7 of the CLP.

Other issues

Community engagement

170. One public consultation response raises concern about the length of notification given about the community engagement meeting in November 2019.
171. The community engagement meeting being referred to was undertaken during the pre-application stage by the applicant/agent. Whilst it is unfortunate that the respondent did not receive adequate notification about the meeting, Oxfordshire

County Council did undertake a consultation exercise on the development proposals as part of the planning application process.

Impact of COVID-19 on the planning application process

172. In March 2020 the Ministry of Housing, Communities & Local Government issued a Chief Planners Newsletter which contains COVID-19 advice. The newsletter explains that it is important for authorities to continue to provide the best service possible in these stretching times and prioritise decision-making to ensure the planning system continues to function, especially where this will support the local economy. The newsletter also encourages councils to be pragmatic and to work proactively with applicants, where necessary, agreeing extended periods for making decisions.
173. During the consultation period the local member and some of the public respondents commented that the application should be put on hold as people who may ordinarily be interested in commenting on the application are pre-occupied with the coronavirus pandemic and its impacts. One public respondent also queried the need for HS2 at such an unprecedented time.
174. In line with the Chief Planners Newsletter, the Development Management team chose not to ask the applicant to put the application on hold, but, instead worked proactively with the applicant to extend both the consultation period and the determination period of this application by 21 days.

Conclusions

175. Planning permission is being sought for the provision of a new permanent aggregate unloading and storage facility which will serve:
- the High Speed 2 (HS2) development;
 - the existing onsite asphalt and concrete batching plant; and
 - various national and local infrastructure projects in the surrounding area.
176. The need for the development is supported by policies M6 and M9 of the OMWCS and policy SLE4 of the CLP.
177. The proposed development would be in keeping with the character of its context through sensitive siting, layout and design.
178. Subject to conditions, the proposed development should not have a materially detrimental or unacceptable adverse impact on the local environment or on residential amenity in terms of dust, light pollution, air pollution, and noise.
179. Subject to condition, the application accords with the aims of OMWCS policies C3, C5 and C10; and CLP policies ESD13 ESD15, ESD7, SLE14. The application also accords with CLP policy ESD6.

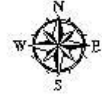
180. The imposition of a suitable ecological condition should ensure that the proposal accords with Policies C7 of the OMWLP and ESD10 of the CLP.
181. Subject to condition and legal agreements to cover the routeing agreement and the highway works, the planning proposal constitutes sustainable development.

RECOMMENDATION

182. **It is RECOMMENDED that subject to a routeing agreement and a S.106 agreement to secure highway works first being entered into that planning permission for Application MW.0026/20 be approved subject to conditions to be determined by the Director for Planning and Place including the matters set out in Annex 2 to this report.**

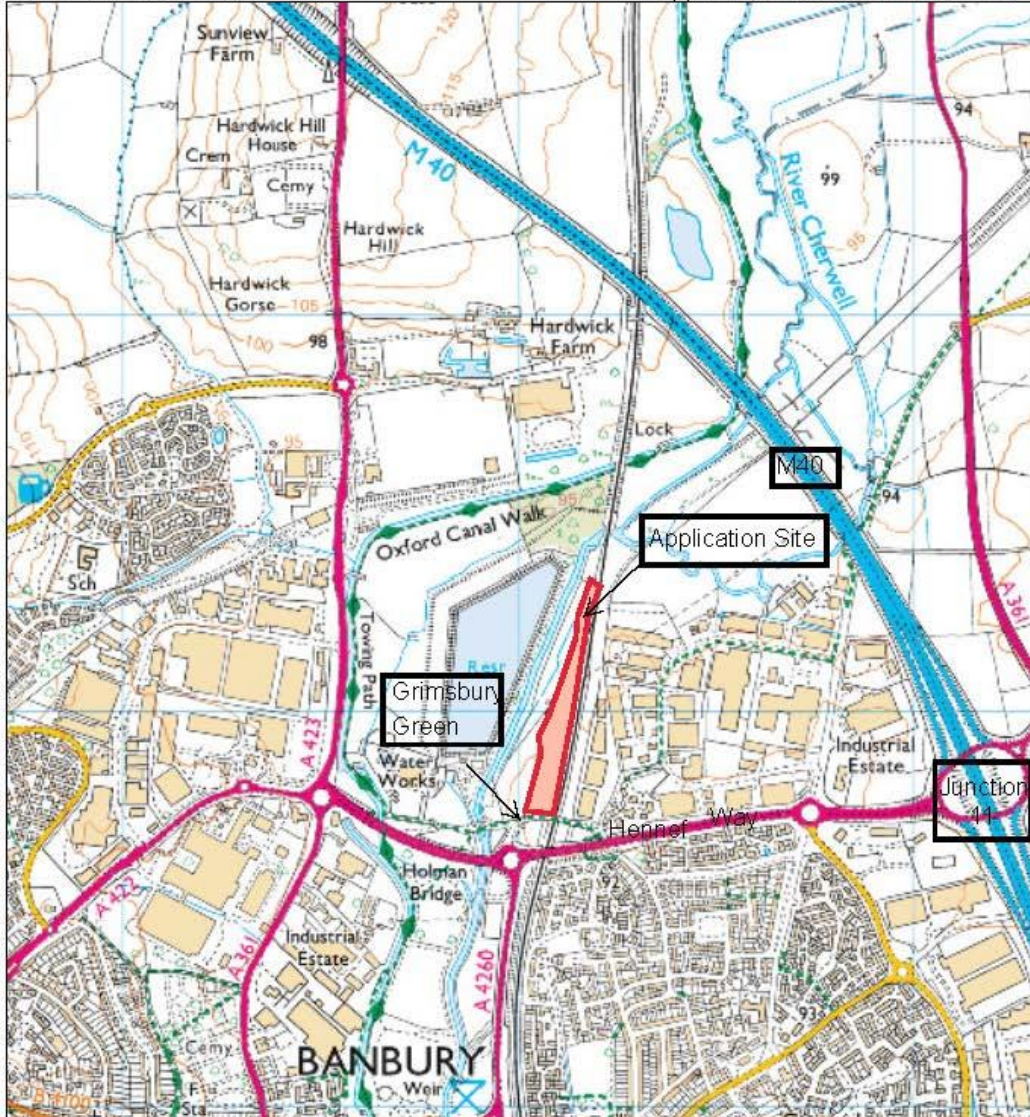
SUE HALLIWELL
Director for Planning and Place

July 2020



Annex 1: Location Plan

Application Number: MW.0026/20



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Oxfordshire County Council
Author: Oxfordshire County Council

Annex 2 – Conditions

1. Phase 1 of the development to begin no later than 3 years of the date of this permission.
2. Development to be carried out in accordance with the approved application.
3. Rail grab not to be used for deliveries by rail to the asphalt and concrete batching plant between 22:00 and 06:30 Mondays – Sundays.
4. Removal of the existing rail grab at the start of phase 2.
5. Local Planning Authority to be notified within 1 week of the completion of phase 1.
6. No development shall take place except in accordance with the dust mitigation measures specified in the dust assessment.
7. No development shall take place except in accordance with the noise suppression measures specified in the noise assessment.
8. No development shall take place except in accordance with the air quality suppression measures specified in the air quality assessment.
9. No development shall take place except in accordance with the transport mitigation measures specified in the transport assessment.
10. Submission of lighting scheme.
11. Erection of signage which indicates that the agreed lorry route is direct to the M40 via Hennef Way and shall be used between 18.00-06.00 hours Mondays to Saturdays and 14.00-06.00 hours on Sundays.
12. During phase 1 there shall be no more than a daily total of 20 HGV movements between the peak hour periods of 0800-0900 hours and 1700-1800 hours Mondays to Fridays.
13. No more than 400 HGV movements to or from the site per day during phase 1.
14. Records of HGV movements to be kept and made available.
15. Submission of construction Traffic and Environment Management Plan for approval and implementation of approved construction traffic and environment management plan.

16. Submission of Surface Water Drainage Scheme for approval, and implementation of approved scheme.
17. During phase 1 the operational hours of the BDU and storage facility during are to be 0500 – 2100 Mondays to Fridays, 0600 – 1500 Saturdays and 0800 – 1500 Sundays and bank holidays.
18. Operational hours of the asphalt plant to be 04:00 – 19:00 Mondays to Saturdays and 08:00 – 17:00 on Sundays during phase 1.
19. Operational hours of the concrete batching plant to be 0700 – 1800 Monday to Friday and 07:00 – 13:00 on Saturdays during phase 1.
20. Operational hours of the site to be 04:00 – 19:00 Monday to Saturday; and 08:00 – 17:00 Sunday during phase 2.
21. Temporary cessation of asphalt and concrete batching plant operations if justifiable complaints received about operations of these plants between 0400 – 0600 and 1800 – 1900 hours Monday to Fridays, 0400 – 0600 and 1400 – 1900 on Saturdays and 0800 to 1700 hours on Sundays. Details of measures to overcome complaints to be submitted for approval. Operations to recommence once approved measures have been implemented.
22. Lighting for the weighbridge on the resurfaced western access road and the lighting from the lorry parking area and rail siding must be permanently switched off immediately after phase 1 has been completed.
23. Removal of turning area and associated lighting from the northern section of the site; weighbridge and associated lighting on the resurfaced western access road; lighting from the lorry parking area and rail siding within 1 month of the commencement of phase 2.
24. Noise levels arising from the development shall not exceed 55 dB(LAeq) (1 hour), freefield at the noise sensitive receptors detailed in the noise assessment.

Annex 3 – Other viewpoints

Representations

Cllr Banfeld - As the elected representative for this geographical location at a District and County level, my only conclusion and recommendation are that this planning application numbered MW.0026/20 submitted from Tarmac Trading Ltd must be rejected. I have grave concerns for my constituents if this planning application is granted due to a number of different serious issues with this application and my only conclusion is if planning permission is granted there will be a great number of negative health repercussions for my constituents, and this would be a to greater physical and mental price for my constituents to pay.

Especially for my constituents with homes located near or on Waterworks Road and in the location of Hennef Way as some residential properties are located just 75 meters from this plant. At this time this plant is already responsible for noise, dust, and light pollution and of course, we can't deny or ignore the very real Nitrogen Dioxide air pollution problem on Hennef Way. As Hennef Way is at this time the most polluted road in the county and the third most polluted road in the whole of the country outside London. With a Nitrogen Dioxide reading that is at this time double the safe legal limit. In all honesty, we have now all seen within the last year the scientific research, which has confirmed that high levels of Nitrogen Dioxide pollution cause heart attacks, strokes, and respiratory disease in older people and respiratory diseases such as asthma in children. High levels of air pollution also increase the risks of miscarriage for expecting mothers. At this time Tarmac generates 80 HGV movements on Waterworks Road and Hennef Way per 12 hour period if Tarmac secures planning permission this will increase to 400 HGV movements driving in these locations in a 12 hour period. What will this do to the already illegal Nitrogen Dioxide pollution levels located on Hennef Way? Noise pollution coming from this plant is already a big problem for my constituents even with the new sound barrier fencing which has been erected recently by Tarmac. As I have been copied into a written complaint from a constituent just last month, and I think we can't deny the very real link between mental illness and noise pollution, sleep deprivation. At every level of local government, we have now made the commitment by way of a written motion that we are within a climate emergency situation within our county and country. Air pollution and it's associated health risks are a major component of the climate emergency and thus elected members and officers must include this important factor when voting and giving their official recommendations.

Consultations

Banbury Town Council - Object on the grounds that:

- The proposal will generate a significant increase in HGV traffic over extended periods of the day on an already congested part of the Highway network. It will cause unacceptable additional congestion and consequent delays to the travelling public. Notwithstanding the importance of the HS2 project this is considered to be an unacceptable impact over the projected 5 year construction period unless significant mitigation measures are funded and put into place;

- As this operation is only 75 metres from residential property it is likely that there will be problems with dust migrating from the plant to the nearby houses. Banbury Town Council are concerned about the assessment of the dust and noise impacts of the proposal. OCC are asked to ensure that CDC's Environmental Protection Officers are fully involved in assessing these impacts and that mitigation measures are required to minimise nuisance;
- The extra operating hours and high volume of HGV movement will be detrimental to the already poor air quality in this area. This area already suffers from congestion and to add the proposed number of vehicle movements will put extreme pressure on the local environment; and
- Local residents will have to endure noise, dust and traffic congestion for up to 19 hrs per day 5 days per week. They will not even have a rest from this pollution onslaught at the week end as the plant is open from 6.00 am until 3.00 pm (sat) and 8.00 am until 3.00 pm on a Sunday.

Cherwell District Council – Comments as follows:

- CDC welcome that no development is proposed on the field to the west of the site and would like to reiterate the importance of such spaces around Banbury. Policies including ESD10, ESD13, ESD17 and Banbury 11 of the Cherwell Local Plan seek to protect such spaces.
- CDC note the objection of the Highway Authority and would request that the detailed points are addressed through the submission of additional information to remove the current objection.
- CDC Environmental Protection have raised no objection to the application, however with regard to Air Quality, would request that a Damage Cost Calculation be undertaken to mitigate for the moderate adverse impact identified. The funds identified should be put towards off-setting measures or additional monitoring.
- CDC would support the request for additional information made by the Oxfordshire County Council Landscape Specialist relating to Landscape Matters.
- OCC are asked to carefully consider the position of the office/ welfare building to the south of the site and its impact on the bank/ existing vegetation.
- CDC would request the Routing Agreement to be updated.
- CDC would request that careful consideration is given to ensuring that the proposed pedestrian/ cycle improvements are safe and the Council wish to query how these proposals fit with existing infrastructure.
- In terms of conditions relating to Environmental Protection matters, CDC would strongly request careful monitoring to ensure the appropriate standards are adhered to and to encourage enforcement action to be taken where there are any breaches.
- CDC are mindful of the number of proposed highway works within the vicinity of the site and the wider town and would request that works are timed so that highway impacts are minimised alongside the timing proposed by this application. A construction timetable is recommended to be sought.

Cherwell District Council Environmental Protection Manager 1st response –Dust

Based on the finding of the Dust Assessment Referenced ZTTBAN_DA_Rev_E January 2020 submitted by DustScan AQ there would be no objections to the operational phase of the proposed development with regards to dust. We have not received any complaints about dust or other pollution matters as a result of the operations of the current roadstone coating and cement batching plants.

Noise

The methodology used in the BS4142:2014 Assessment Noise Report Referenced:4954 January 2020 submitted by WBM Acoustic Consultants is satisfactory. Two complaints were received, one in 2018 and one in April 2019, about noise from the operation of the grab excavator unloading aggregates from rail wagons at around 6am. However, the grab excavator will not be used between 2200 and 0700, and the proposals also include for rail unloading via a new Bottom Discharge Unit system (BDU) which, following completion of the HS2 construction, will be used for all materials imported by train. Based on the findings of the noise assessment report there would be no objections to the operational phase of the proposed development with regards to noise.

Air Quality

The main traffic route for the proposed development is through the Hennef Way Air Quality Management Area (AQMA) which was declared for exceedances of the annual mean air quality objective for Nitrogen dioxide of 40 µg/m³. Levels have, however, been falling over the last few years; 84.8 µg/m³ in 2017, 74.9 µg/m³ in 2018 and 72.1 µg/m³ in 2019. The Air Quality Assessment Referenced ZTTBAN AQA_C_Rev_E January 2020 submitted by DustScan has modelled levels in 2021 (year one) without (61.8 µg/m³) and with (62.2 µg/m³) the proposed development. The methodology used for the assessment and the verification of the model are accepted. The difference between the without and with the proposed development is 0.40 µg/m³, 1% of the objective level, and although this is identified as a moderate adverse impact it would not be a reason to refuse the development. The impact can, however, be presented in monetary terms by requiring the applicant to undertake a Damage Cost Calculation assessment and any funds identified put towards off-setting measures or additional monitoring. Although the 'with proposed development' is based on a worst case scenario of 400 vehicle movements a day for a temporary period of 5 years for the HS2 construction work. Based on the findings of the air quality assessment report there would be no objections to the proposed development with regards to air quality subject to the applicant being required to undertake a Damage Cost Calculation assessment.

Contaminated Land

No comments

Odour

No comments

Light

No objections to the proposed development with regards to lighting.

Construction Phase

A Construction Environment Management Plan (CEMP) will be required to ensure noise and dust from construction works do not adversely affect other sensitive receptors in the area.

Cherwell District Council Environmental Protection Manager final response – in request to clarification over previous air quality comments.

We are currently working on the 2020 Annual Status Report which will report on the monitoring undertaken in 2019 and therefore I was able to report the 2019 figure. The table below shows the Hennef Way data for 2017 to 2019 at the monitoring location, and also distance corrected to the nearest point of relevant exposure.

Year	Level at Monitoring Location ($\mu\text{g}/\text{m}^3$)	Distance Corrected to Nearest Exposure ($\mu\text{g}/\text{m}^3$)
2017	91.6	84.8
2018	81.2	74.9
2019	77.5	72.1

The level distance corrected to the nearest point of exposure is the figure that we are interested in and therefore the figures reported in my comments on the planning application are the correct levels. The predicted levels in the air quality assessment submitted with the planning application were also modelled to points of relevant exposure.

The reason for including the data for 2017 to 2019 in my comments on the planning application was to show the trend in levels falling, and the modelled data in the submitted air quality assessment predicts the levels will fall further by 2021. The air quality assessment only modelled data for 2021 (year one) as this represented a worst case scenario because in future years it would be expected that levels will fall further as more cleaner vehicles enter the fleet.

I mentioned in my previous comments that the Hennef Way Air Quality Management Area (AQMA) was declared for exceedances of the annual mean air quality objective for Nitrogen dioxide of $40 \mu\text{g}/\text{m}^3$. The difference in the modelled levels in the submitted air quality assessment between the without and with proposed development was $0.40 \mu\text{g}/\text{m}^3$, which is 1% of the air quality objective level. This is a small change, but because the levels are already above the air quality objective level the impact is identified as 'moderate adverse'. However, a moderate adverse impact would not necessarily be a reason to object to the proposal on air quality grounds, if it were, developments would not take place in or in the vicinity of an AQMA. What we look to do therefore is quantify the impact of the development on air quality in monetary terms by requiring the applicant to undertake a Damage Cost Calculation

assessment, which was recommended in the comments on the planning application. Any funds identified can then be put towards off-setting measures, such as measures identified in the Air Quality Action Plan, additional monitoring, or put towards road improvement schemes in the area that the County Council are undertaking.

The impact on air quality with the proposed development was based on a worst case scenario of an increase in HGV movements from 80 to 400 a day. This increase is for a temporary period of 5 years so that the site can supply materials for the HS2 construction project after which vehicle movements will return to present levels. There has also been a commitment that all HGVs, particularly those associated with the HS2 work, will be the latest, at least Euro VI, standard so as to minimise the impact from traffic related emissions during this 5 year period.

Environment Agency (1st response) - Requested sight of the topographical survey so that the flood risk of the development could be assessed.

Environment Agency (final response) - The proposed development is outside of Flood Zone 3b and the 1% annual probability flood extent with a suitable allowance for climate change. Therefore, the flood risk both to and from the development is negligible. We therefore have no objection to the application. In accordance with the National Planning Policy Framework (paragraph 158), development should not be permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower probability of flooding. It is for the local planning authority to determine if the sequential test has to be applied and whether or not there are other sites available at lower flood risk.

National Rail (1st response) – Initially submitted a holding objection but this was withdrawn as they were liaising with the applicant about the proposal.

National Rail (final response) - No further comments to make on this application.

Natural England – No comments to make on this application.

County Archaeologist - Lidar survey and a geophysical survey of the land to the west of the application site indicate that truncation and ground disturbance has been undertaken across the application site. As such there are no archaeological constraints to this application.

Rights of Way Officer - The provision of a foot/cycleway to Grimsbury Green is noted. My only comment is to recommend you seek Transport Development Control's view about whether a controlled pedestrian or ped/cycle crossing is needed on a temporary or permanent basis to ensure the public has safe access along Grimsbury Green. A controlled crossing covering both parts of the staggered junction would remove potential issues about multi-direction hazard avoidance. I would support such a measure if it was deemed appropriate.

Transport Development Control (1st response) - Objection, on the basis that the information does not provide an adequate assessment of the traffic impact of the development.

Grimsbury Green is a well used and strategically important pedestrian/cycle link between residential and employment areas of Banbury – particularly important since there are no pedestrian/cycle facilities on Hennef Way itself. To provide assurance that the risks to pedestrians and cyclists have been thoroughly considered in the proposals, I request that a Stage 1 Road Safety Audit is carried out and the results published with this application.

Vehicle swept path analysis is required for rigid bodied vehicles, and to demonstrate the manoeuvre left off Grimsbury Green towards Hennef Way. Additionally, whilst the swept path drawings show the new access into the power generation site off Grimsbury Green, the access arrangement drawings do not and there is a potential conflict between the pedestrian crossing facilities on the south side of Grimsbury Green and the power generation site access. This needs to be clarified and the design modified if necessary.

Traffic impact

I am concerned that the number of trips associated with the Banbury development are underestimated, because some of the scenarios being considered at J10 appear to show many more movements coming from the north. For this reason, I recommend that daily movements associated with the site are capped by a condition, in addition to peak hour movements.

Additionally, according to the Code of Construction Practice for HS2, the working hours for the project are 0800 – 1800 with a one hour start up and close down. I therefore query why traffic from this site would be on the network from 0500 to 2030 given the likely journey times to work sites.

Site layout

I note that within the site layout, parking for the lorry fleet is not shown. At 4.1.7 it says that vehicles will be parked on site overnight or at a nearby compound, but no information is provided on where that compound is. Clarification is needed.

Mitigation

Various assurances are given at 4.13. However, the applicant should confirm that all HS2-related traffic from the site should conform to HS2's requirements set out in the Code of Construction Practice, Local Traffic Management Plans and any other requirements of the HS2 Act. This includes tracking of all vehicles, clear HS2 signage/livery on vehicles, and complaints handling.

Transport Development Control (2nd response)

No objection subject to Planning Obligations and Conditions as set out below:

Planning obligations:

1. Prior to first use of the development by HGVs, to complete the highway works as set out in drawing TAR ICS 01 XX DR C 122 Rev P04 - Section 278 works plan, which include a widened bellmouth access, cycle and pedestrian facilities on Grimsbury Green and a pedestrian refuge on Waterworks Road;

together with signing and road markings at the junction of Waterworks Road and Hennef Way (see comments below). A S278 agreement with OCC will be required to be entered into prior to implementation of the development.

2. Prior to first use of the development by HGVs, to enter into a routing agreement with OCC requiring routing of HGV traffic direct to the M40 via Hennef Way.

Planning conditions

1. Erection of signage which indicates that the agreed lorry route is direct to the M40 via Hennef Way and shall be used between 18.00-06.00 hours Mondays to Saturdays and 14.00-06.00 hours on Sundays.
2. No more than 20 HGV movements to or from the site between 0800-0900 hours and between 1700-1800 hours Mondays to Fridays.
3. No more than 400 HGV movements to or from the site per day.
4. Submission of construction Traffic Management Plan and implementation of approved construction traffic management plan.

Our previous response was an objection, on the basis that the information did not provide an adequate assessment of the traffic impact of the development. Taking each of the key points we raised in turn, our objections have been addressed as follows.

- Limits needed on daily movements as well as peak hour:
 - In an email from DTA of 10 June, Simon Tucker said that 'we agree in principle to your proposed conditions'. These conditions included a daily limit on HGV traffic movements of 400, in line with the transport assessment. The removal of the highways objection is subject to this condition being applied, to protect the local roads from the risk of HS2 increasing demand from the site.
 - With regard to the condition to restrict movements within the peak hour, DTA argue that the condition should be set to limit peak hour movements to 20, because that is the level of traffic which currently uses the site under exiting consents (which are not restricted by condition). Clearly the intention is not to increase this by adding any HGV traffic associated with this planning condition, as in the same email, Simon Tucker says 'we are content to accept a condition to ensure this is not increased.'
 - A condition on this planning application could not be applied to restrict existing consented operations. However, it is my understanding that if this proposal is implemented, the current operations at the site would not be able to continue. On that basis,

I accept that the condition restricting total peak hour movements to 20 is sufficient to remove our objection on this point.

- Inadequacies with the transport assessment
 - The A361 is included in the assessment, but not the commentary – but this does not affect the overall assessment.
 - Updated accident data and commentary has been provided. This does show a number of accidents, and, having consulted colleagues, I understand this roundabout has one of the highest frequencies of accidents in the county (comparing with other junctions of similar size and nature). A significant increase in traffic using the Grimsbury Green arm of the junction will inevitably increase the risk of accidents at the junction. Suitable mitigation could take the form of modifications to lane marking and signage. I am investigating this with colleagues and would propose that reasonable mitigation of this nature is added to the S278 works.
 - Data sheets for the traffic counts have been provided and are satisfactory.
 - My comments regarding what traffic is included in the reference case still apply. However, my objection on this point would be overcome by the condition restricting peak hour movements to 20, because the assessment of network capacity is based on the network peak times.
 - My points 5 and 6 are also not relevant with this restriction.
 - 8. It has been confirmed that there is a typo in the HS2 dates so the assessment year is relevant.

- Incorrect assumptions with regard to HS2 - I stand by my comments that traffic between the railhead and the M40 is not included in HS2's ES and not subject to controls under the HS2 Act. Under the Act, HS2 and its contractors are only required to take responsibility for traffic routing, restrictions, or mitigation of impacts between the Strategic Road Network and the destination HS2 work site. This becomes irrelevant to this application in transport terms provided the condition restricting peak hour traffic is applied. The limit on daily movements will prevent traffic ramping up significantly such that the periods between the peak hours are affected, and is particularly relevant to the air quality assessment.

- Significant increases in HGV traffic through AQMA - I note that CDC have commented on the air quality assessment and requested an air quality damage cost calculation. Whilst this is a matter for CDC, I have noted that the email from Andy Shepley at David Jarvis of 18 June states that 'the wider transport network (including Hennef Way) forms part of the already approved routes contained within the HS2 Bill and as such vehicles utilising this will comply with all the requirements of the HS2 Bill in respect of wider HGV routing and timing.' Hennef Way IS on one of the official HS2 construction routes, but only for vehicles travelling between the M40 and HS2 work sites in Warwickshire. As stated above, the impact of vehicles travelling between the

railhead and the M40 is not included in the ES and these movements are not subject to HS2 controls.

- Overnight parking for lorries - It has been explained that not all lorries will be parked overnight at the site and alternative sites are being sought. OCC will require waiting restrictions in Grimsbury Green as part of the S278 works to ensure that no lorries park or wait there. The relevant fee can be secured through the S278 agreement.
- Road safety audit - A Stage 1 RSA has been provided for the site access arrangements. This highlight poor quality surfacing in the area of the proposed cycle lane. Resurfacing to ensure the safety of cyclists will be required as part of the S278 works.
- Swept path analysis - Further swept path drawings have been provided, which show that the new proposed pedestrian refuge would not be overrun by vehicle movements.

Transport Development Control (3rd response)

Satisfied for the condition restricting peak hour HGV movements to apply during phase 1 only provided that there is a condition restricting the total daily movements to 400 in phase 1.

Landscape Specialist (1st response) – Clarification and further information required on:

1. Scheme Elements - how the new structures compare in height, bulk and appearance compared to what's currently on site.
2. Landscape proposals - A revised more comprehensive Landscape Plan is required showing existing vegetation, vegetation to be removed (species, size, condition), vegetation retained (species, size, condition) and vegetation proposed as well as information on protection during construction and operation. This should also include proposed improvements to existing boundary hedgerows, and any potential planting along the southern boundary of the neighbouring field (West). More detail is required with regard to the design and appearance of the widened entrance including vegetation context (vegetation lost, retained, new), details of fencing, gates, signage and lighting. Whilst some landscape details such a plant specification, method of planting and management notes can be conditioned, I consider it necessary to see a comprehensive landscape plan prior to determination.
3. Landscape and Visual Appraisal - Clarification sought on scheme elements and proposed mitigation.
4. Lighting Impacts - Clarification is sought on the proposed level of lighting and its related impact.

Landscape Specialist (final reply) – As mentioned in the previous comments (April 2020) I welcome that the application no longer seeks to place the proposed operations into the open field West of the site but to contain the development within

the existing site boundaries. This assists considerably in reducing the landscape and visual impact of the proposal.

As per my previous comments I have no principle issue with the proposal but had sought further clarification on:

- a) how the proposal compares in height and bulk with what's currently on site;
- b) Landscape proposals;
- c) Landscape and Visual Appraisal (LVA);
- d) Lighting impact.

Taking these in turns:

a) The LVA states that the height of the cement silos will not exceed the height of the existing chimney (18m) and that it is therefore unlikely that the proposed development would present a new prominent detracting feature. Whilst I welcome that the proposed structures will not be higher I don't fully agree with this assessment as the cement silos are considerably bulkier and will be located further north in the site where such high structures currently do not exist. I therefore expect the visual impact to increase.

b) The landscape proposals

Further information on the landscape proposal have been provided in the Landscape Mitigation and Enhancement plan in the LVA. This is on balance acceptable.

c) Landscape and Visual Appraisal (LVA)

The LVA has been updated and includes now more information, including a viewpoint map and corresponding photographs. I don't fully agree with the some of the detailed assessments, however, I am content that landscape and visual effects will not be significant.

d) Lighting impact

Considerable information on lighting has been submitted, however, it is mostly technical and does not explain how proposed lighting compares with what's currently on site. With proposed operations extending across the whole site including the less-used northern part, I would expect lighting impacts to increase especially in this area. Here the site's context is more natural and darker increasing the effects of lighting. This is also reflected in the CPRE's (Campaign to Protect Rural England) England's Light Pollution and Dark Skies Map (<https://www.nightblight.cpre.org.uk/maps/>), which shows the northern part being located in a darker area.

A lighting plan provided in appendix E2 of the Ecological Management plan shows some lightspill beyond the site boundaries especially in the northern part of the site near the turning circle and lorry parking. I am still not clear whether and what measures have been employed to minimise lightspill eg through the use of hoods, focussed inward-facing or downward-facing lighting and 'warm' LED lights, but recommend that such measures are employed. A condition is recommended.

Conclusion:

No objection but I recommend that the following conditions are added to any potential planning consent: i) implementation of approved lighting scheme and ii) external lighting.

Ecology Officer - Overall, I have no objection to the proposals on ecological grounds. I have reviewed the documentation provided, in conjunction with additional communications with the ecological consultant (Jennifer Kearney, Crestwood Environmental) regarding clarification over survey effort. I am satisfied that the potential impacts on protected species and habitats has been given due regard. If minded to approve, please include the following condition in respect of ecological enhancements to ensure an overall net gain in biodiversity will be achieved. The scheme shall include full details of all vegetation to be lost and all compensatory planting, including its long-term management. Additionally, a lighting scheme for light-sensitive wildlife shall be included.

Public Health - It is important that the applicant adheres to the dust mitigation measures set out in Section 6 of the Dust Assessment.

I note that the Air Quality Assessment estimates that the number of daily vehicle movements will increase significantly from 80 to 400 a day. Hennef Way is a declared AQMA. The most recent annual mean data for NO₂ in this area is 74.9µg/m³. This is still significantly above the 40 µg/m³ level that places this road in exceedance to required levels. I would have concerns about the impact of this proposed increase in HGV traffic on air quality management plans and the likelihood of the levels of NO₂ in the area increasing, without reviewing the management plan for the area in the light of significant increase in HGV traffic.

I have read the objection you have sent me due to the possible effects of pollution on coronavirus. As the understanding of the novel coronavirus is still evolving and I am unwilling to comment on this matter. However there is good understanding of the effects on health due to NO₂ emissions and these should be considered in the light of the area already being an AQMA where levels of NO₂ are significantly in exceedance of acceptable levels.

Public Health (2nd response) - I am happy to defer to the comments from my colleague in Environmental protection in CDC regarding air quality and modelling of NO₂ levels.

Lead Local Flood Authority - The drainage strategy has not demonstrated it is in line with the Local Standards and Guidance for Surface Water Drainage on Major Development in Oxfordshire. Although the site is proposing to discharge at greenfield rates and is proposing an increase in attenuation of 879m³ which seems more than enough, the strategy has not demonstrated how this will be achieved in the proposed layout. We have concerns that the proposed storage requirements cannot be met on the existing site and will end up increasing flow rates to the River Cherwell post development. For brownfield sites, the proposed rate needs to accord with the Standards S3, L3 and S5 in the local guidance. The Strategy needs to demonstrate that the flow rates have been reduced to as close as practical to greenfield runoff post development. Further guidance on this can be found on Page 19. As this is

already a working site, we are happy for the outstanding concerns to be dealt with by condition.

Ecology Officer (1st response)- Overall, I have no objection to the proposals on ecological grounds. I have reviewed the documentation provided, in conjunction with additional communications with the ecological consultant (Jennifer Kearney, Crestwood Environmental) regarding clarification over survey effort. I am satisfied that the potential impacts on protected species and habitats has been given due regard. If minded to approve, please include the following condition in respect of ecological enhancements to ensure an overall net gain in biodiversity will be achieved. The scheme shall include full details of all vegetation to be lost and all compensatory planting, including its long-term management. Additionally, a lighting scheme for light-sensitive wildlife shall be included.

Ecological Officer (final response) - I'm happy with the EMP.

Public Health - It is important that the applicant adheres to the dust mitigation measures set out in Section 6 of the Dust Assessment.

I note that the Air Quality Assessment estimates that the number of daily vehicle movements will increase significantly from 80 to 400 a day. Hennef Way is a declared AQMA. The most recent annual mean data for NO₂ in this area is 74.9µg/m³. This is still significantly above the 40 µg/m³ level that places this road in exceedance to required levels. I would have concerns about the impact of this proposed increase in HGV traffic on air quality management plans and the likelihood of the levels of NO₂ in the area increasing, without reviewing the management plan for the area in the light of significant increase in HGV traffic.

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already a working site, we are happy for the outstanding concerns to be dealt with by condition.

Annex 4 - European Protected Species

The County Planning Authority in exercising any of their functions, have a legal duty to have regard to the requirements of the Conservation of Species & Habitats Regulations 2010 which identifies 4 main offences for development affecting European Protected Species (EPS).

1. Deliberate capture or killing or injuring of an EPS
2. Deliberate taking or destroying of EPS eggs
3. Deliberate disturbance of a EPS including in particular any disturbance which is likely
 - a) to impair their ability –
 - i) to survive, to breed or reproduce, or to rear or nurture their young, or
 - ii) in the case of animals of a hibernating or migratory species, to hibernate or migrate; or
 - b) to affect significantly the local distribution or abundance of the species to which they belong.
4. Damage or destruction of an EPS breeding site or resting place.

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