

Planning Report

For: PLANNING AND REGULATION COMMITTEE – 20th July 2020

By: DIRECTOR FOR PLANNING AND PLACE

Development Proposed:

Application A: Retrospective planning application to extend recycled soil and aggregate area to NAP Grab Hire Ltd.'s adjacent site permitted under P11/V0615/CM/ 11/00615/CM (MW.0049/11); and

Application B: Retrospective Section 73 application for change of use from agriculture to site for the import, storage and screening of waste soils to create topsoil, without complying with conditions 5, 10, 13 and 15 of permission P11/V0615/CM/ 11/00615/CM (MW.0049/11).

Division Affected: Kingston and Cumnor

Contact Officer: Emma Bolster **Tel:** 07775 824954

Location: Swannybrook Farm, Kingston Bagpuize,
Abingdon, Oxfordshire OX13 5NE

Applicant: NAP Grab Hire Ltd

Application No: MW.0134/19 **District Ref:** P20/V0019/CM
MW.0135/19 P20/V0020/CM

District Council Area: Vale of White Horse

Date Received: 5th December 2019

Consultation Period: 9th January 2020 – 30th January 2020 and
7th April 2020 – 30th April 2020

Recommendation: **Approval**

The report recommends that the applications be approved.

Contents:

- Part 1 – Facts and Background
- Part 2 – Other Viewpoints
- Part 3 – Relevant Planning Documents
- Part 4 – Analysis and Conclusions

• **Part 1 – Facts and Background**

Site and Setting (see site plan Annex 1)

1. Both application sites are within Swannybrook Farm. The overall site is mainly agricultural, where part of the operations has been converted for light industrial use. The application sites are located approximately 960 metres south of the Village of Kingston Bagpuize with Southmoor and 600 metres west of the settlement at Fyfield Wick. Frilford is approximately 3 km (2 miles) to the east of the sites, as are Marcham at approximately 4 km (3 miles) and Abingdon-on-Thames at approximately 7.5 km (4.5 miles). The village of Charney Bassett is approximately 3 km (2 miles) to the south-west. Oxford is approximately 9 miles (14 km) to the north east.
2. The existing permitted soil recycling operation and the unapproved extended soil storage area, with which it works in combination, considered under these two applications are adjacent to each other. The existing site covers an area of approximately 0.27 hectare and the extension area covers an area of approximately 0.25 hectare giving a total for the two sites of 0.52 hectare. They are located to the north-west of the existing developed area, which includes areas of light industrial use. Swannybrook Farm is accessed from an unclassified road. This runs from the A415 through Fyfield Wick before joining Hanney Road. The immediate landscape to the north of Swannybrook Farm is areas of woodland with largely flat, agricultural land to the further north and around the eastern, southern and western boundaries. The largely agricultural land has established tree and hedgerow boundaries.
3. Restricted Byway 268/3/10 runs through the overall Swannybrook Farm operations, and is impacted by various operational businesses, including the soil recycling business considered under these applications. The Restricted Byway meets the road running through Fyfield Wick to the A415 to the south, at which point, Restricted Byway 268/2/20 runs west towards Charney Bassett and Bridleway 268/0/10 runs east, to the main entrance of Swannybrook Farm.
4. There are several small residential developments in the vicinity of the applications sites. The closest properties are approximately 600 metres to the south east within Fyfield Wick, on the opposite side of the road from which Swannybrook Farm is accessed.
5. The sites are in Flood Zone 1, which is an area with the least risk of flooding.

Planning History

District Council Permissions

6. Swannybrook Farm as a whole, is classed largely as an agricultural concern. There have been various District Council applications submitted relating to the wider site since at least 1987, including change of use, an agricultural to residential and signage.
7. Application P87/V0744/COU (87/00744/COU) was submitted July 1987. This was for change of use from an agricultural building to the repair of agricultural sprayers. This application was refused 14 October 1987. Application P87/V0745/COU (87/00745/COU) was submitted November 1987. This was for change of use from agricultural building to the repair of agricultural sprayers. This application was refused 27 January 1988.
8. Application P88/V0961/COU (88/00961/COU) was submitted February 1988. This was for change of use from agricultural building to the repair of agricultural sprayers. This was approved and issued 15 September 1988. A section 52 legal agreement was signed 25 August 1988 in relation to this permission. This precludes any of the existing buildings from being used for anything other than agricultural, apart from 'Building 2', which is John O'Leary Caravans. This business repairs, hires and sells touring caravans and has consent to operate from that building until such time as the business closes or relocates, when the building should revert to agriculture.
9. Application P89/V0780/COU (89/00780/COU) was submitted April 1989. This was for change of use of an agricultural building to light industrial use to enable an existing business to expand. This was approved and issued 09 January 1991. Application P93/V0148/COU (93/00148/COU) was submitted November 1993. This was for the change of use of an agricultural building to storage use. This was refused 04 July 1994 and allowed on appeal (T/APP/V3120/A/94/242246/P2) and approved 20 December 1994.
10. Application P98/V0715/COU (98/00715/COU) was submitted June 1998. This was for change of use from agricultural building to light industrial use. This was approved and issued 17 September 1998. Application P01/V0474/COU (01/00474/COU) was submitted March 2001. This was for change of use of grain store and agricultural building to light industrial use. This was refused 17 May 2001.
11. Application P03/V1585/COU (03/01585/COU) was submitted October 2003. This was for change of use of two sheds from agriculture to B1/B8 use. This was refused 06 November 2003. Application P03/V1586/AG (03/01586/AFD) was submitted October 2003. This was for the erection of an agricultural building. This was confirmed as

agricultural development and not requiring planning permission from the Local Planning Authority (LPA) on 23 October 2003. Application P05/V0721/AG (05/00721/AFD) was submitted May 2005. This was for the erection of a new agricultural building. This was confirmed as agricultural development and not requiring planning permission from the LPA on 16 June 2005.

12. Application P06/V1415/COU (06/01415/COU) was submitted September 2006. This was for change of use of two existing buildings from agricultural storage to storage of vehicles and equipment. This was approved and issued 31 October 2006. Application V1246/COU (09/01246/COU) was submitted July 2009. This was for change of use of section of farm for a waste transfer station for construction waste recycling /topsoil recycling. This was withdrawn 11 August 2009. Application P15/V2529/AG was submitted October 2015. This was for a storage building for types of seed and general agricultural machinery. This was responded to 13 November 2015.
13. The granted District Council permissions have largely been to the eastern edge of the existing developed area. Conditions on these permissions are matters which fall to be enforced by Vale of the White Horse District Council as the Local Planning Authority. There is no enforceable control by the County Council as the Waste Planning Authority for these or any other operations currently operating on the site outside of the red-line areas of the applications under consideration in this report.

County Council Permissions

14. Application 11/00615/CM (MW.0049/11) was submitted in March 2011. This was to allow for a change of use from agriculture to a site to allow for the import, storage and screening of waste soils to create topsoil. This was minded for approval at the Planning and Regulation Committee in September 2011 and permission was issued on 18 October 2011. This included condition 15 which restricts vehicle movements to a maximum of six per day (3 in, 3 out). The existing permission is therefore for a waste management site which would fall within the capacity of a smaller-scale facility as defined in the Oxfordshire Minerals and Waste Local Plan Part 1 – Core Strategy.

Details of the Development

Application A (WM.0134/19)

15. This application seeks to regularise a stockpile area of screened soils, which has been created adjacent to the waste soil screening operations. Access is via the western side of the existing, permitted operations through a belt of trees. Bunds have been created to the south and west of the extension area, to contain and screen the stored stockpiles of processed material. The sheeted stockpiles are currently visible from the highway, above the bunds.

16. The permitted, adjacent site has a planning condition to limit stockpile heights and whilst this does not apply to the extension area, the stockpiles are significantly higher than the permitted 3 metres. A maximum height of 5 metres for the stockpiles is sought as part of this application and further planting to screen operations and lessen the visual impact is also part of the application.
17. Application A is for the same operator and general site location covered by Application B, although the applications have separate red-line areas. Both sites share a number of common operations, including stockpile heights, appropriate landscaping and associated HGV movements.

Application B (MW.0135/19)

18. This application is to vary conditions 5 (Crushing), 10 (Stockpile heights), 13 (Landscaping) and 15 (HGV movements) of the soil screening operations permitted under P11/V0615/CM/ 11/00615/CM (MW.0049/11).
19. The application seeks to retrospectively vary these 4 conditions attached to the extant permission. This is in response to identified breaches of planning conditions from monitoring visits and complaints received to this authority. The application is to reflect the current operational situation on site.
20. Aggregate processing is prohibited under condition 5 of the current permission, which is one of the four conditions subject to the Section 73 application (MW.0135/19). The expansion of operations would increase the recycling aggregate capacity within the county. There have been some instances of aggregate crushing on site previously, as these are retrospective applications. An unannounced visit by this authority's enforcement officer (24 May 2019) was made to the application site, following complaints received. On this occasion, there was a crusher on site, and waste aggregates had been screened and separated from the waste soil imports on site, contrary to their existing planning permission at least on that date. Application MW.0135/19 therefore seeks to address this breach of condition and formally allow aggregate crushing on site.
21. Stockpile heights are restricted to a maximum of 3 metres by condition 10. It is proposed to increase the maximum stockpile heights from 3 metres to 5 metres, as operations have expanded since permission for soil screening was originally granted, with an increase in the amount of waste being transferred and processed.
22. Condition 13 requires the maintenance of existing vegetation within the site. A change to the landscape planting is requested. The mature planting has been reduced around the site entrance and the planting has not been replaced due to the applicant believing operational

movements would adversely impact replacement planting. The access created to the unapproved soil storage area to the south west (Application A) has also reduced the established vegetation to the permitted site's perimeter.

23. The application also seeks to increase permitted HGV movements from the 6 per day (3 in, 3 out) as permitted by condition 15 to 40 per day (20 in, 20 out), and these movements would be the combined total of movements for both sites, Application B with Application A. The maximum, worst case scenario would be a maximum of 20, up-to 15 tonne loads would be received each working day and assuming up to 6 loads on Saturday mornings. A maximum of 12,042 tpa crushed stone/ rock from waste aggregates would be produced from the incoming loads. The applicant has advised that, although each load will vary, an approximate breakdown of each load is:

- 69% topsoil (no other soil products)
- 15% 50mm plus hardcore (this is taken from site by a third party and used for recycling)
- 15% clean stone 40-50mm (which would be crushed)
- 1% or less 'rubbish' i.e. metal/plastic which is taken to landfill.

24. The applicant has also advised that the actual maximum number of working days per year would be 252 weekdays and 52 Saturdays. At a maximum of 20 loads in per day weekdays and 6 on Saturdays this would give a total of 5,352 loads per year. At 15 tonnes per load this would therefore equate to a throughput of 80,280 tonnes per annum which would make the site a strategic facility as defined in the Oxfordshire Minerals and Waste Local Plan Part 1 – Core Strategy.

25. Application B is for the same operator and general site location covered by Application A. Both share common operations but have separate red line areas.

• Part 2 – Other Viewpoints

Representations

26. There have been fifty third-party representations received. These were all objections to both applications and are summarised in Annex 7. In addition, a Transport Note and Acoustic Report have been provided in support of third-party representations, which is covered in more detail in Part 4.

Consultations (Fuller responses in Annex 4)

27. Kingston Bagpuize with Southmoor Parish Council – Objection.

Application A:

The parish council objects to the scale of the operation being doubled.

Application B: The parish council objects to:
Condition 5 being removed on the grounds of noise.
Condition 10 being amended to increase the stockpile heights from 3m to 5 m.
Further clearing of vegetation, which condition 13 limits and the applicant wishes to amend.
Condition 15 being amended, which currently limits HGV movements to 3 in/ 3 out on grounds of gross increase in traffic for 5,000 tpa being generated. There is no real change in operations.

28. Charney Bassett Parish Council – Objection.

Application A and Application B

The site is in an area which is served by a network of narrow, rural roads that are unsuitable for regular use by sizeable vehicles.

29. Marcham Parish Council – Objection.

Application B

Condition 15 of the original permission was to restrict the number of HGVs and limit the volume of traffic servicing the site in the interests of amenity of residents on or near approaches to the site. Increased traffic flows in the Air Quality Management Area would be detrimental to living conditions and potentially the health of occupants.

30. Vale of White Horse District Council Planning – No objection.

Application A and Application B

Regard should be given to noise, contamination, landscape impacts, ecology, flood risk and any other relevant policies in the adopted development plan.

31. Vale of White Horse District Council Environmental Protection – No objection.

Application A and Application B

Subject to the site not changing and based on the findings of the noise acoustic assessment that was prepared, no objection to the application.

Supplementary Response on Third Party Representation

The noise assessment provided was carried out whilst traffic movements were reduced. There is a significant degree of uncertainty to the measured sound levels within the report in relation to associated and non-associated vehicles with the site.

The noise assessment provided for the proposed crusher provides a simplified calculation indicating the rated noise level will exceed existing background sound level by approximately 10dBA at the receptor façade. This is a more likely indication of a significant adverse impact.

It is recommended that the applicant submits a noise assessment in accordance with BS4142:2014 – “Method of rating industrial and commercial sound”.

32. Environment Agency – No objection.

33. OCC Transport Development Control – No objection subject to condition.

Initial Response

There is insufficient information and analysis regarding highways safety impacts and key information is missing regarding highways safety parameters.

Revised Response

The previous Crashmap is investigated showing some 2 collisions – this is used as input for COBALT (Costs & Benefits to Accidents – Light Touch) Analysis. After a review of new evidence base, the conclusion is:

- a. relaxation of condition 15 is appropriate but there should be some restriction on the level of traffic from the site to preserve the amenity of neighbouring people.
- b. There is at present no evidence base as to what that level of traffic should be in terms of the maintenance of highways safety other than the level, at which, traffic is currently operating at.

Revised Response

The COBALT programme has limitations. The safest route is to take the current situation and run with that for a number of years – it is left to the planner to decide the exact number. 40 per day (20 in/ 20 out) is acceptable in highways terms. HGVs are slow to accelerate fully laden and onto the major arm of the road may take gapping chances that are not factored. The collisions are low frequency but very serious when they occur. Therefore, conservatively the recommendations are made on this score.

Supplementary Response on Third Party Representation

The additional evidence presented on HGV traffic generation is not convincing, although for an overall picture of traffic the data provided by the objector may be more indicative.

Independent measures of the carriageway were carried out, using a trowel to determine the exact edge of carriageway and a measuring wheel. The survey points are similar to those chosen by the objector's agent. The recently repaired road may be the reason for the discrepancy between the data sets. The officer data shows a median of over 5.0m and a minimum of 4.8m, measured edge to edge, which is sufficient width for two lorries to pass at the low speeds they are required to drive at in this location.

Collision records for the A415/ Fyfield Wick staggered Junction have been considered in the modelling undertaken by the agent of the applicant. An independent study of the collisions, according to an area of interest (annexe 5 of this report) is considered to be the most likely impacted by development. Fyfield Wick is not a traditional industrial road.

The speculation that increased HGV traffic through Marcham and Kingston Bagpuize is likely to lead to highway safety issues due to narrow carriageway and intermittent footways is not supported by the data from CrashMap (annex 5 of this report).

Final Response

Some 40 movements is one per 12 minutes and that represents a kind of saturation of a maximum possible and therefore is no basis for a restriction.

20 movements, at 1 movement per 24 minutes, means that vehicles are unlikely to cross and therefore seems a reasonable basis for restricting the operation by condition. This is also closer to the original application and therefore closer to the spirit of it.

Recommendation:

Limitation of operations to those extant in infringement of condition as surveyed by Helix Transport Consultants.

Conditions not applied for under s73 here but of highways origin should be carried over from the original application, granted as MW.0049/11.

Routeing to be prohibited via A415 at Marcham. The least impact would be the A34 to be joined via the A338 and the A420 by condition.

34. OCC Planning Policy – No overall objection.

Initial Response

Further recycling would assist Oxfordshire County Council to meet the recycling targets as in the Core Strategy.

Supplementary Response

It is hard to get a clear picture. The applicants have given the proportion of stone/rock that would be recovered as being 12-15%. Given that topsoil is a minor part of the total soil constituent it seems likely that most of the material will be taken off the site to be landfilled elsewhere. This would make the site more akin to a waste transfer station with some limited recovery.

The number of lorry movements will have increased by more than 13 times, and so a corresponding increase in tonnages would be at least 65,000tpa.

The site has not been nominated for allocation in the Sites Allocation Document, and so has not been considered for allocation. The site is

just within the area of the location for a strategic or non-strategic site for the County. A strategic site would manage at least 50,000tpa and would cover the County as a whole, or a large part of it. In terms of the broad area of search for a strategic waste facility the application site is within the right area, but in terms of the specific location it would need to be considered against policies W5, C1 – C12.

Extending the site would not be on land in an existing waste use or previously developed. Waste management facilities may be sited on land in greenfield locations where this can be shown to be the most suitable and sustainable option. Further development or extension of an existing site may also offer a better option than the development of a new facility elsewhere. This site was granted permission as a relatively small-scale local operation, and the expansion to a strategic, or even non-strategic site would be a significant change in scale.

Conclusion

- The site complies with policies M1 and W3; it would provide capacity for increased recycling
- In terms of general location under policy W4, the site is within the area for a strategic site that would deal with waste from across the County, and this site would deal with well above the 50,000tpa threshold for such a site.
- The site does not meet any of the priorities for the siting of waste management facilities. The applicant has provided no evidence as to why the site would be the most suitable and sustainable option.
- It does not comply with policy W5, and though the site has been considered suitable for a small-scale local facility, it does not follow that it is suitable for expansion onto adjoining greenfield, nor that it is suitable for a larger scale facility.

35. OCC Countryside Access – Objection.

Initial Response

The route of restricted byway 268/3 is apparently unavailable through the fields to the side of the application site. As this application seeks to formalise the unauthorised extension to the works and change of use of agricultural land, it is considered reasonable that the development formalises the route of the public right of way (PRoW).

Supplementary Response

The route of restricted byway 268/3 is not available across the applicant's land/ parcels of land operated by the applicant. There are established conifer hedges, material, machinery, operations and a soil bund are causing obstruction. The applicant's PRoW analysis shows the bund impacting the legal line of the restricted byway at its south-east corner.

The haul road to the site has a PRoW gap and locked gate together with metal 'bridleway' signposts south along the haul road and north towards Kingston Bagpuize. The presence of these signs is assumed

to imply express dedication of the haul road as a bridleway. There are operational/ safety issues with this haul road being assumed as the bridleway.

Given the nature, extent and duration of the impact on the restricted byway, the best solution would be for NAP, the other tenants and the site owner to agree a permanent or temporary diversion of the restricted byway to a suitable route and formalise safe access to this. The obstruction and gateway/ route to the north being off line is a separate matter to be dealt with, if alternative provision around the whole Swannybrook Farm cannot be secured through a temporary or permanent diversion onto a suitable route and to a suitable specification.

36. OCC Fire and Rescue Service – No response.

37. OCC Public Health – No objection.

Providing that the applicant exercises the correct dust management to monitor and mitigate fugitive emissions from the site in dry periods and implements the interventions such as the proposed landscape planting, no concerns at this time.

38. OCC Lead Local Flood Authority – No response.

39. OCC Environment Strategy – No response.

40. OCC Ecology Officer – No objection subject to condition.

The condition of the extension area prior to commencement cannot be fully assessed, nor the ecological impacts identified. In accordance with local and national planning policy, a net gain in biodiversity must be achieved and the vegetation loss fully compensated for, based habitats present prior to vegetation loss. Chosen planting should be mindful of the landscape and visual impacts of the scheme and recommendation provided by the County Landscape Specialist. If minded to approve, the following condition should be included:

Condition

A detailed scheme of ecological enhancements shall be provided to, and approved in writing by, the Minerals Planning Authority. A measurable net gain in biodiversity shall be demonstrated, to include landscape planning of known benefit to wildlife. In addition, artificial roost features for bats and birds shall be incorporated, the specifications and locations of which shall be provided. The scheme will include measures to protect existing vegetation and management of all new and existing features.

Reason: In the interests of preserving and enhancing biodiversity in accordance with the OMWCS and NPPF.

41. OCC Landscape Specialist – No objection subject to adequate mitigation.

Initial Response

Application A: The applicant has not demonstrated how the development respects the landscape character and views. Without any acceptable justification, the proposal as put forward is not acceptable in landscape and visual terms.

Application B: The applicant has not demonstrated how the proposed changes respect existing landscape character and views, and will not result in increased landscape and visual impacts. The application seeks to increase the stockpile heights from 3m to 5m. There is concern on the impact of these features on landscape and views. The application also seeks permission to not comply with condition 13. This condition ensures the protection of existing vegetation, which provides an important setting and screening to operations on the site. The condition does not stop the applicant from removing or planting new vegetation but requires permission prior to any work being done. No justification has been found as to why this condition should no longer be complied with, and it is very concerning if the protection of existing vegetation on site was weakened or removed, therefore the variation or omission of this condition cannot be supported.

Combined Revised Response for MW.0134/19, MW.0135/19

Following the previous comments of 31 January, a Landscape and Visual Appraisal (LVA) by Robin Lines Landscape has been submitted. This concludes that the impacts will be localised, with landscape impacts being negligible and visual impacts ranging from negligible to minor/ moderate. Whilst agreeing that impacts are relatively localised, it is considered some of the landscape and visual impacts have been under estimated.

The findings of the landscape and visual appraisal are not fully agreed with, but on balance the development can be made acceptable in landscape and visual terms subject to appropriate mitigation. The conditions below should therefore be attached to any planning permissions granted:

Detailed Landscaping Scheme

Within three months of planning consent a fully detailed landscaping scheme shall be submitted to and approved in writing by the County Planning Authority. Details should include a detailed planting plan showing existing/ proposed vegetation, plant specifications noting species, plant sizes, proposed numbers/ densities as well as seed mixes and their provenance. In addition, information on implementation and ongoing maintenance should be provided. The development shall be implemented in accordance with the approved details unless otherwise first agreed in writing by the County Planning Authority.

Reason: To adequately mitigate impacts on landscape character and views.

Implementation of Approved Landscaping Scheme

All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the occupation of the building or the completion of the development, whichever is sooner. Any trees, plants or areas of turfing or seeding which, within a period of 5 years from occupation of the development die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species, unless the County Planning Authority gives written consent to any variation.

Reason: In the interests of amenity and to ensure a satisfactory standard of landscaping.

42. County Councillor – Local concerns

Requested determination by Planning and Regulation Committee.

Part 3 – Relevant Planning Documents

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

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

The relevant development plan documents are:

- Oxfordshire Minerals and Waste Local Plan Core Strategy (OMWCS)
- Oxfordshire Minerals and Waste Local Plan 1996 (OMWLP) saved policies
- The Vale of White Horse Local Plan 2031 Part 1 (VLP1)
- The Vale of White Horse Local Plan 2031 Part 2 (VLP2)

44. The OMWCS (Part 1) was adopted in September 2017 and covers the period to 2031. The Core Strategy set out the vision, objectives, spatial planning strategy and policies for meeting development requirements for the supply of minerals and the management of waste in Oxfordshire. Part 2: Site Allocations Plan (upon adoption) will set out those mineral and waste sites needed to deliver the Core Strategy and may include further development management policies. The Site Allocations Plan is currently being prepared, and further consultation was carried out January – March 2020.

45. The OMWLP was adopted in July 1996 and covered the period to 2006. Of the 46 ‘saved’ policies, 16 remain saved following the adoption of the OMWCS. These 16 policies are non-strategic and site-specific, which will remain saved until the adoption of the Part 2: Site allocations document.

46. The VLP1 was adopted in December 2016. This sets out the details of strategic sites, policies and considerations for development within the Vale of the White Horse.
47. The VLP2 was adopted in October 2019. This sets out details of policies and additional sites than what is included within the VLP1, for development within the Vale of the White Horse.
48. There is no Neighbourhood Plan for this area.
49. The Government's National Planning Policy Framework (NPPF) 2019, National Planning Policy for Waste (NPPW) and National Planning Policy Guidance (NPPG) are also material considerations.

Relevant Policies

50. Oxfordshire Minerals and Waste Core Strategy (OMWCS):
 - M1 Recycled and secondary aggregate
 - W2 Oxfordshire waste management targets
 - W3 Provision for waste management capacity and facilities required
 - W4 Locations for facilities to manage the principal waste streams
 - W5 Siting of waste management facilities
 - C1 Sustainable development
 - C2 Climate change
 - C5 Local environment, amenity and economy
 - C6 Agricultural land and soils
 - C7 Biodiversity and geodiversity
 - C8 Landscape
 - C10 Transport
 - C11 Rights of way.
51. Oxfordshire Minerals and Waste Local Plan 1996 (OMWLP):
 - None of the saved policies apply to this area.
52. Vale of White Horse Local Plan 2031 (VLP1):
 - Core Policy 1 Presumption in favour of sustainable development
 - Core Policy 33 Promoting sustainable development
 - Core Policy 37 Design and local distinctiveness
 - Core Policy 43 Natural resources
 - Core Policy 44 Landscape
 - Core Policy 45 Green infrastructure
 - Core Policy 46 Conservation and improvement of biodiversity.
53. Vale of White Horse Local Plan Part 2 (VLP2)
 - Development Policy 16 Access
 - Development Policy 23 Impact of development on amenity
 - Development Policy 24 Effect of neighbouring or previous uses on new developments
 - Development Policy 25 Noise pollution

Development Policy 31 Protection of public rights of way, national trails and open access areas.

• **Part 4 – Analysis and Conclusions**

Comments of the Director for Planning and Place

Waste Management

54. OMWCS policy M1 states that, so far as is practicable, aggregate mineral supply to meet demand in Oxfordshire should be from recycled and secondary aggregate materials, in order to minimise the need to work primary aggregates. The production and supply of recycled and secondary aggregate, including that which improves waste separation and the range or quality of end products, will be encouraged so as to enable the maximum delivery of recycled and secondary aggregate within Oxfordshire. Provision will be made for facilities to enable the production and/or supply of a minimum of 0.926 million tonnes of recycled and secondary aggregates per annum. Sites which are suitable for facilities for the production and/or supply of recycled and secondary aggregates at locations that are in accordance with policies W4 and W5 and other relevant policies of this Plan and of other development plans will be allocated in the Minerals and Waste Local Plan: Part 2 – Site Allocations Document. Permission will be granted for such facilities at these allocated sites provided that the requirements of policies C1 – C12 are met.
55. OWMCS policy W2 states that provision will be made for capacity to manage the principal waste streams in a way that provides for the maximum diversion of waste from landfill, in line with targets for Construction, Demolition and Excavation inert waste recycling of 55% in 2016 to 70% in 2031.
56. OMWCS policy W3 states that provision will be made for additional waste management capacity for non-hazardous waste recycling and sets targets. It goes on to state that specific sites will be allocated to meet these requirements in the Minerals and Waste Local Plan: Part 2 – Site Allocations Document. The Site Allocations Plan is currently being prepared, and further consultation was carried out January – March 2020.
57. OMWCS policy W4 states that waste management facilities will be located in accordance with the Waste Key Diagram. The Waste Key Diagram provided on page 99 of the plan shows the site is just within the 15km buffer marked for strategic waste facilities in the area around Oxford. Strategic facilities are defined as those with at least 50,000 tonnes per annum capacity.
58. OMWCS policy W5 states that priority will be given, amongst other locations, to siting waste management facilities on land that already

has a waste management or industrial use, been previously developed land or is actively used as a mineral or landfill site. Allowance is made for siting on greenfield locations where this is the most suitable and sustainable location.

59. OMWCS policy C6 states that Proposals for waste development shall demonstrate that they take into account the presence of any best and most versatile agricultural land.

60. VLP1 Core Policy 43 states that provision should be made for the effective use of natural resources where applicable, including minimising waste and making adequate provision for the recycling of waste on site, avoiding the development of best and most versatile agricultural land, by using areas of poorer quality land in preference to that of higher quality and re-using previously developed land, provided it is not of high environmental value.

MW.0135/19

61. The permitted soil screening operation (MW.0049/11) is within a largely agricultural setting between two villages, Kingston Bagpuize with Southmoor and Frilford. The settlements are designated as a 'Larger Village' and 'Smaller Village' respectively within the Settlement Hierarchy for the Abingdon-on-Thames and Oxford Fringe Sub-Area of the VLP1.

62. The Waste Key Diagram (page 99) of the OMWCS, which supports policy W4, designates where waste management facilities will be located within the county. There is a 15km (approximately 9 miles) buffer for designating strategic, waste facilities from the centre of Oxford. This equates to an approximate buffer of 12km (approximately 7.5 miles) from the built-up area of Oxford for a site location, or 5km (3 miles) from specified towns, unless there is impact on an Area of Outstanding Natural Beauty. The original application site, which application MW.0134/19 is adjacent to and application MW.0135/19 seeks to vary conditions of, was established as being 14.48km (approximately 9 miles) from the centre of Oxford. This is approximately 13.8km (8.5 miles) from the built-up edge of Oxford (measured from Littlemore). Facility scales and locations are generally largest to smallest, with the strategic sites nearer the denser areas and smaller scale in rural areas. Strategic sites would, generally, serve the county as a whole. Non-strategic sites would serve approximately a district-wide area and a smaller scale operation would be more localised in scope.

63. The amount of soils being screened/ processed at the site from the incoming loads is unchanged at approximately 5,000 tonnes per annum (tpa), as permitted under the extant permanent permission granted in 2011, for a small-scale operation. The permission currently allows for up to 45 tonnes a day to be processed, based on condition

15 restricting HGV movements to 3 in/ 3 out per day. Based on the applicant's own calculations at 15 tonnes per load and working 252 weekdays and 52 Saturdays, the maximum capacity of the site as permitted is around 13,680 tonnes per annum and so a smaller scale facility.

64. The information provided to support the application is that the site in combination with the proposed extension area is currently processing approximately 210 tonnes per day, and this application seeks to increase the HGV movements to allow processing of up to 300 tonnes per day. The maximum capacity of the site should the proposed limitation on daily vehicle movements be approved to 20, maximum 15 tonne loads in per day, which is 20 HGVs going into site fully laden and leaving the site empty (40 trips in total, 20 in/ 20 out) on the same basis is 80,280 tonnes per annum rendering the application sites in combination with the capacity of a strategic facility.
65. The applicant has stated that an estimated 69% of a load would be topsoil, 15% would be aggregate for crushing on site, 15% would be hardcore which would be removed for use elsewhere, and only 1% is residual waste which would then go to landfill. As a soil screening, crushing and waste transfer operation, this would contribute to meeting the recycling targets in Oxfordshire set out in OMWCS policies W2 and W3 and secondary aggregates in line with OMWCS policy M1. Although it seems clear that the current permission was only for a smaller scale facility suitable to more remote rural area, the site is within the buffer area for Oxford where strategic operations could be sited, and so complies with policy W4 of the OMWCS.
66. The existing consented site is in compliance with OMWCS policy W5 as it is an existing waste management site.

MW.0134/19

67. The extension area has been created in the adjacent farmland (MW.0134/19) to store the processed soils. This field has been classified as Grade 3 quality agricultural land. The planning statement indicates that this is being good to moderate land. As it is not clear from Natural England's dataset what the sub-classification is, and 3A is best and most versatile land, as such the developed extension could be contrary to policy C6.
68. As set out above, in combination with the existing site, it is considered that it would be in accordance with policies M1, W2, W3 and W4 of the OMWCS.
69. Policy W5 lists the land uses where priority would be given for the siting of waste management sites. The extension area is a green field development. Development on land which is classed as green field development is permitted if it can be demonstrated to be the most

suitable and sustainable option. The application sites and wider area had been utilised as an RAF/ USAAF base in the 1940s. However, this had mainly been disbanded and returned to former uses by the time the Town and Country Planning Act came into force 01 July 1948.

70. The former technical support area, comprising mainly of Nissen huts, ceased to be used by the RAF/ USAAF in 1954, and most of these remaining buildings have an agricultural designation, with the exception of those that have been granted specific planning permission for change of use to light-industrial use by the District Council, as Local Planning Authority. Swannybrook Farm is not designated as a strategic employment site in the adopted Vale Local Plan; nor was the site designated a Rural Multi User Site in the previous Local Plan.
71. The increase in the site area for the screened soil stockpiles allows for increased capacity of waste recycling for Oxford, at a location that has permanent permission on the adjoining land for a waste recycling facility. The site is to the north-west corner of the developed area of Swannybrook Farm, with operations to the south and east and the haul road running along the northern boundary. The extension area is also a small area of land at 0.25 ha. The loss of agricultural land when considered against OMWCS policy C6 would therefore also be very limited. Therefore, there is some weight to granting an extension into land which is green field as being the most suitable and sustainable option as allowed for in OMWCS policy W5. The applicant has stated the site would allow for local employment and would continue to add to the local economy by remaining in the current location.
72. The development proposal to increase the soil and aggregate recycling facility by expanding into the adjacent greenfield area, for a small-scale operation, is considered to be in accordance with relevant policies for waste management, including OMWCS policies M1, W2, W3, W4 and W5.

Highways

73. OMWCS policy C10 states that minerals and waste development will be expected to make provision for safe and suitable access to the advisory lorry routes shown on the Oxfordshire Lorry Route Map. The Lorry Route Map on page 116 of the plan identifies the A338 and A420 as links to larger towns and the A415 between the two is shown as a link to small towns. The policy also states that access should be provided in ways that maintain and, if possible, lead to improvements in the safety of all road users and the efficiency and quality of the road network, including residential and environmental amenity, including air quality.
74. The current permission MW.0049/11 has a limit of 6 HGV movements per day – 3 in and 3 out for an annual amount of up to 5,000 tonnes of soils being processed and being moved to and from site by HGVs with

a load capacity of 15 tonnes. Application MW.0135/19 seeks to increase the permitted number of HGV movements from 6 per day, 3 in/ 3 out, to 40 per day, 20 in/ 20 out, a 567% increase on the current permitted movements. The planning statement submitted to regularise the existing movements states that the averaged HGV movements, which is in breach of the existing planning conditions is 28 in total (14 in/ 14 out). These movements serve the permitted and extension areas for soil recycling and crushing and the extension area, which is the subject of application MW.0134/19. The aggregate crushing/ processing is confirmed as occurring at least once on site and contrary to the existing permission.

75. There are no changes proposed to the access road entrance from the public highway as this has clear sightlines for HGVs accessing and leaving the site. There are also no improvements suggested for the unclassified road that runs through Fyfield Wick to the A415 as part of this application.
76. Repair works were carried out in May 2020 to parts of the carriageway of the road running through Fyfield Wick, between the main entrance to Swannybrook Farm and the A415. It is acknowledged that the road has differing widths along its length by both the applicant and the Highway Authority. However, separate measurements carried out as a result of a further representation in objection to the application, leave the Highway Authority consultee conclusion being that the carriageway is seen to be acceptable in highways terms from the entrance of Swannybrook Farm to the A415 relating to the HGVs connected to the soil screening operations.
77. The HGV movements generated by the soil screening and by-product aggregate crushing are a percentage of the daily HGV movements associated with the whole Swannybrook Farm site. The Transport Statement states that HGV traffic for the soil screening operations would be 4% of all site movements both during the working week and Saturdays. This would equate to 18% of HGV traffic during the week and 22% of HGV traffic on a Saturday, or 1 HGV per hour over the existing levels in breach of condition 15 of the extant permission. This would be a 1.8% increase in existing total traffic, or 7.8% of overall HGV traffic to/ from the Swannybrook Farm site.
78. The applicant has requested 40 HGV movements (20 in, 20 out) which would be sufficient for existing average movements of 28 per day (14 in/ 14 out) and build capacity for the soil screening business. The average HGV movements for the Swannybrook Farm site as a whole during the week is 62 movements, with an average of 36 movements on a Saturday. This was total HGV movements, as measured at the top of the haul road leading to the agricultural/ light industrial area to the south east of the application sites. This area, which is not subject to these applications, also includes operations run by the applicant, including concrete mixing and a low-loader business. The soil

operations were 52% of HGV movements during the week and 73% of movements on a Saturday.

79. Movements were also measured on the road running through Fyfield Wick, to the east of the Swannybrook Farm entrance. This recorded an average of 179 HGV movements daily during the week and an average of 78 HGV movements daily on a Saturday. The soil screening operations would therefore be responsible for 18% of the HGV movements during the week and 22% of movements on a Saturday.
80. An increase in HGV movements in relation to the increase in tonnages being processed for the waste soil screening is not objected to by the county council as Highway Authority. The increase in HGV movements in relation to the soil screening from 6 per day (3 in/ 3 out) to 40 per day (20 in/ 20 out) as sought as part of application MW.0135/19 is acceptable in highways terms. However, to lessen the impact of increased HGVs on the Air Quality Management Area (AQMA) in Marcham, HGVs should be routed from the junction of the highway which provides direct access to the site with the A415. Access to the A34 should be via the A338 or A420.
81. The current HGV movements are averaged as 28 movements per (14 in, 14 out) at the time the supporting Transport Statement was produced, in October 2019. The maximum movements were 34 per day (17 in/ 17 out).
82. The restriction on HGV movements to 6 movements per day (3 in/ 3 out) was conditioned as part of the existing permission in the interests of amenity for the local residents. The impact on amenity of the proposed increase is addressed below but the increase of HGV movements to 40 per day is acceptable in Highway Authority. Subject to this being the maximum daily HGV movements limited by condition and to the proposed routeing from the A415 via the A420 or A338 for journeys via the A34 to avoid the A415 through Marcham, this would accord with OMWCS policy C10.

Rights of Way

83. OMWCS policy C11 states that the integrity and amenity value of the rights of way network shall be maintained and if possible it shall be retained in situ in a safe and useable condition. Improvements and enhancements to the rights of way network will be generally encouraged.
84. VLP2 Development Policy 16 states that new development needs to demonstrate a high quality design and that adequate provision is made for loading, unloading, servicing, circulation and turning of vehicles and acceptable off-site improvements to the highway infrastructure including public rights of way where these are not adequate to service the development.

85. VLP2 Development Policy 31 states that development on and/ or over public rights of way will be permitted where the development can be designed to accommodate satisfactorily the existing route, or where the right of way is incorporated into the development site as an attractive, safe and continuous route. Alternative routes will need to be made equally or more attractive, safe and convenient to rights of way users. Opportunities will be actively sought to improve the accessibility and the additions of new connections and status upgrades to the existing rights of way network, including National Trails. Development will not be permitted where proposals remove, narrow or materially impair the approved line of the Thames Path or Ridgeway National Trails, key connecting routes and/ or public access to them.
86. An increase in HGV movements from the permitted 6 per day (3 in/ 3 out) to the requested 40 per day (20 in/ 20 out) could impact adversely on the Public Right of Way 268/3 (PRoW). The route runs north-south from Kingston Bagpuize with Southmoor to the road running thorough Fyfield Wick. The route on the ground is currently off the legal line to the north of Swannybrook Farm, which is acknowledged by the council. The sign-posted route and gates/ access onto Swannybrook Farm are approximately 28 metres to the east of the legal line, approximately 74 metres east of the entrance to the soil screening activities. The gates/ access for the off-line right of way is directly onto the bend of the haul road as it turns west towards the application site. The applicant has maintained warning notices at this point on the haul road and by the site office (the site office is not within the red-line areas of these applications). The signs were installed and are maintained by the applicant to make HGV drivers and users of the Right of Way aware of the users and operations respectively, as part of the current permission (condition 18). This was applied to the extant permission as suggested by the council as Rights of Way Authority.
87. Users of the PRoW could be given the impression that the existing haul road is a dedicated route as there is no other clear access south and due to the location of the footpath signs, off the legal line. An increase in HGV movements could increase operational/ safety issues for those users, as the only obvious route north to south through the site would be utilising the haul road for the soil operations and the open area through the main light-industrialised area of Swannybrook Farm (not part of these applications).
88. The legal route of the Right of Way (268/3) is currently obstructed. This obstruction of the legal route is a combination of factors. This includes the boundary/ bunding on the south-east corner of the permitted soil screening operations and by the various other operations to the south of the application site at Swannybrook Farm. Although it is noted that these operations are outside of the control of the county council as planning authority, the applicant does have control over how their vehicle operations impact on the legal route, in this area. Although the

extent of the impact of the soil screening operation on the legal route of the Right of Way is disputed between the council and the applicant, both agree that the route of 268/3 is diverted from the legal line to the north of the haul road, and that it does cross the haul road as the road runs east-west.

89. There is concern that the safety of users of the right of way would be adversely impacted by the increase in daily HGV movements. The only clear access is via the haul road through the centre of the main Swannybrook Farm site, due to the legal line being obstructed. There is no planned or possible alternative suggested at the current time by either a temporary or permanent diversion order being sought as part of these applications. This is due to the obstruction of the legal right of way being impacted by other operations at Swannybrook Farm other than the applicant.
90. The legal Right of Way (268/3) should be unobstructed and the legal line of the route is not open or accessible as it runs through the Swannybrook Farm site. There has been no temporary or permanent diversion order forthcoming from these applications. However, this is a matter for Oxfordshire County Council as Rights of Way Authority. The legal route of the restricted right of way (268/3) was shown in the committee report when the decision was made to grant the original permission in 2011. The committee report also makes clear that the bunds were in position, as existing, at the time and the Rights of Way officer did not object to the application at that time, only requesting conditioning that warning signs be erected and maintained (condition 18).
91. The situation is unchanged from when permission was granted for the existing waste management site in terms of the obstruction of the legal line of the right of way and so as a section 73 application this could not now be a reason for refusal to application MW.0135/19. The potential mixture of pedestrians/ riders and HGVs at the permitted level of 6 movements a day (3 in/ 3 out) was deemed acceptable with the implementation of the warning signage, which is in place and maintained by the applicant. There is a concern for increased safety risk with 40 movements per day (20 in/ 20 out) despite there being warning signs for the drivers to be aware of pedestrians that could cross the haul road and the 5 mile-per-hour speed limit. It is therefore important that any planning permission granted requires the ongoing maintenance of the warning signs
92. It would be possible to require a condition for a temporary or permanent diversion order to be made to be applied to application MW.0135/19. However, an informative should be applied, for the applicant, landowner and other operators within the site to work with the council as Rights of Way Authority on route 268/3. The options would be to temporarily divert the legal route or permanently on a different, safe route or re-open the legal Right of Way.

93. There is need for discussion to temporarily or permanently re-align the current obstructed legal line of the public right of way through the Swannybrook Farm site as a whole, for improved safety of users of the route. The route should be kept open across the haul route for these applications and maintained where it crosses the applications' haul road. The applications, despite the obstructed legal route, are partially supported by OMWCS policy C11 and VLP2 development policies 16 and 31.

Amenity

94. OMWCS policy C5 states that proposals for minerals and waste development shall demonstrate that there would be no adverse impact on the local environment, human health or residential amenity, including from noise, dust, traffic, light pollution and air quality. OMWCS policy C10 states that access should be provided in ways that maintain and, if possible, lead to improvements in the safety of all road users and the efficiency and quality of the road network, including residential and environmental amenity, including air quality.
95. VLP2 Development Policy 23 states that development proposals should demonstrate that they will not result in significant adverse impacts on the amenity of neighbouring uses.
96. VLP2 Development Policy 24 states that development proposals should be appropriate to their location and will not be subject to adverse effects from existing or neighbouring uses. Development will not be permitted if it is likely to be adversely affected by existing or potential source of noise or vibration, dust, odour and other emissions, dominance or visual intrusion or external lighting.
97. VLP2 Development Policy 25 states that noise-generating development that would have an impact on environmental amenity or biodiversity will be expected to provide an appropriate scheme of mitigation that should take account of the location, design and layout of the proposed development, existing levels of background noise, measures to contain generated noise and hours of operating and servicing. Development will not be permitted if mitigation cannot be provided within an appropriate design or standard.
98. Swannybrook Farm overall is approximately 5 hectares in total. The permitted soil screening operations located to the north-west corner comprises 0.27 hectares. There are conditions attached to the extant permission that are in place to protect the amenity of local residents, as the operations are not agricultural or light-industrial, in keeping with the rest of the site. These conditions cover requirements which include the control of dust, plant noise, working hours and no floodlighting at the waste soil screening operations. There has been no request to vary these conditions as part of these applications. None of the existing

conditions currently apply to the unapproved storage extension area, which comprises of 0.25 hectares in total, to the west of the permitted soil screening operations.

99. As the conditions were attached to protect the amenity of local residents when permission was originally permitted, the conditions would need be reviewed to ensure they would remain robust and enforceable, should the expanded operations that now include the proposed crushing operations as part of application MW.0135/19 (Application B) be granted.
100. A facility to crush waste aggregates removed from the 'muckaway', would complement the permitted soil screening and could be co-located in the interest of recycling activities for this site and meeting the aims of waste policies for increased recycling discussed above. As this is an activity that was not previously envisioned, there is a potential for adverse impact on the amenity for local residents, specifically by noise and dust generation. It is stated in the Planning Statement that the intention is to crush aggregate 2 days per week in the summer months. The likely impacts of any waste aggregate crushing activity would need to be mitigated by ensuring that any noise and dust is kept to a minimum to protect the amenity of local residents. Conditions would need to be in line with the existing conditions, proportionate and enforceable.
101. There is no lighting proposed for the extension area, and there is no lighting as existing for the soil processing operations. The only light source for these areas would be those connected to the associated plant. There has been concern raised during consultation on these retrospective applications on the impact of light on local amenity and local wildlife. There is separate flood-lighting on the wider Swannybrook Farm site, in connection with the agricultural and light-industrial units. These are outside of these two applications red-line areas and not connected with these operations. Therefore, existing or additional lighting impact in these areas are outside of this authority's planning remit and is not for consideration in the determination of these applications.
102. During consultation, there were also concerns raised over the operational hours of the application sites, specifically actual soil processing (or crushing) and HGV movements outside of the permitted times. There has been no change to condition 3 proposed as part of these applications. The condition limits the soil screening operations to between 8:00 am and 6:00pm Monday to Friday and 8:00 am to 1pm Saturday. There is no working permitted Sunday, or Bank or Public holidays. None of the monitoring visits carried out since permission was granted in 2011 has noted working past 5pm. Recent complaints have been received about vehicles leaving the site before 8.00 am but a monitoring visit carried out did not identify such a breach in relation to the soil screening operations.

103. There are other operations under the control of the applicant at Swannybrook Farm, in addition to other businesses that operate from the site. None of these are within the red-line area of these two applications. As such, operating times, lighting arrangements and any associated HGV movements are not controlled by the existing permission and will not be affected or in the remit of consideration for these applications or by the Waste Planning Authority. They can be considered in relation to cumulative impacts of the development overall, including traffic flows to and from the public highway.
104. The number of HGVs in relation to the soil screening operations are currently limited for the protection of the amenity of local residents under the existing permission. This was set at a level to allow for the permitted tonnages for the soil screening operations at that time which was put forward as a small scale activity with little greater impact than the previously existing situation. Although there is no objection from the Highways Authority for an increase to 40 daily HGV movements this is subject to condition to and to a routeing agreement to ensure HGV traffic uses the A338 and A420 to access the A34 to minimise impacts on local communities and extant AQMA areas. The cumulative impact of the existing site, which is expanding and other established operations within the Swannybrook Farm site can be considered.
105. The HGV movements could be increased for the expanded site capacity for soil screening and the introduction of crushing of waste aggregate removed from the waste soils being screened. This is due to the application sites' proximity to Oxfordshire's Lorry Route (Local Route road – A415). However, the increase proposed from 6 to 40 maximum daily movements is considerable. The haul road serving the soil screening/ crushing operations is crossed by a public right of way, which would be directly impacted by a permitted increase of HGV movements for these applications. Vehicles must use an unclassified road of varying and limited width which leads to the HGVs passing residential properties and the potential for greater impacts on pedestrians, cyclists and other road users in cumulation with the otherwise unlimited vehicle movements from the wider Swannybrook Farm site. This is considered to have the potential for an adverse impact on local amenity contrary to development plan policies OMWCS C5 and C10 and VLP2 policy 23.
106. It is appreciated that the existing levels of HGV traffic have led to amenity impact objections to these two applications, from residents in the immediate vicinity to the application sites and residents of villages several miles away. The applicant acknowledges that the level of movements is averaging 28 per day from the combined application sites already. If the committee is minded to accept the officer advice that the increase to a maximum of 40 daily HGV movements would have an unacceptable amenity impact, it is open to consider whether the development could be made acceptable through a lesser restriction

on numbers by condition. The existing permission would remain in place regardless of the decision on these applications, but it is clear that the operations at the site have expanded to facilitate increased waste recycling in line with other policies and a view could be taken that a maximum of six movements is very restrictive and an increase to something of the order at which the site is currently running but no more could be considered acceptable.

107. Subject to members consideration of this point, it is considered that whilst the proposed crushing and improved planting and landscaping, with conditions to control the impacts of noise and dust emissions would, overall, be in line with OMWCS policies C5 and C10 and VLP2 development policies 23, 24 and 25, the increase in vehicle movements from the development as proposed would adversely impact on the amenity of local residents contrary to these policies.

Landscape

108. OMWCS policy C8 states that proposals for minerals and waste development should demonstrate they respect and where possible enhance local character. Proposals shall include adequate and appropriate measures to mitigate adverse impacts on landscape.
109. VLP1 Core Policy 44 states that key features that contribute to the nature and quality of the district's landscape will be protected from harmful development and where possible enhanced, including features such as trees, hedgerows, woodland, field boundaries and watercourses. Where development is acceptable in principle, measures will be sought to integrate it into the landscape character.
110. The overall landscape is rural, with open fields, scattered woodland and straight roads. The inclusion of the bunds to the extension area and the associated stockpiles is an intrusion in the existing landscape and does not enhance the existing pattern. The bunds and stockpiles are not well screened and are visible from the adjacent right of way. There is some screening by the existing boundary vegetation to the northern and western boundaries, but gaps in the planting and the recommended planting from the tree survey do not go far enough to screen the extension area successfully to mitigate the overall impact.
111. The requested increase in stockpile heights from 3 to 5 metres would not be successfully screened from the right of way by the existing vegetation and planting. The LVA that was provided on the request of the Landscape Specialist on balance demonstrates that the mitigation screening and planting to the extension soil storage area would be adequate in screening the increased operations to benefit the amenity of local residents and soften the adverse impact of the higher stockpiles in a flatter landscape.

112. The existing landscape planting to the site, the subject of Condition 13, requires the existing planting to be retained and not removed without consent. A change to the existing planting, to improve what is in place and screen the increased activities would be a benefit to the local landscape. Planting that has been carried out to reinforce the gaps in the existing northern boundary has taken well to screen the site the approved site from the haul road from the north.
113. A change to the requirement to inform the Waste Planning Authority prior to works being carried out should not be relaxed as this could lead to adverse impacts on the landscape. Concerns had been raised during consultation of the impact of the existing development on the landscape, and recent tree felling was used as an example. This was, however, carried out by the landowner around the wider Swannybrook Farm site, and was not connected to the applications to be considered. The planting and landscaping as proposed by the Landscape Specialist via conditions would apply to both the approved and the proposed extension areas. This would reduce the impacts of the increased stockpile heights to the approved site area and lessen the utilitarian impact of the extension area, which is as existing is an intrusion into the flatter, arable landscape.
114. The development as relating to the extension area, and for amending the existing conditions relating to the boundary planting to strengthen the existing vegetation and planting as it affects the overall landscape on the provision of a detailed scheme to be implemented, would be supported by OMWCS policy C8 and VLP1 core policy 44.

Biodiversity

115. OMWCS policy C7 states that proposals for minerals and waste development should conserve and, where possible, deliver a net gain in biodiversity. Development should not cause significant harm, except where the need for and benefits of development at that location clearly outweigh the harm.
116. VLP1 Core Policy 45 states that a net gain in green infrastructure, including biodiversity, will be sought and a net loss through development proposals will be resisted. Proposals for new development must provide adequate Green Infrastructure in line with the Green Infrastructure Strategy and how this will be retained and enhanced.
117. VLP1 Core Policy 46 states that development will conserve, restore and enhance biodiversity. Opportunities for biodiversity gain, including connection of sites and habitat restoration and enhancement will be sought, with a net loss of biodiversity to be avoided.
118. Due to the extension area for soil storage being implemented without planning permission, the effect on the existing ecology prior to

development is not possible to quantify. Development should provide a biodiversity gain, therefore the boundary planting to both the soil processing and soil storage areas should be strengthened to increase biodiversity gain as well as screen the site in a way to also improve and enhance the landscape setting.

119. The submission and implementation as approved of an enhanced planting scheme to the soil storage and soil processing areas would meet and be in line with OMWCS policy C7 and VLP1 core policies 44 and 46.

Sustainable Development

120. The NPPF (2019) contains a presumption in favour of sustainable development. This has environmental, economic and social roles, reflected in OMWCS policies C1 and VLP1 Core policy 1.
121. OMWCS policy C1 states that a positive approach will be taken to minerals and waste development in Oxfordshire, reflecting the presumption in favour of sustainable development to improve economic, social and environmental conditions, unless other material considerations dictate otherwise.
122. OMWCS policy C2 states that proposals for minerals and waste development, including restoration proposals, should take account of climate change for the lifetime of the development from construction through operation and decommissioning. Applications for development should adopt a low-carbon approach and measures should be considered to minimise greenhouse gas emissions and provide flexibility for future adaption to the impacts of climate change.
123. VLP1 Core Policy 1 states that applications that accord with the Local Plan 2031 and subsequent, relevant Development Plan Documents or Neighbourhood Plans will be approved, unless material considerations indicate otherwise.
124. The development proposes to process more of the imported construction and demolition waste than is currently permitted. Export of unprocessed aggregate would be reduced.
125. The recycling operations would make use of a crusher and existing infrastructure for the soil screening operations, so would not require any further development beyond that applied for here. The operators would be able to process more of the incoming waste on site, removing more recyclable materials in addition to the screened soils. This would move more waste up the waste hierarchy and reduce the amounts being sent out to landfill. The proposed development is considered to be in line with the relevant policy for considering impacts on climate change, OMWCS policy C2.

126. The developments are considered sustainable as, taken together, they will allow for continued and increased waste soil recycling. The co-location of secondary aggregate recycling, as part of the incoming waste to be processed, would increase the secondary aggregate recycling in county. This would lessen the demand on virgin mineral and the capacity for secondary recycling in Oxfordshire would be increased.
127. The development proposals are supported by OMWCS policy C1 and VLP1 Core Policy 1.

Conclusion

MW.0134/19

128. The retrospective planning application for a soil storage extension area is to enable the current soil screening operations that have expanded since 2011 and are diversifying. The extension area is a greenfield development. This is considered acceptable in terms of policy W5 as being environmentally, socially and economically the most sustainable option. The site is adjacent to an area that has an established use for waste. The operations can be adequately mitigated by suitable landscape planting and ongoing maintenance, to lessen the industrial impact on a rural landscape of the storage bunds and processed stockpiles.

MW.0135/19

129. The retrospective planning application to amend condition 5 to allow for aggregate processing in addition to the soil screening operations and condition 10 to increase stockpile heights would allow for an increase in operational capacity for secondary aggregate recycling in the County.
130. The increase in the stockpile heights to the processing area and the existing stockpiles to the soil storage area could be adequately mitigated by screen planting to be agreed. There would be a minor re-wording to condition 13 to allow this. There would be no further changes to the condition, as to amend the condition further would negate the protection of the existing and new screen planting.
131. Amending condition 15 to increase HGV movements to facilitate the existing expanded recycling operations and to allow for further expansion as proposed would be acceptable in highway terms but it is considered would have an adverse impact on the amenity of local residents and other road users. As set out above, it is considered that an increase on the existing six movements per day could nonetheless be acceptable. Whilst objections have been received to the existing traffic movements on the local highway network and their impact, these are in the context of other unrestricted HGV movements from the wider Swannybrook Farm site. The view could be taken that the existing 28 movements per day is a reasonable level to accept but that this should

be the maximum. This would allow the site to continue to operate at this location with the additional capacity which provides for additional waste recycling in line with OMWCS policies but without tipping the development to a point where the impact on amenity would be unacceptable. There is no precise way of defining the point at which the daily movements would reach this point and members may therefore wish to consider this but the officer advice is that the condition be amended to the 28 movements per day (14 in, 14 out).

Recommendation

- 132. It is RECOMMENDED that subject to the applicant entering into a routing agreement to require vehicles to be routed to and from the A34 via the A338 and the A420, to avoid the A415 the Director for Planning and Place be authorised to:**
- i) APPROVE application no. MW.0134/19 subject to conditions the detailed wording of which to be determined by the Director of Planning and Place including the conditions set out in Annex 2; and**
 - ii) APPROVE application MW.0135/19 subject to conditions the detailed wording of which to be determined by the Director of Planning and Place including the conditions set out in Annex 3.**

Susan Halliwell
Director of Planning and Place

Compliance with National Planning Policy Framework

In accordance with paragraph 38 of the NPPF Oxfordshire County Council take a positive and proactive approach to decision making focused on solutions and fostering the delivery of sustainable development. We work with applicants in a positive and proactive manner by; offering a pre-application advice service. In this case, there was dialogue with the applicant and the relevant officers to seek resolution of issues that were raised during the consultation period.

Annex 1 – Site Plan

NEED TO ADD

Annex 2 – MW.0134/19 – Conditions

1. The development shall be carried out strictly in accordance with the particulars of the development, plans and specifications contained in the application except as modified by conditions of this permission. The approved plans and particulars comprise:

- Application Form dated 04/12/2019/
- Cover Letter dated 04/12/2019
- J40 Jaw Crusher specifications
- Ecological Walkover survey from Ecological Consultancy for Planning & Research Development, dated 22/09/2019
- Planning Statement dated November 2019
- Site Location Plan 001A
- Topo Survey, drawing no. 20911-200-01
- Transport Statement dated October 2019
- Tree Survey dated August 2019
- Landscape and Visual Appraisal dated 07/04/2020
- Previously approved under MW.0049/11 – Noise Assessment dated June 2011
- Previously approved under MW.0049/11 – Dust Assessment dated June 2011

2. No operations authorised by this permission, including vehicles entering or leaving the site, shall take place except between the following times:

08:00 a.m to 6:00 p.m Mondays to Fridays

08:00 a.m to 1:00 p.m Saturdays

No Sundays and Bank or Public Holidays

3. Only inert waste materials shall be imported to the site.

4. The noise emitted at any time from the site shall not contain any discrete continuous noise, i.e. whine, hiss, screech, hum etc or distinct impulses i.e. bangs, clicks, clatters or thumps (that are repeated as part of normal operations) distinguishable to the closest residential location.

5. No reversing beepers or other means of warning of reversing vehicles shall be fixed to, or used on, any mobile plant except in accordance with details agreed by the Waste Planning Authority in writing.

6. No plant, machinery or vehicles shall be used on the site unless fitted with effective silencers.

7. No mud or dust shall be deposited on the public highway.

8. In periods of dry weather, best practical measures shall be implemented to prevent dust becoming airborne on the access road to the site.

9. No material shall be deposited or stockpiled to height exceeding 5 metres.

10. No floodlighting shall be erected on site.

11. No alternative access point shall be used to service the site, other than that outlined in red on approved plan Site Location dated 24/03/2011.

12. No more than 14 HGVs shall enter the site in any working day and no more than 14 HGVs shall leave the site in any working day in combination with the development permitted by planning permission no. MW.0135/19.

13. From the date of the implementation of this permission the operator shall maintain records of the vehicle movements of waste being imported and exported to and from the site; such records shall contain the vehicle's registration number along with the name of the company to which the vehicle belongs, size and type of the vehicle and the time and date of the movement. Those records shall be made available to the Waste Planning Authority at any time upon request.

14. All plant, machinery and equipment to be used by reason of the granting of this permission shall be maintained and operated so as to ensure that the rating noise level from the equipment does not exceed the background noise level at the boundary of the noise sensitive premises. Measurement and rating of noise for the purposes of this condition shall be in accordance with BS4142 (1997) 'Method for rating industrial noise affecting missed residential and industrial areas'.

In the event of unacceptable noise or vibration being caused by the plant, machinery and equipment, the applicant or the operator of the site shall investigate and carry out works to resolve the problem to the satisfaction of the Waste Planning Authority.

15. Signs shall be installed and maintained on the access road to inform the vehicle drivers about the Right of Way that passes near to the site.

16. A detailed scheme of ecological enhancements shall be submitted to and approved in writing by, the Waste Planning Authority. A measurable net gain in biodiversity shall be demonstrated, to include landscape planning of known benefit to wildlife. In addition, artificial roost features for bats and birds shall be incorporated, the specifications and locations of which shall be provided. The scheme shall include measures to protect existing vegetation and management of all new and existing features.

17. Within three months of the date of this permission a fully detailed landscaping scheme shall be submitted to and approved in writing by the Waste Planning Authority. Details shall include a detailed planting plan

showing existing/ proposed vegetation, plant specifications noting species, plant sizes, proposed numbers/ densities as well as seed mixes and their provenance. In addition, information on implementation and ongoing maintenance shall be provided. The development shall be implemented in accordance with the approved details unless otherwise first agreed in writing by the Waste Planning Authority.

18. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the date of this permission. Any trees, plants or areas of turfing or seeding which, within a period of 5 years from occupation of the development die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species, unless otherwise agreed in writing with the Waste Planning Authority.

Informative

Due to the impact the development has had with obstructing part of the legal line of the Right of Way (byway 268/3), a temporary or permanent diversion of the restricted byway onto a suitable route and to a suitable specification needs to be undertaken. This would require the landowner and all users that have impacted on the restricted byway to be involved.

Annex 3 – MW.0135/19 – Conditions

1. The development shall be carried out strictly in accordance with the particulars of the development, plans and specifications contained in the application except as modified by conditions of this permission. The approved plans and particulars comprise:

- Application Form dated 04/12/2019/
- Cover Letter dated 04/12/2019
- J40 Jaw Crusher specifications
- Ecological Walkover survey from Ecological Consultancy for Planning & Research Development, dated 22/09/2019
- Planning Statement dated November 2019
- Site Location Plan PLAN 001A
- Topo Survey, drawing no. 20911-200-01
- Transport Statement dated October 2019
- Tree Survey dated August 2019
- Landscape and Visual Appraisal dated 07/04/2020
- Previously approved under MW.0049/11 – Site Location dated on 24/03/2011
- Previously approved under MW.0049/11 – Site Location dated on 24/03/2011
- Previously approved under MW.0049/11 – Location Plan dated on 24/03/2011
- Previously approved under MW.0049/11 – Current Layout dated 24/03/2011
- Previously approved under MW.0049/11 – Proposed Layout dated 24/03/2011
- Previously approved under MW.0049/11 – Noise Assessment dated June 2011
- Previously approved under MW.0049/11 – Dust Assessment dated June 2011

2. No operations authorised by this permission, including vehicles entering or leaving the site, shall take place except between the following times:

08:00 a.m to 18:00 p.m Mondays to Fridays

08:00 a.m to 13:00 p.m Saturdays

No Sundays and Bank or Public Holidays

3. Only inert waste materials shall be imported to the site.

4. The noise emitted at any time from the site shall not contain any discrete continuous noise, i.e. whine, hiss, screech, hum etc or distinct impulses i.e. bangs, clicks, clatters or thumps (that are repeated as part of normal operations) distinguishable to the closest residential location.

5. No reversing beepers or other means of warning of reversing vehicles shall be fixed to, or used on, any mobile plant except in accordance with details agreed by the Waste Planning Authority in writing.

6. No plant, machinery or vehicles shall be used on the site unless fitted with effective silencers.

7. No mud or dust shall be deposited on the public highway.

8. In periods of dry weather, best practical measures shall be implemented to prevent dust becoming airborne on the access road to the site.

9. No material shall be deposited or stockpiled to height exceeding 5 metres.

10. No floodlighting shall be erected on site.

11. No alternative access point shall be used to service the site, other than that outlined in red on approved plan Site Location dated 24/03/2011.

12. No more than 14 HGVs shall enter the site in any working day and no more than 14 HGVs shall leave the site in any working day in combination with the development permitted by planning permission no. MW.0135/19 .

13. From the date of the implementation of this permission the operator shall maintain records of the vehicle movements of waste being imported and exported to and from the site; such records shall contain the vehicles registration number along with the name of the company to which the vehicle belongs, size and type of the vehicle and the time and date of the movement. Those records shall be made available to the Waste Planning Authority at any time upon request.

14. All plant, machinery and equipment to be used by reason of the granting of this permission shall be maintained and operated so as to ensure that the rating noise level from the equipment does not exceed the background noise level at the boundary of the noise sensitive premises. Measurement and rating of noise for the purposes of this condition shall be in accordance with BS4142 (1997) 'Method for rating industrial noise affecting missed residential and industrial areas'.

In the event of unacceptable noise or vibration being caused by the plant, machinery and equipment, the applicant or the operator of the site shall investigate and carry out works to resolve the problem to the satisfaction of the Waste Planning Authority.

15. Signs shall be maintained on the access road to inform the vehicle drivers about the Right of Way that passes near to the site.

16. A detailed scheme of ecological enhancements shall be submitted to and approved in writing by, the Waste Planning Authority. A measurable net gain in biodiversity shall be demonstrated, to include landscape planning of known benefit to wildlife. In addition, artificial roost features for bats and birds shall be incorporated, the specifications and locations of which shall be provided. The scheme will include measures to protect existing vegetation and management of all new and existing features.

17. Within three months of planning consent a fully detailed landscaping scheme shall be submitted to and approved in writing by the Waste Planning Authority. Details shall include a detailed planting plan showing existing/ proposed vegetation, plant specifications noting species, plant sizes, proposed numbers/ densities as well as seed mixes and their provenance. In addition, information on implementation and ongoing maintenance shall be provided. The development shall be implemented in accordance with the approved details unless otherwise first agreed in writing by the Waste Planning Authority.

18. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the date of this permission . Any trees, plants or areas of turfing or seeding which, within a period of 5 years from occupation of the development die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species, unless otherwise agreed in writing with the Waste Planning Authority.

Informative

Due to the impact the development has had with obstructing part of the legal line of the Right of Way (byway 268/3), a temporary or permanent diversion of the restricted byway onto a suitable route and to a suitable specification needs to be undertaken. This would require the landowner and all users that have impacted on the restricted byway to be involved.

Annex 4 – Expanded Consultee Responses

Kingston Bagpuize with Southmoor Parish Council – Objection.

Application A: This application is retrospective to double the current stockpile area. The parish council objects to the scale of the operation being doubled, although the applicant has stated separately that the business has not expanded since 2016, which is not supported by referencing Google Earth © images.

Application B: The parish council objects to condition 5 being removed on the grounds of noise. A considerable number of new dwellings have been built close to the site and will be affected if crushing is allowed on site, which it has been speculated could happen. The applicant has said crushing does not happen, but still wishes to remove condition 5.

The parish council objects to condition 10 being amended to increase the stockpile heights from 3m to 5 m, doubling the height of the spoil heaps. The evidence supplied as part of this application shows that the heights of the stockpiles are already 9m above the surrounding land.

The parish council objects to the further clearing of vegetation, which condition 13 limits and the applicant wishes to amend. It has been stated by the applicant that recent tree removal was not related to operations by NAP, but there is no explanation as to why condition 13 should be amended.

The parish council objects to condition 15 being amended, which currently limits movements to 3 in/ 3 out. As the application is seeking to move 5,000 tonnes per annum, this would be 250 x20 tonne lorries. A 5-day working week would require 4 movements per day, not 20 per day. The applicant has also separately stated that it would be possible for HGV movements 24 hours a day – which is inconsistent with condition 15, which limits HGV movements.

The parish's objection is on the grounds of a gross increase in traffic and a traffic hazard at the junction of Digging Lane with the A420. The condition of Digging Lane has suffered potholes to the extent that it is nearly impossible to cycle, and motorists are dangerously swerving to avoid the potholes.

The parish council is not impressed with any applicant who flouts Planning conditions and then seeks retrospective permission. What was important to condition in 2011 remains important, particularly where there is no real change to operations.

Charney Bassett Parish Council – Objection.

Application A and Application B

The site is in an area which is served by a network of roads that are unsuitable for regular use by the sizeable vehicles owned by NAP Grab Hire. The junction from the A415 is narrow and the turning of the lorries poses a hazard to other motorists using the road from the direction of West Hanney and Charney Bassett.

The size and number of vehicles using the site is inappropriate for the narrow rural roads, which are now showing considerable deterioration. Verges are churned up, edges of the road now have considerable damage and there are significant potholes in both size and number along Fyfield Wick and especially along the stretch of road towards the junction of Charney/ Longworth Road. The expansion of this industrial business will lead to further pressure on the environment and is wholly inappropriate for the area, increasing heavy vehicles accessing Stanford-in-the-Vale via Charney Bassett. The submitted Transport Statement advises that all lorries enter and leave the site from the east to find the A415. Whether or not this responds to existing controls, NAP Grab Hire lorries do travel through Charney Bassett. If planning permission is granted for the increased operation, mitigation measures need to be considered to safeguard against the problems outlined above. This should be either in the form of a routeing agreement to ensure no NAP lorries use Charney Bassett as a through route or, if this is not feasible, financial contribution toward the cost of highway maintenance and road safety measures which the parish council plans to implement, as per the Vale of White Horse District Council CIL strategy.

Marcham Parish Council – Objection.

Application B

There was a restriction in condition 15 of the original permission to restrict the number of HGVs entering or leaving the site. This was to limit the volume of traffic servicing the site in the interests of amenity of residents on or near approaches to the site.

When considering a recent planning application for housing development in Marcham, the County Council stated it had strategic concern in respect of development in Marcham owing to the impact on air quality. There is an Air Quality Management Area in Marcham on the A415 which passes through the centre of the village. The additional pollution generated by the increased traffic flows in the AQMA would be detrimental to living conditions and potentially the health of occupants of dwellings within the AQMA. This is considered contrary to district council policy and paragraph 181 of the NPPF.

Vale of White Horse District Council Planning – No objection.

Application A and Application B

Regard should be given to noise, contamination, landscape impacts, ecology, flood risk and any other relevant policies in the adopted development plan.

Vale of White Horse District Council Environmental Protection – No objection.

Application A and Application B

Subject to the site not changing and based on the findings of the noise acoustic assessment that was prepared, no objection to the application.

Supplementary Response – Third Party Representation

The noise assessment provided was carried out whilst traffic movements were reduced. There is a significant degree of uncertainty to the measured sound

levels within the report in relation to associated and non-associated vehicles with the site. The assessment calculates a series of hourly LAeq values that are predicted to occur for the proposed 40 HGV movements. This is compared to criteria within BS8233: Guidance on sound insulation and noise reduction for buildings, not usually assessing the effects of changes in the external noise climate. The criteria baseline is also different to the measured baseline here. It is not clear that increasing the number of HGV movements currently permitted would significantly change the acoustic environment. The impact of noise from HGVs particularly in the early morning is likely to be of greater impact. However, the applicant is not seeking to amend their operating hours. The noise assessment shows some vehicle movements outside permitted hours, which it is recommended they are adhered to.

The noise assessment provided for the proposed crusher provides a simplified calculation indicating the rated noise level will exceed existing background sound level by approximately 10dBA at the receptor façade. BS4142 highlights that a difference of around 1 +10 dBA or more is a likely indication of a significant adverse impact. The assessment highlights that noise mitigation measures may be required in the form of relatively high barriers and/ or bunds.

It is recommended that the applicant submits a noise assessment in accordance with BS4142:2014 – “Method of rating industrial and commercial sound”.

Transport Development Control – No objection subject to conditions.

Initial Response

Application A: There is insufficient information and analysis on an important issue of safety.

Key issues include Link with application MW.0135/19, Expansion of the area of operations on site and the impact on the highway. The scope of the Transport Statement, especially with respect to collision records is lacking. A full review of the TS is available in the report for MW.135/19.

The expansion geographically of the area within the farm for operations is of itself not objectionable. However, the same Transport Statement has been submitted for this application as MW.0135/19. This clearly, links the scale of operation, on site, with traffic emanating from the site to serve that geographical area. Therefore, the same questions arise with this application as application MW.0135/19. The spirit of the condition to impose a limit of 3 two-way movements per day is infringed by the current operations. It has not been demonstrated that this is safe due to a lack of information. The scope of the Crashmaps data is limited in the report to Fyfield Wick, whereas, the junction of Fyfield Wick and the A415 is also of interest as it is somewhat of a crash hotspot over the previous 5years. The effects of HGVs on this junction can have a disproportionate effect on the safety performance of this staggered cross roads, which is one of the least safe types of junction. A full review of the Transport Statement is presented in the report for MW.0135/19.

Condition

Standard Highways conditions relating to parking should be applied should planning permission nevertheless be granted despite the objection on highways grounds

Application B: As with the linked application MW.0134/19, there is insufficient information regarding highways safety impacts and key information is missing regarding highways safety parameters.

An analysis of the importance of the conditions (as summarised) in highways terms is presented below and, therefore, which ones are to be considered in this report.

Condition 15 is of most importance, but relaxation of condition 10 is recommended against also.

conditions 5

No crushing or grinding of materials...on site

This condition has few highways consequences.

condition 10

No materials shall be deposited or stockpiled to height exceeding 3m

I see no reason why this should not be complied with in highways terms as it is a reasonable proxy for the creation of mounds of less than their natural angle of repose and thereby promote safety through the condition. Taller mounds may slump onto paths with catastrophic effects.

condition 13

Bushes not felled...

This is not a highways condition

condition 15

No more than 3 HGVs shall enter the site in any working day and no more than 3 HGVs shall leave the site in any working day.

Evidence is not presented that supports the relaxation of this condition and therefore an objection is returned.

This is demonstrated in the following by a review of the Transport Statement (TS, Doc. No. 1918REP01; Oct. 2019) – this is the same report as presented as supporting documentation with Application MW.0134/19.

It states the purpose of the report is to demonstrate that traffic and transportation issues are considered.

This is in line with the following guidance: (with Pre-app. PRE.001.19)

This simply stated that highways safety had to be considered with a number of other items.

The local highways network is not described in detail (section 2.4) as it states Fyfield Wick is approximately 6m wide – the road varies and is considerably narrower than this in part.

Section 2.5 – importantly the scope of this highway safety collision analysis is too narrow to the site and should include the junction of Fyfield Wick and the A415. Here a staggered crossroads (see MW.0134/19 OCC LHA Report) has a record of a number of collisions in the last 5 years.

Section 3 – The impact assessment takes advantage of surveys that were carried out firstly claiming to demonstrate that there are low absolute flows and percentage impact on Fyfield Wick and therefore the impact according to a EIA methodology would generate a low impact from far higher number of HGVs whilst secondly relating that the percentage impact on the main road (A415) would be low due to high flows on the A415. It is this very fact that there are high flows on the A415 that is not analysed in terms of the collision record and by inference the turning movements at the said junction that is missing from the report and the standards of the NPPF are not met therefore, i.e. that severe harm is not demonstrated to be possible from the proposals. This test and not the EIA, is appropriate for the purposes of planning in this instance.

Section 4 – I do not concur with the conclusions of the report therefore.

Condition

A limitation to a mutually agreed level of operations is suggested that is in the spirit of the original application but does not permit or tend to agree with the analysis in the Transport Statement, which is missing vital information, should planning permission be granted despite the objection herein made, on highways grounds.

Revised Response

This is a response to a Repost in the form of a Letter from Helix Transport Consultants (HTC) dated 13th March 2020. The HTC Letter concerns the objection made by OCC as LPA and LHA to the relaxation of conditions 10 and 15.

Condition 10 – In relation to the relaxation of the condition stipulating that 3m should be the highest a mound be made on site: in the absence of evidence I am assuming that over 3m would be beyond a stable natural angle of repose for mounds and that they should not be stacked taller than this for this reason.

I, therefore, at the moment do not agree with the relaxation of this condition.

Condition 15 – §2.5 of my previous report is countered by an evidence base that I shall consider in the following; my previous report for MW.0135/19 (§2.5) states:

“Section [§]2.5 – importantly the scope of this highway safety collision analysis is too narrow to the site and should include the

junction of Fyfield Wick and the A415. Here a staggered crossroads (see MW.0134/19 OCC LHA Report) has a record of a number of collisions in the last 5 years.”

Crashmap is investigated showing some 2 collisions – this is used as input for a COBALT analysis, appraised below.

This analysis is in response to: My previous report for MW.0135/19 (§3), which states:

“Section [§]3 – The impact assessment takes advantage of surveys that were carried out firstly claiming to demonstrate that there are low absolute flows and percentage impact on Fyfield Wick and therefore the impact according to a EIA methodology would generate a low impact from far higher number of HGV whilst secondly relating that the percentage impact on the main road (A415) would be low due to high flows on the A415. It is this very fact that there are high flows on the A415 that is not analysed in terms of the collision record and by inference the turning movements at the said junction that is missing from the report and the standards of the NPPF are not met, therefore, i.e. that severe harm is not demonstrated to be possible from the proposals. This test and not the EIA, is appropriate for the purposes of planning in this instance.”

COBALT (Costs & Benefits to Accidents – Light Touch) Analysis: It was accepted by the LHA that the COBALT approach was a valid one to determine if the above record of collisions was one that was below the national average in terms of impact.

The economic parameter file is DfT approved that accompanies COBALT.

The other file is a scheme-specific input file, containing details such as road or junction type and traffic flow in the base and forecast years.

The ATC surveyed data is a reasonable input to the analysis.

The OCC provided data is acceptable input to the analysis and Temprow is a reasonable method to uplift the data.

The sensitivity test is a reasonable approach to determining the effect of flows on Digging Lane.

The flows on Fyfield Wick have been surveyed by the applicant.

The comparison of with collision data and without collision data and with and without scheme is shown in the table in the HTC Letter.

No significant difference is shown between the comparisons of with and without scheme and the local accident rates are lower than the National Ave.

I concur with the HTC conclusions.

I therefore after a review of the COBALT Analysis as a new evidence base conclude that:

relaxation of condition 15 is appropriate but there should be some restriction on the level of traffic from the site to preserve the amenity of neighbouring people.

There is at present no evidence base as to what that level of traffic should be in terms of the maintenance of highways safety other than the level, at which, traffic is currently operating at.

Recommendation:

No objection subject to Conditions to limit the creation of mounds to 3m and limitation of operations to those extant in infringement of condition as surveyed by Helix Transport Consultants.

It is additionally the case that the other conditions not applied for under s73 here but of highways origin should be carried over from the original application, granted as MW.0049/11.

Supplementary response to Third-Party Transport Objection Note

There are 4 counts of objection raised in the Transport Objection Note produced by ADL Traffic and Highways Engineering Ltd (ADL REF: 4695 30th APRIL 2020):

Reason 1: HGV traffic generated by the application site are much higher than suggested by the applicant;

Reason 2: Carriageway width of Fyfield Wick is not appropriate for a two-way HGV traffic;

Reason 3: Accident situation on the A415/Fyfield Wick staggered junction;

Reason 4: Increased HGV traffic through Marcham and Kingston Bagpuize is likely to lead to highway safety issues due to narrow carriageway and intermittent footways.

I have considered these in the following as a supplementary note to my previous response.

Reason 1: The additional evidence presented is not convincing as it states that some of the traffic recorded would be from a separate permission and therefore the data is contaminated from this source. The original applicant's recordings are taken as being more accurate for the application in hand, although for an overall picture of the traffic on the Fyfield Wick the data provided by the Objector may be more indicative.

Reason 2: I have performed independent measures of the carriageway using a trowel to determine the exact edge of carriageway and a measuring wheel. The survey points are similar to those chosen by the objector's agent. These are tabulated in the following, showing chainages, from reference points:

Chainage from Swannybrook Farm telegraph pole	0m	5.7m
	10m	5.3m
	20m	5.8m
	30m	5.9m
	40m	5.1m
	60m	5.0m
	80m	5.0m
	100m	5.1m
	125m	5.3m
Fyfield Wick Sign	0m	4.8m
	10m	4.9m
	20m	5.1m
	30m	5.3m
	50m	5.3m
From LongHouse	0m	5.2m
	10m	5.0m
North Cottage	0m	5.4
Pickwick	0m	5.0m
	20m	4.9m
	40m	5.1m
Passing space	0m	7.8m
	20m	5.0m
	40m	5.0m

As the photos show the road is long and straight in most parts and has been recently repaired this may be the reason for the discrepancy between the data sets of mine and the Objector.

My data shows a median of over 5.0m and a minimum of 4.8m, which is sufficient width for two lorries to pass at the low speeds they are required to drive at in this location.

The measures are taken from the carriageway edge to edge.

Reason 3: Collision records have been considered in the modelling undertaken by the agent of the applicant.

I have commissioned an independent study of the collisions in this location according to an area of interest as shown in the attached document, I consider this to be the most likely impacted area by the development. The 14 collisions were almost all slight except a motorcyclist which was unfortunately fatal. None of the collisions involved HGV as primary involved vehicles.

I conclude that the collisions record was sufficient to show that although higher than normal was not related to the activities of the quarry. It is simultaneously, sympathised with the objectors that Fyfield Wick is not

traditionally an industrial road and that there is some difference between the diversified function of the farm and the ordinary farm traffic, in that it tends to be more seasonal.

Reason 4: Speculation regarding increased HGV traffic through Marcham and Kingston Bagpuize is likely to lead to highway safety issues due to narrow carriageway and intermittent footways. This is not supported by the data from CrashMap which is for the last 5 years and does not show any clustering of collisions in Marcham.

There is a cluster of slight collisions at the Frilford Interchange but there is no evidence that this is due to HGVs.

It is recommended that routing be restricted to Oxford Road to access the A34. BY CONDITION

Final Response

Some 40 movements is one per 12 minutes and that represents a kind of saturation of a maximum possible and therefore is no basis for a restriction.

20 movements, at 1 movement per 24 minutes, means that vehicles are unlikely to cross and therefore seems a reasonable basis for restricting the operation by condition. This is also closer to the original application and therefore closer to the spirit of it.

The routing prohibition is the A415 Marcham and the A34 should be joined via the A338 & A420. This has the least impact. This would be attached to any permissions.

Minerals & Waste Planning Policy Team

Initial Response

Further recycling would assist Oxfordshire County Council to meet the recycling targets as in the Core Strategy.

Supplementary Response

In terms of the amount of waste being recycled, it is hard to get a clear picture because the applicant has provided little or no evidence. The original planning permission granted in 2011 does not contain any information about the amount of topsoil that would be recovered from the operation. The current application states that soils and other recycled by-products would be recovered, but gives no indication as to the amount. The applicants have given the proportion of stone/rock that would be recovered as being 12-15%. Given that topsoil is a minor part of the total soil constituent it seems likely that most of the material will be taken off the site to be landfilled elsewhere. This would make the site more akin to a waste transfer station with some limited recovery, and indeed the site is described as a waste transfer station on the NAP company website.

The number of lorry movements will have increased by more than 13 times, and so a corresponding increase in tonnages would be at least 65,000tpa.

Policy M1

Seeks to encourage recycled aggregate mineral supply in preference to primary aggregates. It further states that sites which are suitable for such facilities for the production and supply of recycled aggregates at locations that are in accordance with policies W4 and W5 and other relevant policies will be allocated in the Minerals and Waste Local Plan: Part 2 – Site Allocations Document. The site has not been nominated for allocation in the Sites Allocation Document, and so has not been considered for allocation, nevertheless Policies W3, W4 and W5 apply.

Policy W3

Policy W3 states that planning permission will normally be granted for sites that provide capacity for recycling of waste (including waste transfer facilities which help that provision) that are located in accordance with policies W4 and W5, and that meet policies C1 – C12.

Policy W4

The site is just within the area of the location for a strategic or non-strategic site for the County. Paragraph 5.34 sets out the guide tonnages for sites – a strategic site would manage at least 50,000tpa. 5.35 also sets out that a strategic site would cover the County as a whole, or a large part of it. Again the applicant has provided no evidence of the area they cover, but their website claims that they serve all of Oxfordshire. In terms of the broad area of search for a strategic waste facility the application site is within the right area, but in terms of the specific location it would need to be considered against policies W5 and policies C1 – C12.

Policy W5

Extending the site would not be on land in an existing waste use; it would not be previously developed land; it is not on an active mineral or landfill site; does not appear to involve existing agricultural buildings; and is not at a waste water treatment works. It further states that waste management facilities may be sited on land in greenfield locations where this can be shown to be the most suitable and sustainable option.

Paragraph 5.43 states that the further development or extension of an existing site may also offer a better option than the development of a new facility elsewhere. This lends some weight to the possible expansion of waste sites, however this site was granted permission as a relatively small scale local operation, and the expansion to a strategic, or even mon strategic site would be a significant change in scale.

Conclusion

Looking at the site in terms of locational policy and not having considered the site fully against policies C1 – C12:

- The site complies with policies M1 and W3 in that it would provide capacity for increased recycling
- In terms of general location under policy W4, the site is within the area for a strategic site that would deal with waste from across the County, and this site would deal with well above the 50,000tpa threshold for such a site.

- The site does not meet any of the priorities for the siting of waste management facilities, and the applicant has provided no evidence as to why the site would be the most suitable and sustainable option.

It therefore appears that on the basis of the evidence provided by the applicant, that the proposal complies with policies M1 and W3, and W4 in terms of general location. However it does not comply with policy W5, and though the site has been considered suitable for a small scale local facility, it does not follow that it is suitable for expansion onto adjoining greenfield, nor that it is suitable for a larger scale facility.

Countryside Access

Initial Response

The route of restricted byway 268/3 is apparently unavailable through the fields to the side of the application site. As this application seeks to formalise the unauthorised extension to the works and change of use of agricultural land, it is considered reasonable that the development formalises the route of the public right of way (PRoW). It is suggested that the best way to do this is thorough an application for a temporary or permanent diversion of the restricted byway onto a suitable route and to a suitable specification. There should also be a provision for a safe crossing of the haul/ access road, vehicle speed management, warning signing and other mitigation measures.

Supplementary Response

The route of restricted byway 268/3 is not available across the applicant's land and across the parcels of land operated by the applicant. There are established conifer hedges, material, machinery, operations and a soil bund causing obstruction. The route of restricted byway 268/3 is obstructed by the soil bund in the s73 extension area, which are reasonable grounds for objection. The applicant's PRoW analysis shows the bund impacting the legal line of the restricted byway at its south-east corner. The bund will need to be moved and reprofiled to give 4m clear width – plus appropriate barriers/ operational clearance.

The haul road to the site has a PRoW gap and locked gate together with metal 'bridleway' signposts south along the haul road and north towards Kingston Bagpuize. The presence of these signs is assumed to imply express dedication of the haul road as a bridleway. There are operational/ safety issues with this haul road and bridleway, which are reasonable grounds for objection and include:

- No enforcement of 5mph limit
- The application increases the HGV movements above consented development with no additional provision for the 'promoted' route of the restricted byway/ bridleway
- There is no clear/ safe route for the restricted byway/ bridleway users along the haul road and no instructions to HGV drivers along the whole of the haul road

Given the nature, extent and duration of the impact on the restricted byway, the best solution would be for NAP, the other tenants and the site owner to agree a permanent or temporary diversion of the restricted byway to a suitable route and formalise safe access to this.

It is acknowledged that the continuation of restricted byway 268/3 southwards is currently obstructed outside of the applicant's land, and the gateway/ route to the north is off line. However, it is deemed to be a separate matter and will be followed up if alternative provision around the whole Swannybrook Farm cannot be secured through a temporary or permanent diversion onto a suitable route and to a suitable specification.

OCC Fire and Rescue Service – No response.

OCC Public Health – No objection.

Providing that the applicant exercises the correct dust management to monitor and mitigate fugitive emissions from the site in dry periods and implements the interventions such as the proposed landscape planting, no concerns at this time.

OCC Lead Local Flood Authority – No response.

OCC Environment Strategy – No response.

OCC Ecology Officer

As outlined in the pre-application advice (26 April 2019), it is disappointing that works commenced without consent and without appropriate ecological advice. The condition of the extension area prior to commencement cannot be fully assessed, nor the ecological impacts identified.

The Oxfordshire Minerals and Waste Core Strategy 2017-31, policy C7 states: *“Minerals and waste development should conserve, and where possible, deliver a net gain in biodiversity”*. Also:

“In all other cases, development that would result in significant harm will not be permitted unless the harm can be avoided, adequately mitigated or, as a last resort, compensated for to result in a net gain in biodiversity (or geodiversity)...”

In accordance with local and national planning policy, a net gain in biodiversity must be achieved and the vegetation loss fully compensated for, based habitats present prior to vegetation loss. Chosen planting should be mindful of the landscape and visual impacts of the scheme and recommendation provided by the County Landscape Specialist. If minded to approve, the following condition should be included:

Condition

A detailed scheme of ecological enhancements shall be provided to, and approved in writing by, the Minerals Planning Authority. A measurable net

gain in biodiversity shall be demonstrated, to include landscape planning of known benefit to wildlife. In addition, artificial roost features for bats and birds shall be incorporated, the specifications and locations of which shall be provided. The scheme will include measures to protect existing vegetation and management of all new and existing features.

Reason: In the interests of preserving and enhancing biodiversity in accordance with the OMWLP and NPPF.

OCC Landscape Specialist

Initial Response

The site is in a rural area south of Kingston Bagpuize within the Local Character Area 'Stanford in the Vale' (CR/3). The site falls into landscape type LM9, where the area is largely characterised by, amongst other things large, open arable and improved grassland fields, crossed by a network of straight roads and scattered woodland plantations of different sizes and a number of small copses to field corners and around farmhouses as a characteristic feature. OMWCS policy C8 and VLP1 Core Policy 44. It is unclear if the developments seek to also introduce lighting, so clarification should be sought.

Landscape policy requires developments to demonstrate they respect and where possible enhance the local character and are informed by landscape character assessment/ appraisal. This requirement was also outlined in the pre-application advice to the applicant, however now landscape appraisal has been carried out to assess the impacts and to inform mitigation measures.

Application A: The application seems to pre-empt the outcome of the related application MW.0135/19, that stockpile heights of 5m will be found acceptable. Current permission only allows stockpiles of 3m height. In the absence of a landscape character assessment/ appraisal, the applicant has not demonstrated how the development respects the landscape character and views. Without any acceptable justification I consider the proposal as put forward not acceptable in landscape and visual terms.

The development is not in keeping with the local landscape character. The extension and the adjacent agricultural field does not take account of landscape patterns and features in the surrounding landscape. The shape and size of the extension is not in keeping with the landscape pattern, and the bunds/ stockpiles are high and utilitarian in nature forming uncharacteristic features in the landscape and views. The height and nature of the bunding and stockpiles is visible in public views from Fyfield Wick road and from the Public Right of Way north to the site. Existing boundary vegetation, where existent along the western and northern boundary helps mitigate visual impact to some degree but is not fully effective. This is not helped by missing or damaged vegetation caused by lack of protection. Impact on views could be reduced by lower, shallower bunds and stockpiles, and by more effective screen planting.

Recommendations from the Tree Survey for native hedgerow and tree planting along some boundaries are welcome proposals, but don't go far

enough to successfully mitigate impacts. The location, nature and height of any planting should be informed by a landscape and visual assessment/appraisal. Any potential measures will also have to go hand-in-hand with effective protection of existing and new vegetation.

Whilst the principle of an extension done in a way that is sensitive to its surroundings and in keeping with the landscape character, the proposal as shown is not acceptable in landscape and visual terms. A landscape and visual appraisal should be carried out to inform design and mitigation of any proposal.

Should the development be approved despite these concerns, conditions should be added to cover the following issues:

- Landscape Scheme (including additional planting)
- Protection of trees and other vegetation
- Lighting

Application B: In the absence of a landscape character assessment/appraisal, the applicant has not demonstrated how the proposed changes respect existing landscape character and views and will not result in increased landscape and visual impacts.

Condition 10 (Stockpile height not to exceed 3m)

The application seeks to increase the stockpile heights from 3m to 5m. It is not clear from the supporting information how high stockpile heights on site currently are, but they look too high in views, e.g. from the PRoW north of the site. In the absence of a landscape and visual assessment, which successfully demonstrates why 5m high stockpiles are acceptable in landscape and visual terms, there is concern on the impact of these features on landscape and views and a variation of this condition cannot be supported.

Condition 13 (Protection of existing vegetation)

The application seeks permission to not comply with this condition. This condition ensures the protection of existing vegetation, which provides an important setting and screening to operations on the site. The condition does not stop the applicant from removing or planting new vegetation but requires permission prior to any work being done. No justification has been found as to why this condition should no longer be complied with, and it is very concerning if the protection of existing vegetation on site was weakened or removed, therefore the variation or omission of this condition cannot be supported.

Condition 15 (Protection of existing vegetation)

There is potential conflict between the increase in HGVs and the existing PRoW, which crosses the site in a north southerly direction. There is a discrepancy between its alignment on the OS map and what happens on site, where it appears to run along the access road. As such, it shares the route with HGVs, which creates an unattractive and unsafe walking environment. An increase in HGVs might therefore adversely affect users

of the PRow. This is concerning but will be guided by the Council's Public Rights of Way officer on this.

Revised Response

Further to the previous comments for both applications provided 31 January, a Landscape and Visual Appraisal (LVA) by Robin Lines Landscape has been submitted. This concludes that the impacts will be localised, with landscape impacts being negligible and visual impacts ranging from negligible to minor/ moderate. Whilst agreeing that impacts are relatively localised, the officer considers some of the landscape and visual impacts have been underestimated.

The proposed mitigation outlined in section 6 is welcomed but may not go far enough. There is no Landscaping Scheme provided showing the proposed mitigation outlined in the report, so the substance and width of the proposed planting cannot be judged. In the absence of this, the officer is not convinced that the provision of a hedgerow at the bottom of the bunds will be enough to adequately address impacts. The recommendation is that not only a hedgerow, but a 5-10-metre-wide tree/ shrub belt is planted. A detailed landscaping scheme is required.

The findings of the landscape and visual appraisal are not fully agreed with, but on balance the development can be made acceptable in landscape and visual terms subject to appropriate mitigation. To ensure that mitigation is adequate and enforceable, mitigation proposals outlined in the LVA should inform the production of a Detailed Landscaping Scheme. This should also include information on ongoing management of existing and proposed vegetation. The information should be provided prior to determination but can be conditioned if required.

Vale of White Horse District Council Environmental Health Officer
Supplementary Response

The application proposes to amend conditions attached to the original planning permission by increasing the number of HGV movements associated with the site and installing a new concrete crusher to assist the crushing/grinding of material on site.

The noise assessment provided has been carried out whilst traffic movements have reduced due to the current government lockdown which means the activity levels from non-associated vehicles/HGVs as well as from HGVs associated with the site may be lower than would normally be expected. Subsequently there is a significant degree of uncertainty to the measured sound levels within the report. The assessment calculates a series of hourly LAeq values that they predict would occur for the proposed 40 HGV movements and compares this to the criteria within BS8233: Guidance on sound insulation and noise reduction for buildings. BS8233 suggests criteria for different situations, and is primarily intended to guide the design of new buildings, or refurbished buildings undergoing a change of use rather than assessing the effects of changes in the external noise climate as is the case in this assessment. In addition, the criteria within BS8233 are given for 16 hours for daytime and 8 hours for night time rather than the 1 hour time base utilised within the assessment. Subsequently it is not clear to me that increasing the number of HGV movements from the number currently permitted would significantly change the acoustic environment. The impact of noise from HGV traffic, particularly early in the morning is likely to have a greater impact, however, it is noted that the applicant is not seeking to amend their operating hours. The noise assessment provided indicates that some vehicle movements to and from the site are taking place outside the permitted hours of operation and I would recommend that the permitted hours of operation are adhered to.

In respect of the proposed crusher, the noise assessment provided gives a simplified calculation indicating that the rated noise level will exceed the existing background sound level by approximately 10dBA at the receptor facade. BS4142 highlights that a difference of around +10 dBA or more is likely to be an indication of a significant adverse impact. The lower the rating level is relative to the measured background sound level, the less likely it is that the specific sound source will have an adverse impact or a significant adverse impact. The assessment highlights that noise mitigation measures may be required in the form of relatively high barriers and/or bunds. To help evaluate any potential noise effects to the surrounding residential properties from the proposed changes to the original planning permission I would recommend that applicant submits a noise assessment in accordance with BS4142:2014 - "Method of rating industrial and commercial sound".

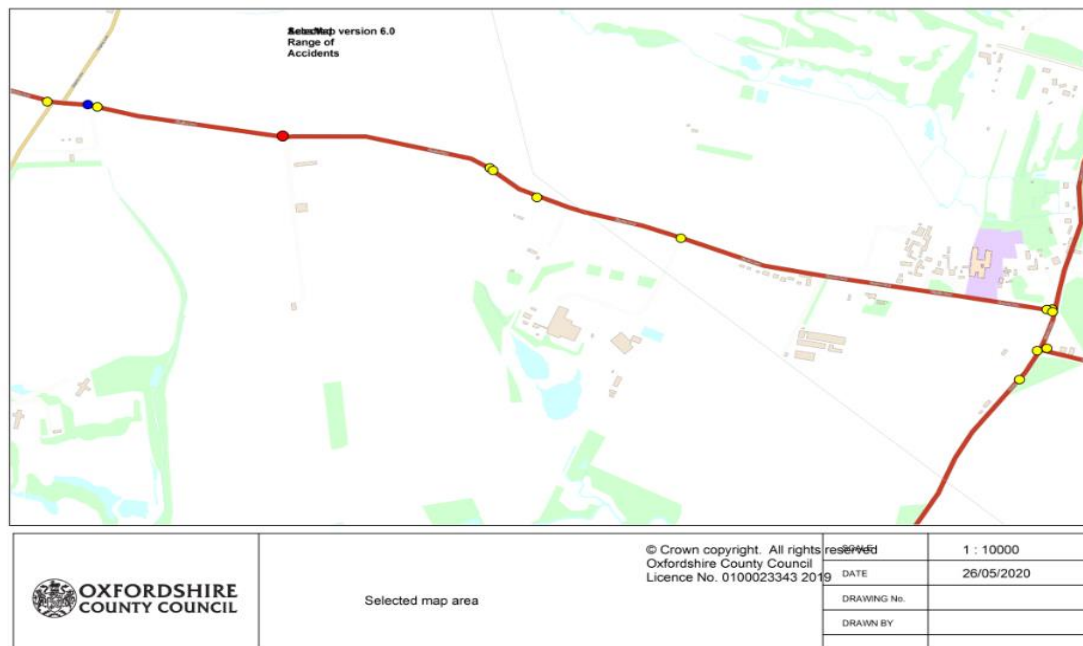
Annex 5 – Additional data from OCC Highways

Supplementary Response – Photos of Road running through Fyfield Wick

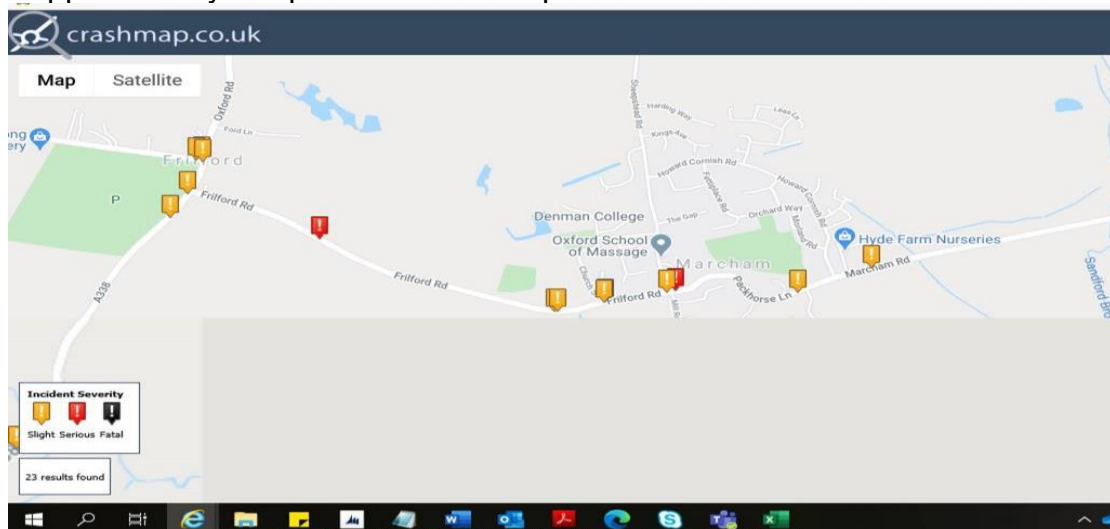




Supplementary Response – Area of interest (A415)



Supplementary Response – Crashmaps Data for Marcham



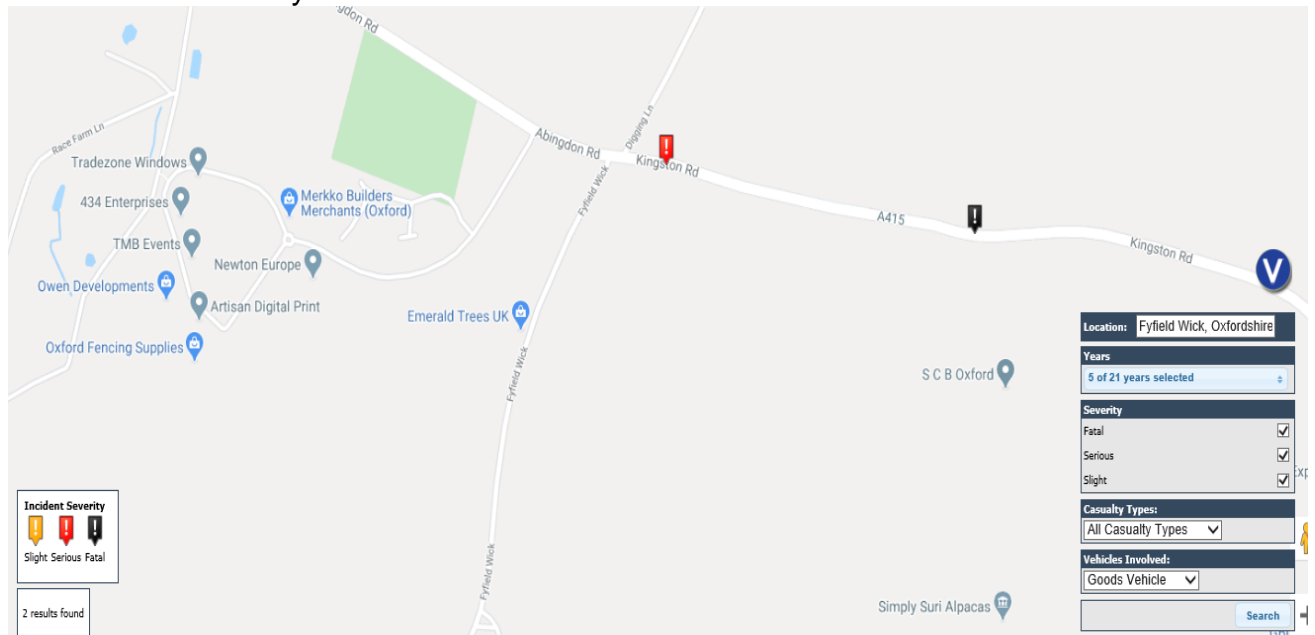
Annex 6 – Crash sites from Crashmap.co.uk data

Collected by the planning officer

All Vehicles



Goods Vehicles Only



Annex 7 – Third Party representations

There have been forty-six third-party representations received, summarised below:

MW.0134/19

- The prevailing wind across the open landscape is a strong and consistent southerly/ south-westerly, which blows dust and dirt directly over homes. The original permission agreed that in dry conditions the bund would be hosed down, but this does not happen. The strong and consistent wind does and will carry dust, noise, fumes etc across into residential properties and further than the air pollution report considers, as based on a smaller bund.
- The bund is supposed to be 3 metres, but this has grown to over five times this size. It was reduced on 17 January 2020, possibly as an awareness that local residents would object to the retrospective applications. The excavators doing this work were so elevated and forbidding they broke the skyline.
- Screening trees were cut down indiscriminately, which is not good for the environment. This will contribute to local flooding and you can quite clearly see the monstrosity they have in full view from the road and is an ugly outlook from a conservation area, made worse by the removed trees.

MW.0135/19

- The narrow, rural country road between the A415 and Longworth Road has no footpath. In recent times mud and silt has been washed down adjacent tracks which causes unsafe conditions on which several pedestrians have slipped and fallen. It is well used by school children, families, cycling groups, walkers and joggers for a variety of reasons. It is entirely unsuited to the huge increase in HGVs that are now imposed on it. There was no mention of the serious accident at the junction with the A415 in the traffic report.
- Serious concerns over the condition of the un-numbered access road to Swannybrook Farm from the A415. Current traffic levels have badly deteriorated the surface. There are numerous potholes and the edges of the road are not defined and the road is in a bad state of repair. Would like the council to put in some serious enhancements to the road soon.
- Dangerous ruts appearing where heavy wheels gouge out the soil as the grass verges are eroded. This has led to local landowners placing blocks on the verges to prevent further wear, removing a potential escape route for small vehicles or motorcycles should they need to take evasive action when faced with large oncoming lorries. This is a safety concern.
- The introduction of the crushing of construction waste, e.g. concrete , brick etc will cause dust and be considerably noisier for neighbours. This was never envisioned as part of the original application and is happening on site at all times.

- Permission was previously granted for a small operation to screen waste soils, with no crushing and one tipper in use, to process 5,000 tonnes. The six vehicle trips a day would mean operations for approximately 10 weeks a year. The scale of NAP's current business is a large, industrial scale operation on a small, rural site. The growth envisioned by these retrospective applications, which is to include concrete crushing, is unrecognizable in terms of scope and scale of the original permission, which has been vastly overstepped. Any increase permitted under this application may subsequently lead to further uncontrolled damaging expansion in the future.
- The road onto the A415 is not wide enough to allow regular use by large heavy-tonnage industrial vehicles as is currently the case and 2 lorries are unable to pass on the road in places. 5,000 tonnes of waste to be processed is an enormous increase in vehicle movements. The proposals are an increased danger to the public using that road and the A415, including through Marcham.
- Although there is visibility from the Swannybrook Farm entrance, lorries have a tendency to sweep out onto the wrong side of the road. There are concealed entrances on blind bends on the same road, so safety is an issue as is lorries having to pull up to allow other lorries to pass; an almost daily occurrence.
- Concern over dramatic increase in proposed HGV movements from 6 to 40, which would add to those that are already on the road. An audit should be carried out, to include impact on the residents of Marcham, where the narrowing of the road in the village centre presents dangers from heavy lorries, which the road is unsuited for and more vehicles will create more pollution, more damage and potentially more accidents.
- Concerns for increased HGVs through Kingston Bagpuize on an already busy road would damage the amenity of a village community and be a road safety risk.

MW.0134/19 and MW.0135/19

- Heavily loaded vehicles may be having a deleterious effect on properties adjacent the site as vibrations can be felt inside the house when the frequent HGVs go past.
- HGVs have been overloaded and debris has been left on the highway as a result. Debris has been observed coming off the back of NAP trucks at the Swannybrook turn.
- Third-party vehicles are not taken into account to drop off and collect from NAP's site at Swannybrook Farm.
- NAP's traffic impact reports are not reliable. There is evidence of many vehicle movements operating outside of the hours permitted, some as early as 6:30am
- The small-scale soil processing operations were fairly minimal and tolerable alongside other small-scale pre-existing industrial and farming operations. The current soil processing and related

activities have increased steadily over recent years and is now unacceptable and on an industrial scale.

- The operations have a detrimental impact on residents locally due to dust and noise and impact on air quality. Increased HGVs would increase risk to villagers trying to cross local roads.
- The scale of undertakings of soil screening on this site means that there is constant noise most days from high-pitched 'beep beep' reversing sounders, large engines and scraping, digging and noise from huge trucks and multiple large excavators. There is increased noise/ disturbance to nearby properties.
- The operators have been operating without permission for years; they are acting illegally and should be prosecuted. Who knows what hazardous substances are being disposed of or done safely. Have they been inspected by the Environment Agency?
- The operators have disregarded the original planning terms, including vehicle movements, plant operating hours and concrete crushing and have no regard for planning permissions. These breaches will continue, so why should this permission be given. They cannot be trusted to keep to the limits set by new planning permissions.
- The growth in hours – including Saturdays are unreasonable and envisage an industrial scale operation impacting residents locally.
- The expansion of operations will impact on the amenity of the community of Kingston Bagpuize.
- Permission was previously granted for a small operation to screen waste soils, with no crushing and one tipper in use, to process 5,000 tonnes. The six vehicle trips a day would mean operations for approximately 10 weeks a year. The scale of NAP's current business is a large, industrial scale operation on a small, rural site. The growth envisioned by these retrospective applications, which is to include concrete crushing, is unrecognizable in terms of scope and scale of the original permission, which has been vastly overstepped. Any increase permitted under this application may subsequently lead to further uncontrolled damaging expansion in the future.
- The small-scale soil processing operations were fairly minimal and tolerable alongside other small-scale pre-existing industrial and farming operations. The current soil processing and related activities have increased steadily over recent years and is now unacceptable and on an industrial scale. This is a detrimental impact on residents locally.
- Complaints regarding breaches of planning consents for the site have not been satisfactorily dealt with to date by Oxfordshire County Council. There has been no regulation or enforcement of the site's activities to date. Investigations were materially deficient. Either they failed to correctly identify growth or were presented with falsified data. Removal of the concrete crusher was not enforced, and the reduction of the soil stacks was only as a result of objections raised by these applications.

- If they wanted to expand their operations, they should have sought permission first, not try and present it as a fait accompli afterwards and to come back and ask for retrospective permission. This rides roughshod over the original planning permission and is a gross abuse of both the process and the authority of the Council(s) and makes a mockery of the planning process. The conditions laid down are simply going to be ignored, not enforced and then sanitized later. It would appear the operators have felt so confident or arrogant that they have invested in a large amount of equipment that clearly exceeds their mandate. As a minimum there should be formal consultation with local residents, and a full review of all evidence before any planning hearing
- Oxfordshire County Council has failed to adequately consult other authorities in the area to understand the full impact of this type of business by not taking into account growth locally, with the cumulative impact of growth in heavy traffic.

There were several comments received which relate to the operations on the wider industrial site but are not directly related to the developments the subject of applications MW.0134/19 or MW.0135/19:

- Floodlights are visible across previously dark fields. This is used continuously and is over the top of the bund, breaching current permissions. The glow emanates from the site throughout the night and will be a significant impact on the local wildlife, which is within an ideal habitat, where we are fast losing our untouched and natural landscapes.
- There is a regular passage of tipper lorries daily to/ from site, with frequent journeys by lorries transporting batch concrete, bulk deliveries of raw cement powder, heavy stone crushing plant and processed materials collection.
- Third-party vehicles are not taken into account to drop off and collect from NAP's site at Swannybrook Farm
- There are more suitable sites – a satellite site to run their huge vehicles from, not in the immediate vicinity.
- A growing company is a great idea for business and the economy and for taxes, not in Southmoor and not by NAP.

Annex 8 - European Protected Species

The Local Planning Authority in exercising any of their functions, have a legal duty to have regard to the requirements of the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019 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.

No further consideration of the Conservation of Species & Habitats Regulations is deemed necessary.