

Division Affected – Banbury, Grimsbury & Castle

PLANNING AND REGULATION COMMITTEE

19 April 2021

Application 1: Demolition of existing concrete batching plant and stock bays and provision of new permanent aggregate storage bay area and weighbridge and associated lorry turning area and widening of internal access road.

Application 2: Provision of new relocated RMX concrete plant and associated works including reconfigured storage bay area, new weighbridge, expanded car parking area and new office/welfare facility

Application 3: Provision of temporary stock-bay area and weighbridge to accommodate additional aggregate deliveries associated with construction of HS2

Report by Assistant Director for Strategic Infrastructure and Planning

Contact Officer: Mary Hudson **Tel:** 07393 001 257

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

Application 1: OCC Application No: MW.0012/21
CDC Application No: 21/00351/CM

Application 2: OCC Application No: MW.0013/21
CDC Application No: 21/00352/CM

Application 3: OCC Application No: MW.0014/21
CDC Application No: 21/00353/CM

District Council Area: Cherwell

Applicant: Tarmac Trading Ltd

Applications Received: 13 January 2021

Consultation Period: 1 February 2021 – 25 February 2021

Contents

Part 1- Facts and Background

Part 2 – Other Viewpoints

Part 3 – Relevant Planning Documents

Part 4 – Assessment and Conclusions

Executive Summary

1. The report sets out the proposed development for which planning permission has been applied under three separate applications nos. MW.0012/21, MW.0013/21 and MW.0014/21. These applications cover various aspects of the redevelopment of Tarmac's existing site in Banbury. Having considered the proposals against the development plan and other material considerations including consultation responses and representations received it is recommended that subject to the applicant entering into a routeing agreement and to conditions that the applications be approved.

PART 1- FACTS AND BACKGROUND

Site & Setting (See Plans 1, 2 and 3)

2. The application site is situated in the north east of Banbury, approximately 1.3km to the north of Banbury town centre and approximately 1km to the west of Junction 11 of the M40 motorway. It takes access from the A422 Hennef Way via Water Works Road also known as Grimsbury Green, which is a no-through road. The A422 Hennef Way provides a direct route between the site and Junction 11 of the M40. Hennef Way is a designated Air Quality Management Area (AQMA) due to NO₂ exceedances.
3. The site forms part of an operational rail head which is used for the processing, storage and distribution of aggregate, concrete, and asphalt to the local construction industry. The railhead as a whole contains an operational asphalt plant, concrete batching plant, aggregate storage bays, areas of hardstanding and car parking, office, and associated infrastructure. In total, the operation has a land-take of around 2.8ha. It is bordered to the east by the Birmingham to Oxford railway line and the Wildmere Industrial Estate, to the south by Grimsbury Green and Hennef Way, and to the north by land owned by Network Rail. The River Cherwell and its flood plain lie to the west of the site along with Grimsbury Reservoir, the Water Works, and the Oxford Canal. A public footpath follows the route of Grimsbury Green, connecting the Oxford Canal Walk and Spiceball Park to residential areas to the south and east. The Oxford Canal Walk follows the route of the canal to the west of Grimsbury Reservoir.
4. The nearest residential properties are located circa 150 metres to the south on the other side of Hennef Way. There is also a small group of dwellings on Meads Farm Lane to the east of the site, on the other side of the railway line, also at a distance of approximately 150m.

5. The application area for planning application MW.0012/21 comprises circa 0.84ha of land at the northern end of the existing railhead facility as well as the internal access route from Grimsbury Green. This part of the railhead facility currently contains a concrete batching plant and aggregate storage bays as well as vehicle circulation areas.
6. The application area for planning application MW.0013/21 is rectangular and comprises 0.97 ha in the southern part of the site, immediately north of Grimsbury Green and east of the railway line.
7. The application area for planning application MW.0014/21 is triangular and comprises 0.51 ha in the northern part of the site.
8. The nearest designated ecological site is Fishponds Wood Local Wildlife Site in Hanwell, which is approximately 2.3km to the north east of the application site.
9. Grimsbury Manor, a Grade II listed building, is located approximately 170m to the south east of the site.
10. The majority of the railhead facility lies within flood zone 1, which has the lowest risk of flooding, however small areas in the western and northern edges and closest to the River Cherwell fall within flood zone 2.

Planning History

11. Permission was originally granted for an asphalt plant at the railhead in 1993 under planning permission no. CHN.45/90. This permission was subject to a routing agreement dated 26 October 1992, which prohibits heavy goods vehicles (HGVs) accessing or leaving the site from using any routes other than the A422 Hennef Way, M40, A423 Southam Road, B4100, A4260 Concorde Avenue, and the A361. The site currently operates under a different consent, issued with the same reference number CHN.45/90 granted in 2003. The 2003 consent was issued following a Section 73 application on the original consent which extended the operating hours to the following:
 - 4am – 7pm Monday to Saturday
 - 8am – 5pm Sundays
12. The concrete batching plant at the site was originally granted under planning permission CHN.550/93, which has since been superseded by planning permission 02/02553/CM. Planning permission 02/02553/CM limits all operations associated with the concrete batching plant to the following hours:
 - 7am - 6pm Mondays to Fridays
 - 7am - 1pm Saturdays
13. Neither of the current permissions governing the site include a limitation on HGV movements.
14. In 2018, two applications were submitted to the County Council for determination (application reference numbers MW.0116/18 and MW.0117/18).

The first sought permission for the temporary use of a new site to the west of the existing site as a rail unloading and aggregate storage and distribution facility, and the second sought to vary the conditions on the extant permission to allow operations at any time of day and night and to amend the site layout. Both applications were withdrawn in 2019.

15. In 2020, application MW.0026/20 was submitted, which sought permission for revisions to the asphalt plant layout, widening and upgrading of the site access onto Grimsbury Green, relocation of the concrete batching plant, provision of an aggregate storage and rail unloading facility and associated development to enable the site to provide construction materials to the High Speed 2 (HS2) rail project. This application was due to be determined by the Planning & Regulation Committee at its meeting on 20 July 2020. However, the application was withdrawn prior to the meeting taking place.

Current Applications

16. Four planning applications have been submitted to the County Council in relation to the existing railhead facility at Banbury. This report covers three of the applications, because they seek consent for interlinked parts of the same overall development at the site.
17. The fourth application (MW.0011/21) relates to the access into the existing site and is independent of the other three applications. It is covered by a separate report to this meeting.
18. The applicant has stated that following confirmation from National Government of approval for the High Speed 2 (HS2) rail project, there is a requirement to supply construction materials to enable the development. The applicant will be delivering construction materials to the various HS2 compounds in and around the Midlands area, utilising the existing railhead facility at Banbury. It is stated that significant infrastructure projects such as HS2 require consistency and surety of supply of construction materials and for aggregates, these can only be sourced from specific locations around the UK, which are principally determined by geology. Using the railhead facility at Banbury will ensure that a significant volume of the construction materials for HS2 can be efficiently delivered from their source, closer to their end use location, via rail, meaning that overall road miles associated with the transport of these materials, along with corresponding CO₂ levels, are significantly reduced.
19. The application documents for all four planning applications explain that in order to accommodate the increased rail deliveries associated with HS2, various alterations to the configuration of the railhead site have been considered and assessed. Some of these have been the subject of previous planning applications, which were withdrawn. Following the withdrawal of planning application MW.0026/20 in July 2020, a series of discussions have taken place between the applicant and HS2, which has resulted in a reduction in the volumes of construction materials that would transit through the Banbury facility to HS2 compounds. As a result, the internal configuration work required on the Banbury site has also altered resulting in the submission of the current four

planning applications MW.0011/21, MW.0012/21, MW.0013/21 and MW.0014/21.

20. In brief, these applications seek permission for the following:

- M**

• **W.0011/21:** Widening of the site access onto Grimsbury Green and off-site highway works. This would be a permanent development relating to the existing facility. It could be implemented without the other developments and is covered in a separate report.
- M**

• **W.0012/21:** Removal of existing concrete batching plant and storage bays at the northern end of the existing facility and replacement with storage bays, weighbridge, and vehicular circulation areas. This would be a permanent development, although the storage bays would also be used temporarily to serve the HS2 contract.
- M**

• **W.0013/21:** Erection of new concrete batching plant adjacent to the existing asphalt plant at the southern end of the existing facility, new office/welfare buildings, enlarged car park, and re-configured stock bay area. This would be a permanent development.
- M**

• **W.0014/21:** Erection of temporary stock bays and weighbridge on land to the north of the existing facility for a 5-year period. This is a temporary proposal to serve the HS2 contract.

21. The railhead facility currently employs four full time staff. The increased activity to serve the HS2 contract would result in a doubling of staff numbers to eight.

Rail Deliveries

22. The applicant states that during the temporary period in which the site is servicing HS2 contracts, there would be an average of 3 rail deliveries to the site on weekdays, which would include deliveries associated with the existing development as well as HS2. There would be no rail deliveries at weekends. The applicant has stated there is no intention currently to have rail deliveries on public/bank holidays, but they request flexibility to add this at a later stage should demand from HS2 significantly increase. This would be an increase on the current operation, which generates circa 4 rail deliveries per week. The Planning Authority has no control over rail timetables but is able to control operations on the railhead.
23. If planning permission is granted for the overall re-configuration of the site, the rail-grab operation would take place in the northern two-thirds of the site, adjacent to proposed storage bay areas. The applicant states that, whilst there is currently no restriction on rail delivery or rail-grab operations, a condition that

prevents the use of the rail-grab between the hours of 8pm and 6.30am would be accepted for the duration of the HS2 works. These times would reflect the train paths that are available to enable movement of aggregate by rail from source and into the rail-head site. Following the 5-year period of HS2 works, the proposed rail-grab hours are 7am-8pm.

HGV Movements

24. There would be an increase in HGV movements associated with the site during the temporary period in which the HS2 contract was being served compared to movements arising from the existing operation. The application states that there is currently no restriction relating to HGV movements under the existing planning permissions and, if the existing operation was to run at full capacity, it would be capable of generating 41 HGV movements per hour or 410 HGV movements per day, whereas the anticipated movements generated by the HS2 contract during the average peak hour would be 35 HGV movements per hour or 348 per day. The Dust and Air Quality Assessment submitted with the application documents stated that the existing operation generates about 80 HGV movements per day.

Routeing

25. There is an existing routeing agreement dated 26th October 1992, which ensures that HGVs use only approved routes through Banbury to reach the M40, B4100, A361, A4280 and A423. It is proposed that a new agreement would be used to ensure that HGVs associated with the site continue to use these agreed routes.

Noise

26. A Technical Note on Noise has been submitted in support of applications MW.0012/21, MW.0013/21 and MW.0014/21 which considers the combined impact of the proposals. It concludes that the maximum noise levels from unloading activities would be lower at Webb Close and Grimsbury Green than at present due to the relocation of the rail-grab further north within the facility. At some receptors on Dean Close and Meads Farm Lane, the noise levels would increase by 2dB, which is below the general baseline noise level.

Landscape & Visual Impact

27. The applicant has submitted a Landscape and Visual Impact Assessment in support of applications MW.0012/21, MW.0013/21 and MW.0014/21, which looks at the combined impact of the proposals. It finds that the site currently has a functional and industrial character with reduced tranquillity due to the close proximity of major roads and industry. The impact of the developments on landscape character would therefore be negligible. The assessment also states that there are no landscape designations that would be affected by the development. It is stated that the application area is physically and visually enclosed by mature trees along the River Cherwell to the west and north, Hennef Way to the south, and Wildmere Industrial Estate to the east and

therefore visibility of the site is limited to areas within the immediate context to the south and east. Whilst there would be some fragmented views of the proposal, particularly from the railway overbridge at Grimsby Green, the effect would be minor at worst.

Dust & Air Quality

28. The applicant has submitted an Air Quality Assessment in support of applications MW.0012/21, MW.0013/21 and MW.0014/21. The assessment concludes that annual mean NO₂ objectives are forecast to be exceeded as exceedances of these objectives already occur without the proposed development, although concentrations are decreasing. It is stated that the increase in HGV movements would be temporary and therefore any adverse impacts on air quality would be temporary. All HGVs serving HS2 would be at least a Euro VI standard, which it is stated would minimise the impact from traffic related emissions. Further mitigation could also include screening along Hennef Way or additional air quality monitoring.
29. The applicant has also submitted a Dust Impact Assessment, which assesses the dust impacts of on-site operations. It concludes that dust effects can be mitigated through good practice dust handling measures, resulting in minimal dust effects.

Details of Proposed Development (MW.0012/21) Removal of Existing Concrete Batching Plant, Erection of new Weighbridge and Aggregate Storage Bays

30. Planning application MW.0012/21 seeks permission for the demolition of the existing concrete batching plant and associated storage bays. In their place, a new permanent weighbridge would be installed along with replacement aggregate storage bays and a loading/turning area for HGVs. It is also proposed that the internal access road in this part of the site would be widened and re-surfaced. The application seeks permanent permission in connection with existing operations at the site, although the aggregate storage bays would also be used on a temporary basis to serve the HS2 contract before reverting to serve local construction projects. It is the applicant's intention to locate a new concrete batching plant to the south of the site adjacent to the existing asphalt plant; this forms part of planning application MW.0013/21.
31. The proposed new storage bay area would contain five individual bays, providing capacity for around 10,800 tonnes of material in total. The bays would be designed in a manner that allowed for further sub-division if required, providing up to a total of ten bays. The bays would be a maximum of 4m in height, open-topped, and constructed using post and sleepers with a concrete dwarf wall. Material would be unloaded from rail wagons into the proposed bays via a mobile rail-grab as is consistent with existing operations at the site. HGVs would then access the storage bay area via the weighbridge to collect materials.
32. During the temporary 5-year period in which the site would serve the HS2 contract, it is proposed to align operating hours with the constraints placed on HS2 compounds, with the first vehicle leaving the facility at approximately 7am

and the latest vehicle returning at approximately 7.30pm. To accommodate this, the applicant proposes temporary operating hours as follows:

- 6am – 8pm Monday to Friday
- 6am – 3pm Saturdays
- 8am – 3pm Sundays and Bank Holidays

33. At the expiry of HS2 contract, it is proposed that operating hours would revert to those currently permitted for the asphalt plant operation at the site, which are:

- 4am – 7pm Monday to Saturday
- 8am – 5pm Sundays

34. Floodlights would be erected around the storage bays and loading/unloading facilities throughout the facility. These lights would be up to 300 Watt and mounted on poles of 6-8m.

Details of Proposed Development (MW.0013/21) – New Permanent Concrete Batching Plant

35. This application is for a new permanent concrete batching plant, office and welfare buildings, for the enlargement of the car park and re-configuring of stock bays. This would replace the existing concrete batching plant which is proposed to be demolished under application MW.0012/21. This would relocate the concrete batching operations to the southern part of the site.

36. The proposed concrete batching plant would be located adjacent and to the south of the existing asphalt plant at the site. It would be a smaller facility than the batching plant to be removed, with a maximum height of 12.6m compared to 18m for the existing plant. The cladding to the plant would be grey/green.

37. The 14 existing storage bays in this part of the facility would be refurbished and reconfigured. They are constructed using post and sleepers with a concrete dwarf wall. They would be 4 metres high. The row of 14 bays would stretch along the eastern side of the site. Material would be unloaded from rail wagons into the proposed bays via a mobile rail-grab as is consistent with existing operations at the site prior to being fed into the asphalt and concrete batching plants.

38. The concrete batching plant would operate the same hours as the existing asphalt plant, which are:

Monday to Saturday: 4am to 7pm
Sundays and Bank Holidays: 8am to 5pm

39. The applicant has stated that in practice, the nature of demand for ready-mix concrete means that the concrete batching plant is unlikely to operate such long hours, but that it would be helpful for management and compliance for both plants to be covered by the same operating hours.

40. The weighbridge office would have a footprint of approximately 45m² and would be a total of 3.8m high, with the main office structure supported on blockwork plinths to raise the ticket window to the height of HGV cab windows. It would be clad in a light-brown colour and would have a flat roof. A raised metal sampling platform would be connected to the weighbridge office. The weighbridge office would contain two office rooms, a kitchen, store and WC.
41. The proposed office and welfare building have a footprint of approximately 150m² with a flat roof and would contain two three office rooms, a meeting room, kitchen, WC, changing room and store. It would be approximately 3m tall at roof height. The colour of the building is yet to be determined and the applicant states that this is to be agreed with the planning authority. The car park would be located immediately adjacent to the office and welfare building and would provide 14 marked parking bays.

Details of Proposed Development (MW.0014/21) – Temporary Stock Bays and Weighbridge

42. This application is for the erection of temporary stock bays and weighbridge for a five-year period. This would be in an area of existing hardstanding to the north of the existing railhead. The site comprises 0.51ha of land owned and used by Network Rail.
43. Permission is sought for a stock bay area and weighbridge along with vehicle loading and circulation space to accommodate additional aggregate rail deliveries associated with the HS2 construction project. This application seeks permission on a temporary basis, for five years.
44. The proposed temporary stock bay area would have a capacity for storage of 2,320 tonnes of aggregate in four individual bays. The bays would be a maximum of 4m in height, open-topped, and constructed using post and sleepers with a concrete dwarf wall. Material would be unloaded from rail wagons into the proposed bays via a mobile rail-grab as is consistent with existing operations at the site. HGVs servicing the HS2 construction compounds would then access the storage bay area via the weighbridge to collect materials before exiting the site via the main entrance.
45. The application states that the first HS2 vehicle would be likely to leave the facility at around 7am, with the latest returning vehicle at about 7.30pm. However, to allow for flexibility to service these times, it is proposed that the bay area would have the following operating hours:
 - Monday to Friday: 6am-8pm
 - Saturdays: 6am-3pm
 - Sundays and Bank Holidays: 8am-3pm
46. There would be no overnight parking of HGVs at the application site. HGVs will either be parked at the HS2 compounds or at other depots, depending on overall ownership of the vehicles.

47. Following the temporary period, the application states that the proposed stock bays, weighbridge and lighting would be removed from the site, and it would revert to an area of hardstanding.

PART 2 – OTHER VIEWPOINTS

Consultation Responses

48. The full text of the consultation responses can be seen on the e-planning website¹, using the references MW.0012/21, MW.0013/21 and MW.0014/21. These are also summarised at Annex 4 to this report.

Representations

49. 11 third-party representations were received, all of which raised objections to the proposal. The comments made are summarised at Annex 5 to this report and addressed in the main body of this report. Most representations related to the proposals for the site overall and did not distinguish between the three applications.

PART 3 – RELEVANT PLANNING DOCUMENTS

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

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

Development Plan Documents

51. The Development Plan for this area comprises:
- Cherwell Local Plan 2001-2031 (CLP)
 - Cherwell Local Plan 1996 Saved Policies (CLP 1996)
 - Oxfordshire Minerals and Waste Local Plan Part 1: Core Strategy (OMWCS)
 - Oxfordshire Minerals and Waste Local Plan 1996 (Saved Policies) (OMWLP)

¹Click here to view applications [MW.0012/21](#) [MW.0013/21](#) [MW.0014/21](#)

Other Policy Documents

52. Other documents that are relevant to determining this application include:
- National Planning Policy Framework 2019 (NPPF)
 - National Planning Practice Guidance (NPPG)
 - Banbury Vision and Masterplan SPD (December 2016)

Relevant Development Plan Policies

53. The CLP policies most relevant to the consideration of this application are:
- Policy PS1: Presumption in Favour of Sustainable Development
 - Policy SLE4: Improved Transport and Connections
 - Policy SLE5: High Speed Rail 2
 - Policy ESD1: Mitigating and Adapting to Climate Change
 - Policy ESD6: Sustainable Flood Risk Management
 - Policy ESD7: Sustainable Drainage Systems (SuDS)
 - Policy ESD8: Water Resources
 - Policy ESD10: Protection and Enhancement of Biodiversity & the Natural Environment
 - Policy ESD11: Conservation Target Areas
 - Policy ESD13: Local Landscape Protection & Enhancement
 - Policy ESD15: The Character of the Built & Historic Environment
 - Policy ESD16: The Oxford Canal
54. The CLP 1996 policies that are most relevant to the consideration of this application are:
- Policy C28: Layout, Design & External Appearance
 - Policy TR10: Heavy Goods Vehicles
 - Policy ENV1: Pollution Control
55. The OMWCS policies most relevant to the consideration of this application are:
- Policy M6: Aggregate Rail Depots
 - Policy M9: Safeguarding Mineral Infrastructure
 - Policy C1: Sustainable Development
 - Policy C2: Climate Change
 - Policy C3: Flooding
 - Policy C4: Water Environment
 - Policy C5: Local Environment, Amenity & Economy
 - Policy C7: Biodiversity and Geodiversity
 - Policy C8: Landscape
 - Policy C10: Transport
 - Policy C11: Rights of Way

56. There are no relevant saved policies from the OMWLP that are relevant to the consideration of this application.

PART 4 – ASSESSMENT AND CONCLUSIONS

Comments of the Assistant Director for Strategic Infrastructure and Planning

57. The NPPF sets out a presumption in favour of sustainable development (paragraph 10), which is supported by policy PS1 of the CLP and C1 of the OMWCS. This means taking a positive approach to development and approving an application which accords with the development plan without delay, unless material considerations indicate otherwise.
58. The key planning policies are set out above and discussed below in accordance with the key planning issues.
59. The key planning issues are:
- i. The Principle of the Developments
 - ii. Traffic Impacts
 - iii. Air Quality & Dust
 - iv. Noise
 - v. Landscape & Visual Effects
 - vi. Biodiversity
 - vii. Flooding & Drainage

The Principle of the Developments

60. The application areas are all associated with a site which is safeguarded under policy M9 of the OMWCS which states that existing and permitted infrastructure that supports the supply of minerals is safeguarded against development that would unnecessarily prevent the operation of the infrastructure or would prejudice or jeopardise its continued use by creating incompatible uses nearby. The site is an existing facility and the overall use of it would not change as a result of the developments proposed. It would continue to operate for the supply and transfer of mineral resources via rail and therefore there is no conflict with the safeguarding policy.
61. Policy SLE5 of the CLP states that the design and construction of the High Speed 2 Rail Link (HS2) must minimise adverse impacts on the environment, the local economy and local communities and maximise any benefits that arise from the proposals. As a matter of principle, the railhead seeks to minimise the adverse impacts of the HS2 construction on the environment through facilitating the transport of construction materials in part by rail. Although these applications would not result in a new facility, it is a material consideration that new aggregate rail depots are generally supported through policy M6 of the OMWCS where suitable access is available onto an advisory lorry route, which includes the A422 Hennef Way.

62. Subject to the consideration of the detailed aspects of the proposals against development plan policy, including the suitability of access arrangements and impacts on the local environment and amenity, members are advised that the applications are acceptable as a matter of principle.

Traffic and Rights of Way

63. Policy C10 of the OMWCS states that mineral development will be expected to make provision of safe and suitable access to the advisory lorry routes shown on the Oxfordshire Lorry Route Maps in ways that maintain and, if possible, lead to improvements in the safety of road users including pedestrians, the efficiency and quality of the road network, and residential and environmental amenity including air quality. It also states that, where practicable, mineral development should be located, designed and operated to enable the transport of minerals by rail, water, pipeline or conveyor. Developments that would generate significant amounts of traffic will be expected to be supported by a transport assessment or transport statement, including mitigation measures where applicable.
64. Policy SLE4 of the CLP supports a modal shift in travel and provides support for key transport proposals including transport improvements at Banbury. Amongst other things it states that development which is not suitable for the roads that serve the development, and which have a severe traffic impact, will not be supported. It requires all development, where reasonable to do so, to facilitate the use of sustainable modes of transport to make the fullest possible use of public transport, walking and cycling. Policy TR10 of the CLP 1996 states that development which would generate frequent heavy goods vehicle movements through residential areas or on unsuitable urban or rural roads will not be permitted. Proposals for heavy good vehicle operating centres that would create traffic problems or adversely affect the amenity of residential areas or villages will also be resisted.
65. Concerns have been raised from local residents, the local member, and the Town Council about the impact of the developments on the local highway, including traffic congestion, highway safety, and the condition of the road. Specific reference is also made to the safety of pedestrians and cyclists utilising the public right of way along Grimsbury Green which connects residential areas to Spiceball Park and the Oxford Canal. It has been noted during officer site visits that the route is popular and busy with recreational users, who at the current time are required to walk/cycle within the highway due to the lack of adequate footpath provision.
66. Although these applications relate to the reorientation of plant and ancillary structures within the existing site, the proposals would have the effect of increasing overall capacity at the site and the intensification of operations. The existing operation currently generates circa 80 HGV movements per day, although the site has the capacity to generate up to 410 per day (or 41 per hour) and the movements are unrestricted by planning controls. It is stated in the application documents that, during the five-year period that the site would service the HS2 contract, it would generate an average of 348 HGV movements per day, or 35 an hour. This represents a substantial increase on the existing

actual daily movements and would therefore have an impact on both the local highway network but also on users of the public right of way. However, it remains the case that the site is a permitted and important facility for the movement of material by sustainable transport modes with direct access to the Strategic Highway Network and onwards to M40 J11, and the applications are therefore generally supported by policies C10 of the OMWCS, SLE4 of the CLP and TR10 of the CLP 1996.

67. The Transport Development Control Officer has not objected to these applications, subject to a condition to limit the number of HGVs which can enter/leave the site during the peak hours of 08.00-09.00 and 17.00-18.00. The limit would be 40 movements (20 in, 20 out) per hour and this would apply to all HGVs visiting the site. This would ensure that the impacts on the local highway network, and in particular, Hennef Way, would be acceptable. It is recommended that a further condition is imposed requiring the operator to keep records of vehicle movements and provide those records to the Minerals Planning Authority on request. This would help to monitor and enforce the condition restricting peak hour movements.
68. As mentioned above, the applicant has submitted a separate application (MW.0011/21), which proposes improvement works to the site's access as well as within the highway on Grimsbury Green. These works would include the widening of the site access, resurfacing, and the provision of a 2m wide footway on Grimsbury Green with a central refuge point. Transport Development Control have advised that it is not necessary for those highway and access improvement works to be undertaken prior the works to increase the capacity of operations at the site. Therefore, it is not proposed to include any conditions on any consents relating to applications MW.0012/21, MW.0013/21 and MW.0014/21, requiring the works proposed under MW.0011/21 to be implemented.
69. Even with the improvement works in place, the developments would undoubtedly have an impact on the highway network and users of Grimsbury Green, and these are matters of concern to the local member and residents. However, these local impacts must be weighed against the benefits of the scheme in enabling the movement of construction materials around the region via rail and the benefits arising from this both in terms of wider highway impacts and sustainability. The applications offer an opportunity to impose new conditions to control peak hour HGV movements. Subject to the inclusion of the conditions as recommended above and to the applicant entering into an updated lorry routing agreement, the developments are considered to be acceptable in highway terms.
70. The routing agreement and the condition restricting peak hour HGV movements would be needed in relation to all three applications MW.0012/21, MW.0013/21 and MW.0014/21.
71. OMWCS policy C11 states that improvements and enhancements to the rights of way network will generally be encouraged. If granted the applications would be carried out in the context of the access improvements addressed in relation

to the report for application no. MW.0011/21 which would improve provision for pedestrians along an existing public right of way, in accordance with OMWCS policy C11. The applicant has advised that it is their intention to carry out these improvements and the Transport Development Control Officer has not advised that they are necessary in order to render the other developments acceptable. However, if the committee is minded that they are necessary in order to address any unacceptable harm to highway safety or amenity caused by the other three applications then further conditions could be attached to the other applications to the effect that the developments proposed under MW.0012/21, MW.0013/21 and MW.0014/21 cannot be commenced until the highway improvements proposed under MW.0011/21 have been provided.

Air Quality & Dust

72. Policy C10 of the OMWCS states that mineral development will be expected to make safe and suitable access to advisory lorry routes in ways that maintain and, if possible, lead to improvements in residential and environmental amenity including air quality. Policies C5 of the OMWCS and ENV1 of the CLP 1996 seek to resist development which is likely to cause materially detrimental levels of environmental pollution, including air quality. Policy ESD10 of the CLP requires air quality assessments for proposals that would be likely to have a significantly adverse impact on biodiversity by generating an increase in air pollution. Policy ESD15 of the CLP states that well-designed landscape schemes can support improvements in air pollution amongst other things.
73. The A422 Hennef Way is a designated AQMA for exceedances of the annual mean air quality objective for NO₂ of 40 µg/m³, however concentration levels are falling from 84.8 µg/m³ in 2017, 74.9 µg/m³ in 2018 and 72.1 µg/m³ in 2019. As stated above, the applicant has submitted an Air Quality Assessment in support of the applications, which considers the cumulative impact arising. The assessment states that the increase in HGV movements would be temporary and therefore that any air quality effects would be temporary. Impacts would be minimised as far as possible through ensuring that all HGVs serving HS2 would be at least Euro VI standard, although it is also suggested that further mitigation could be achieved through additional monitoring.
74. The Environmental Protection Officer at Cherwell District Council has reviewed the application and has stated that there are no objections to the development.
75. The developments have the potential to create adverse impacts from dust arising through on-site operations. Representations received from local residents include photographs showing dust around the application site and on parked cars following rain. The applicant proposes to manage potential dust impacts through good practice techniques. The Environmental Protection Officer has confirmed that the information submitted by the applicant is acceptable subject to the proposed mitigation measures being implemented. It is also commented that the asphalt and concrete plants are covered by an environmental permit providing additional controls.

76. Subject to conditions requiring compliance with the dust control measures set out in the Dust Impact Assessment, all HS2 HGVs to be Euro VI standard and a maximum of 3 daily rail deliveries during the HS2 works, the developments are considered to be acceptable in terms of impacts on air quality and through dust.

Noise

77. Policies C5 of the OMWCS and ENV1 of the CLP 1996 seek to resist development which is likely to cause materially detrimental levels of environmental pollution, including through noise and vibration.
78. The application includes a Technical Note on Noise, which assesses the cumulative effect of the developments, which concludes that there would be no adverse impacts arising from the developments. It is noted that the Environmental Protection Officer has commented that the developments in combination would result in the rail grab being located further away from residential properties than at present which would result in an improvement in the noise climate, and that subject to conditions restricting the hours of use of the rail grab and the submission for approval of a Construction and Demolition Environmental Management Plan, there are no objections to the development on noise grounds. The District Council has also requested that the existing condition in relation to noise complaints is carried over onto any new consents if permissions are granted.
79. The applicant states that, although the new concrete plant would be closer to Grimsbury Green and residential properties on the other side of Hennef Way than the existing plant, there would be no perceptible increases in noise, dust or air quality issues. The processing itself would be contained within the plant structure which would suppress noise and dust.
80. Cherwell District Council Environmental Protection Officer initially considered that the rail grab operation should not start until 07.00, rather than 06.30 as proposed. However, they have accepted the applicant's reasons for requiring a 06.30 start, due to the first timetabled rail delivery. The applicant has stated that most days, the early morning delivery could be offloaded onto bays to the north of the site, reducing noise impacts in the early morning. The rail grab operation would be restricted to a 07.00 start following the temporary period of HS2 works.
81. The number of trains is proposed to be a temporary arrangement. Tarmac have agreed to a condition limiting the daily number of trains to 3 during the HS2 works. Following those works, the number of trains is likely to return to 1-2 trains per week but demand could lead to a greater number and so the applicant would wish for flexibility. The applicant has indicated that they would accept a condition limiting trains to 7 per week following the HS2 works and if Committee is minded to approve the applications then conditions could be attached to this effect.

82. Subject to the conditions as suggested above, the developments are unlikely to have any adverse impacts by way of noise therefore they are considered to be in accordance with policies C5 of the OMWCS and ENV1 of the CLP 1996.

Landscape & Visual Impact

83. Policy ESD13 of the CLP expects opportunities to be sought to secure the enhancement of the character and appearance of the landscape through the restoration, management or enhancement of existing landscape features or habitats, including the planting of woodlands, trees and hedgerows. Taken together, policies C8 of the OMWCS, ESD15 of the CLP and C28 of the CLP 1996 expect new development to complement and enhance the character of its context through sensitive siting, layout and high-quality design.
84. Policy ESD16 of the CLP seeks to protect and enhance the Oxford Canal corridor. Proposals which would be detrimental to its character or appearance will not be permitted.
85. The applicant has submitted a Landscape and Visual Appraisal with the application documents which assessed the combined impact of the developments proposed. The appraisal takes into account the site's industrial character and proximity to major roads and concludes that the applications would have a negligible impact on landscape character. Whilst the site is visible from Grimsbury Green to the south and from in and around the access road, it is largely screened from the more sensitive views and recreational areas to the west. The landscape officer has no objections to the proposals subject to the developments being carried out in accordance with the submitted drawings, including the implementation of a plan showing landscape enhancements on the bank where the site fronts Grimsbury Green. Accordingly, the developments are considered to be acceptable in terms of impacts on views and the wider landscape, in accordance with the relevant policies.

Biodiversity

86. Policy ESD10 of the CLP supports the protection and enhancement of biodiversity and the natural environment including through seeking a net gain in biodiversity, protection of trees, and the incorporation of features to encourage biodiversity. Where development is proposed within or adjacent to a Conservation Target Area, biodiversity surveys are required by Policy ESD11 of the CLP. The objectives of these policies are complemented by policy C7 of the OMWCS.
87. The applications would involve the reorientation of plant and ancillary structures within the existing area of hardstanding and there would be no direct impact on trees, hedgerows or other habitats in and around the site. It is noted that there are no objections from the Ecology Officer and therefore the applications are considered to be in accordance with policies ESD10 and ESD11 of the CLP and policy C7 of the OMWCS.

Flooding & Drainage

88. Policies C2 of the OMWCS and ESD1 of the CLP expect measures will be taken to mitigate the impact of developments on climate change. Measures will include consideration of location and design approaches that are resilient to climate change, minimising the impact on flooding and reducing effects on the microclimate. Policy ESD2 of the CLP and policies C3 of the OMWCS require development to take place in areas with the lowest probability of flooding wherever possible. Policy ESD7 further states that all development will be required to use sustainable drainage systems for the management of surface water run-off.
89. Policies C4 of the OMWCS and ESD8 of the CLP resist development proposals which would adversely affect the quantity or quality of water resources.
90. At the time of drafting the report, comments had not yet been received from the Lead Local Flood Authority, or the Environment Agency. It is not anticipated that there would be any significant issues relating to drainage or flooding at this site, as the proposals are contained within existing areas of hardstanding within flood zone 1, the area of least flood risk. However, the application areas include a small area that is within flood zone 2 albeit outside the area of proposed development. Therefore, it is recommended that no decision is issued on these applications until comments have been received from the Lead Local Flood Authority and the Environment Agency. It is hoped that it will be possible to update the committee on these comments at the meeting, however the consultation period for the Environment Agency runs until 24th April. This is because the consultation was sent late after it was identified that a small area of the application site lies within flood zone 2.

Financial Implications

87. Not applicable as the financial interests of the County Council are not relevant to the determination of planning applications.

Legal Implications

88. There are not considered to be any legal implications arising from this report.

Equality & Inclusion Implications

89. In writing this report due regard has been taken of the need to eliminate unlawful discrimination, harassment and victimisation, advance equality of opportunity and foster good relations between different groups. It is not however considered that any issues with regard thereto are raised in relation to consideration of this application.

Conclusions

90. Subject to the applicant entering into a routeing agreement and to the inclusion of the conditions listed in the annexes, the development is considered to be in accordance with the development plan. It is therefore recommended that planning permission is granted.

RECOMMENDATIONS

91. It is **RECOMMENDED** that planning permission for application MW.0012/21 be approved subject to no objection being received from the Lead Local Flood Authority and the Environment Agency, the applicant first entering into a routeing agreement and to conditions to be determined by the Assistant Director for Strategic Infrastructure and Planning, to include those set out in Annex 1.
92. It is **RECOMMENDED** that planning permission for application MW.0013/21 be approved subject to no objection being received from the Lead Local Flood Authority and the Environment Agency, the applicant first entering into a routeing agreement and to conditions to be determined by the Assistant Director for Strategic Infrastructure and Planning, to include those set out in Annex 2.
93. It is **RECOMMENDED** that planning permission for application MW.0014/21 be approved subject to, no objection being received from the Lead Local Flood Authority and the Environment Agency, the applicant first entering into a routeing agreement and to conditions to be determined by the Assistant Director for Strategic Infrastructure and Planning, to include those set out in Annex 3.

RACHEL WILEMAN

Assistant Director for Strategic Infrastructure and Planning

April 2021

Annexes:	Annex 1:	Conditions for MW.0012/21
	Annex 2:	Conditions for MW.0013/21
	Annex 3:	Conditions for MW.0014/21
	Annex 4:	Consultation Responses
	Annex 5:	Summary of Representations
	Annex 6:	European Protected Species
	Annex 7:	Compliance with National Planning Policy Framework

Background papers: None

Other Documents:

Cherwell Local Plan 2001-2031

Cherwell Local Plan 1996

Oxfordshire Minerals and Waste Local Plan Part 1: Core Strategy

Oxfordshire Minerals and Waste Local Plan 1996 (Saved Policies)

National Planning Policy Framework

National Planning Practice Guidance

Annex 1 – Conditions for MW.0012/21

1. Time limit for commencement
2. Development to be carried out in accordance with approved drawings and details
3. Submission for approval of Construction Traffic Management Plan prior to commencement
4. Submission and approval of Construction and Demolition Environmental Management plan prior to commencement
5. Dust management measures to be implemented in accordance with submitted details
6. All HS2 HGVs to be Euro VI standard or equivalent
7. Peak hour HGV restriction – maximum 40 movements per hour between 08.00-09.00 and 17.00-18.00
8. Operational hours during temporary 5-year period to be limited to those proposed
9. Operational hours following temporary 5-year period to be limited to those proposed
10. Rail deliveries to be limited to 3 per day for a five-year period and then to revert to 7 per week.
11. Replication of condition 5 of CHN.45/90 relating to noise complaints
12. Boundary vegetation to be retained as proposed in the Landscape and Visual Appraisal
13. No external lighting other than in accordance with the approved scheme
14. Rail grab operations limited to 06.30-20.00 for 5-year period of HS2 works
15. Rail grab operations limited to 07.00-20.00 following 5-year period of HS2 works

Annex 2 – Conditions for MW.0013/21

1. Time limit for commencement
2. Development to be carried out in accordance with approved drawings and details
3. Submission for approval of Construction Traffic Management Plan prior to commencement
4. Submission and approval of Construction and Demolition Environmental Management plan prior to commencement
5. Dust management measures to be implemented in accordance with submitted details
6. All HS2 HGVs to be Euro VI standard or equivalent
7. Peak hour HGV restriction – maximum 40 movements per hour between 08.00-09.00 and 17.00-18.00
8. Operational hours to be limited to those proposed
9. Rail deliveries to be limited to 3 per day for a five-year period and then to revert to 7 per week.
10. Replication of condition 5 of CHN.45/90 relating to noise complaints
11. Boundary vegetation to be retained as proposed in the Landscape and Visual Appraisal
12. No external lighting other than in accordance with the approved scheme
13. Details of the external materials and colour of the concrete batching plant and welfare/amenity building to be submitted and approved prior to implementation
14. Implementation of landscape mitigation and enhancement plan LVA-0006 S4-P2 for the landscaped bank on the site frontage
15. Rail grab operations limited to 06.30-20.00 for 5-year period of HS2 works
16. Rail grab operations limited to 07.00-20.00 following 5-year period of HS2 works

Annex 3 – Conditions for MW.0014/21

1. Time limit for commencement
2. Development to be carried out in accordance with approved drawings and details
3. Submission for approval of Construction Traffic Management Plan prior to commencement
4. Submission and approval of Construction and Demolition Environmental Management plan prior to commencement
5. Dust management measures to be implemented in accordance with submitted details
6. All HS2 HGVs to be Euro VI standard or equivalent
7. Peak hour HGV restriction – maximum 40 movements per hour between 08.00-09.00 and 17.00-18.00
8. Operational hours to be limited to those proposed
9. Rail deliveries to be limited to 3 per day for a five-year period and then to revert to 7 per week.
10. Replication of condition 5 of CHN.45/90 relating to noise complaints
11. Boundary vegetation to be retained as proposed in the Landscape and Visual Appraisal
12. No external lighting other than in accordance with the approved scheme.
13. Sto
ck bays, weighbridge and lighting to be removed from the site and it to revert to an area of hardstanding at the end of the five-year temporary period.
14. Rail grab operations limited to 06.30-20.00 for 5-year period of HS2 works
15. Removal of the development on completion of the temporary 5-year period.

Annex 4 – Consultation Responses Summary

Cherwell District Council – Planning and Environmental Protection

1. Final comments – The revised Air Quality Assessment is accepted. Accept that the Damage Cost Calculation Assessment and contribution towards off-setting measures cannot be required in this case as there is no current limit on vehicle movements and the proposals associated with HS2 would be temporary. Would prefer a 07.00 start time for rail grab operations but note the reasons for an earlier start and that early morning deliveries would mostly be in the northern end of the site. Accept that requirement for vehicles to be Euro VI standard can only relate to HS2 vehicles. Landscape enhancements appear sensible.

MW.0012/21

2. The District Council is aware of local concern and objections raised, including the following issues:
 - Concern regarding the increase in HGV movements during the 5-year period on an already congested part of the highway network. This would cause unacceptable additional congestion and delays to the public;
 - Notwithstanding the importance of the HS2 project, the transport impacts would be unacceptable unless significant mitigation measures are funded and put into place;
 - Concern regarding the impact upon Hennef Way, a known pollution and particulate hotspot and whether any rise in industrial or traffic activity in this zone could be safely accommodated;
 - Concerns regarding the submitted Transport report and the view that this should be carefully validated to understand the impacts;
 - Concerns for the health of constituents close to the application site and whose gardens back onto Hennef Way due to the air quality in this area;
 - Concerns regarding the noise and dust pollution this proposal would generate;
 - Concerns regarding the safety of pedestrians and cyclists using Waterworks Road/ Grimsbury Green; and
 - Concerns regarding the adequacy of the on-site parking arrangements and the view that there is a risk that HGVs could park within residential streets.
3. The Environmental Protection Officer has made the following comments:

Noise:

Pleased to see that the new location of the grab unloading activities will be located further away from residential properties and that there will be an improvement in the noise climate. Based on this, the levels in the report are acceptable. The proposed increase in trains and unloading for HS2 (3 trains per day) is for a 5-year basis – the maximum number of trains for the 5-year basis should be conditioned. The hours for the use of the rail grab should be amended (this is set out below). A construction and demolition environment management plan should also be required by condition.

Contaminated Land: No comments

Dust and air quality:

The Dust Assessment Report produced by Dustscan AQ in Jan 2021 is acceptable providing the suggested mitigation measures outlined in Section 6 are followed and put into place. The Roadstone Coating and Concrete Batching plants will be regulated under the environmental permit scheme using standard industry controls for the site. It is noted that there have been no dust complaints from the site. In respect to the AQ report for Hennef Way produced by Dustscan AQ in Jan 2021 (ref: ZTTBAN_AQA_Rev_G) for this proposal the following comments are made:

The main traffic route for the proposed development is through the Hennef Way Air Quality Management Area (AQMA) which was declared for exceedances of the annual mean air quality objective for Nitrogen dioxide of 40 µg/m³. Levels have however, been falling over the last few years; 84.8 µg/m³ in 2017, 74.9 µg/m³ in 2018 and 72.1 µg/m³ in 2019. The Air Quality Assessment Referenced ZTTBAN_AQA_Rev_G January 2021 submitted by Dustscan has modelled levels in 2021 (year one) without and with the proposed development for NO₂, PM₁₀ and PM_{2.5}. The methodology used for the assessment and the verification of the model are generally accepted, however clarification is required on the background data used for nitrogen dioxide for the modelling. Table 4.2 gives a figure of 17.5 µg/m³ in 2019 whereas Table C.1 gives a figure of 15.5 µg/m³ in 2019. At the urban background site in Banbury a level of 11.0 17.5 µg/m³. Based on the findings of the air quality assessment report there would be no objections to the proposed development with regards to air quality subject to the applicant being required to undertake a Damage Cost Calculation assessment. This would present the impact of the development in monetary terms on air quality, and any funds identified put towards off-setting measures or additional monitoring. The fact that the proposals associated with the HS2 works are for a temporary period of 5 years, and the fact that there is no current limit on vehicle movements associated with the current development would need to be taken in to account when considering any contribution towards off setting measures. In addition, a condition to ensure that only vehicles rated EURO VI standard of emissions are used on the site should be considered to ensure that emissions remain as low as possible for the 5-year period. A condition that this permission only lasts for 5 years as stated is also suggested and further planning permission is sought should the need arise, or the site is to remain permanently as proposed now.

Odour: This will be regulated under the environmental permits for the site.

Light: No comments.

4. The District Council would have **concerns about the proposal unless conditions to deal with the following matters are imposed:**
 - A condition to deal with the timing of the use of the site (phase 1 and 2);
 - A condition relating to the use of the rail grab – in this respect, Environmental Protection Officers have suggested that the rail grab be prevented from being used during the following hours instead of those requested by the applicant: 20:00-07:00 daily;

- A condition to control the number of deliveries to the site by train and that the increase to 3 per day is for a five-year period only;
- A condition to restrict HGV movements related to HS2 to Hennef Way during the AM and PM peak hours as recommended by the Highway Authority;
- A condition to require the identified dust and air quality mitigation measures (section 6 of the Dust Assessment Report Jan 2021) to be implemented;
- A condition to ensure that only vehicles rated EURO VI standard of emissions are used;
- A condition to require a construction and demolition environmental management plan;
- A condition to replicate condition 5 of CHN.45/90 relating to noise complaints;
- A condition to ensure that at the expiry of 5 years, the development on the site is removed and the land reverted back to its current condition;
- A condition to seek enhancements for fauna; and
- Any conditions recommended by other consultees including with regard to highway and drainage matters.
- It is also noted that the Routeing agreement will need to be revised and updated pursuant to the applications

MW.0013/21

5. Comments as per MW.0012/11 other than that conditions are recommended to cover:
- A condition to deal with the timing of the use of the site (phase 1 and 2);
 - A condition relating to the use of the rail grab – in this respect, Environmental Protection Officers have suggested that the rail grab be prevented from being used during the following hours instead of those requested by the applicant: 20:00-07:00 daily;
 - A condition to control the number of deliveries to the site by train and that the increase to 3 per day is for a five-year period only;
 - A condition to restrict HGV movements related to HS2 to Hennef Way during the AM and PM peak hours as recommended by the Highway Authority;
 - A condition to require the identified dust and air quality mitigation measures (section 6 of the Dust Assessment Report Jan 2021) to be implemented;
 - A condition to ensure that only vehicles rated EURO VI standard of emissions are used;
 - A condition to require a construction and demolition environmental management plan;
 - A condition to replicate condition 5 of CHN.45/90 relating to noise complaints;
 - A condition to control the colour finish of the concrete batching plant and amenity/ welfare building;
 - A condition to require the approval and implementation of landscaping enhancements to Grimsbury Green;
 - A condition to seek enhancements for fauna; and
 - Any conditions recommended by other consultees including with regard to highway and drainage matters.
 - It is also noted that the Routeing agreement will need to be revised and updated pursuant to the applications.

MW.0014/21

6. Comments as per MW.0012/11 other than that conditions are recommended to cover:
- A condition to deal with the timing of the use of the site (phase 1 and 2);
 - A condition relating to the use of the rail grab – in this respect, Environmental Protection Officers have suggested that the rail grab be prevented from being used during the following hours instead of those requested by the applicant: 20:00-07:00 daily;
 - A condition to control the number of deliveries to the site by train and that the increase to 3 per day is for a five-year period only;
 - A condition to restrict HGV movements related to HS2 to Hennef Way during the AM and PM peak hours as recommended by the Highway Authority;
 - A condition to require the identified dust and air quality mitigation measures (section 6 of the Dust Assessment Report Jan 2021) to be implemented;
 - A condition to ensure that only vehicles rated EURO VI standard of emissions are used;
 - A condition to require a construction and demolition environmental management plan;
 - A condition to replicate condition 5 of CHN.45/90 relating to noise complaints;
 - A condition to seek enhancements for fauna; and
 - Any conditions recommended by other consultees including with regard to highway and drainage matters.
 - It is also noted that the Routing agreement will need to be revised and updated pursuant to the applications

Banbury Town Council

MW.0012/21, MW.0013/21, MW.0014/21

7. Banbury Town Council object on the grounds that:

- The proposal will generate a significant increase in HGV traffic over extended periods of the day on an already congested part of the Highway network. It will cause unacceptable additional congestion and consequent delays to the travelling public. Notwithstanding the importance of the HS2 project this is considered to be an unacceptable impact over the projected 5 year construction period unless significant mitigation measures are funded and put into place
- As this operation is only 75 metres from residential property it is likely that there will be problems with dust migrating from the plant to the nearby houses. Banbury Town Council are concerned about the assessment of the dust and noise impacts of the proposal. OCC are asked to ensure that CDC's Environmental Protection Officers are fully involved in assessing these impacts and that mitigation measures are required to minimise nuisance

- The extra operating hours and high volume of HGV movement will be detrimental to the already poor air quality in this area. This area already suffers from congestion and to add the proposed number of vehicle movements will put extreme pressure on the local environment.

Councillor Banfield

MW.0012/21, MW.0013/21 & MW.0014/21

8. If these applications are granted, I have grave concerns for the health of my constituents that have homes located just 250 meters away from this Tarmac plant. I'm also gravely concerned for my constituents that have homes next to Hennef Way as their small back gardens back directly onto this highly polluted dual carriageway which in 2019 had Nitrogen Dioxide readings that were double the safe and legally recommended limit and Hennef Way was the most polluted location in the whole of Oxfordshire.
9. If granted the HGV movements on Waterworks Road, are going to increase from a daily total of 80 in 2020 to a daily total of 348 HGV movements and they all have to drive through Waterworks Road and enter on to Hennef Way. Not to mention the extra noise and dust pollution this plant would generate if they are able to secure their planning permission. I have serious safety concerns for the many pedestrians and cyclists that I have recently witnessed using Waterworks Road and the Tarmac plant has in my opinion inadequate parking facilities for the heavy goods vehicles that would be entering and leaving their site and insufficient overnight, onsite parking for such vehicles. Which will lead to heavy goods vehicles being parked overnight within residential streets.
10. I have found the Highways Report written by David Tucker which was commissioned and paid for by Tarmac to be very misleading. In this report, they write that the Banbury Tarmac plant is going to turn away their long-term and trusted business customers and run their plant at a reduced capacity just to serve their short-term HS2 custom. But if this is true because why have Tarmac asked for within application number MW.0014/21 – Provision of new temporary stock-bay area and weighbridge to the north of the existing site. This would be for a temporary period (circa 5 years) to support the increased capacity needed to serve the HS2 contract. At the end of the temporary period, the site would be restored. The important words within that paragraph are (to support increased capacity needed to serve the HS2 contract. It would be incredibly naive of us to think that any business would not want to expand their plant and thus increase their capability to supply both their long-term business contracts and their new business contracts.
11. Furthermore, this David Tucker Highways report writes in paragraph 3.6 that if granted the HGV traffic from their site would be less than the 410 daily total which is often generated from the site now. I can say that I have in the last few weeks visited this location in my vehicle and parked up and physically counted the HGV traffic both entering and exiting this site and at no point did I witness the numbers of vehicles needed to reach the 410 daily total. They also stated within their report that (It can be seen that the overall expected use of the site will be

lower than the existing fall-back position of the capacity of the site and therefore no further assessment is deemed necessary.). This is just not true and so air pollution impacts on both Hennef Way and Waterworks Road and their surrounding residential streets should be fully investigated within a comprehensive air pollution assessment report and published for all to read.

Environment Agency

12. No response received at time of drafting this report. Comments are due by 24th April.

OCC Transport Development Control

MW.0012/21

13. Final Response – No objection, subject to condition limiting peak hour (08.00-09.00 and 17.00-18.00) HGV movements to/from the site to 40 movements. This is necessary to ensure that the local highway network is not significantly impacted.
14. Initial Response - This application if granted permission would result in an increased aggregate storage capacity on the site which the application points out that would be necessary for continued productivity of this aggregate facility and also more importantly, albeit on a temporary basis, to serve the HS2 compounds from this facility. As such, this facility would be in a position to deliver construction material (aggregate) to various HS2 compounds around the midlands for the HS2 rail project. In a separate application which was later withdrawn, the proposals of this application were previously agreed with the Highway Authority. The pertinent difference is the apparently assumed reduction of trip generation which is unsubstantiated. The submitted Highway Note assumes that operations that currently serve the existing markets shall be reduced as a result of the temporary operations of the HS2. I have not seen evidential support on this. However, on the basis of the substantiated traffic impact within the previously withdrawn application (Ref: MW.0116/18), the Highway Authority made the following remarks which I consider still applicable in this case.

“...to ensure that the proposed development does not contribute to an already burdened network, it is suggested that a restriction is put in place on HGV's associated with the development to avoid Hennef Way during the AM and PM peak hours. On this basis, the proposal would not add to existing levels of traffic generation during the peak hours and therefore I do not wish to raise any objection.

Away from Hennef Way, the development proposes to make highway improvements in the vicinity of the site access, which include formation of a central refuge to the access junction on Grimsbury Green and provision of an advisory cycle lane. This is in acknowledgement of the adopted cycle path that is in place immediately adjacent to the site access. This runs along the southern

front of Grimsbury Green opposite the site access. This provision of a 1.2 metre advisory cycle lane across the junction shall improve cycling between the Grimsbury suburb to Banbury Cross area and Banbury Cross and to Banbury Gateway retail parks and vice versa.”

Recommend that if permission is granted, it should be subject to a condition requiring Hennef Way to be kept free from HS2 related traffic at peak times.

MW.0013/21

15. Final response – Final Response – No objection, subject to condition limiting peak hour (08.00-09.00 and 17.00-18.00) HGV movements to/from the site to 40 movements. This is necessary to ensure that the local highway network is not significantly impacted.
16. Initial Response - No objection. Relocation of the RMX concrete plant and other alterations to the facility have been identified as necessary in order to accommodate the increased deliveries associated with HS2. This application if granted permission would result in an increased aggregate storage capacity on the site which the application points out that would be necessary for continued productivity of this aggregate facility and also more importantly, albeit on a temporary basis, to serve the HS2 compounds from this facility. As such, this facility would be in a position to deliver construction material (aggregate) to various HS2 compounds around the midlands for the HS2 rail project. The isolated proposals herein will have no impact on the volume of site traffic or the access to/from the highway network. I find the application proposals acceptable from a highway safety and traffic movement point of view.

MW.0014/21

17. Final Response – No objection, subject to condition limiting peak hour (08.00-09.00 and 17.00-18.00) HGV movements to/from the site to 40 movements. This is necessary to ensure that the local highway network is not significantly impacted.
18. Initial Response - No objection. The isolated proposals herein are acceptable. However, seeing that the proposals are likely to make way for increased operations on site, in which the combined traffic impact (existing and HS2 operations) has not been adequately validated, I remain apprehensive that some degree of impact may be transferred onto Hennef Way if the anticipated movements associated with the HS2 projects are left unchecked. I therefore find it reasonable in the absence of an adequate mitigation strategy to request imposition of a planning condition that would restrict HGV trips associated with the HS2 project between the peak hours.

Recommend that if permission is granted, a condition is imposed requiring that Hennef Way is kept free from HS2 related traffic at peak times.

OCC Rights of Way

MW.0012/21, MW.0013/21 & MW.0014/21

19. Response received – No comments made.

Public Health England

MW.0012/21, MW.0013/21 & MW.0014/21

20. PHE is satisfied with the approach and methodology used by the applicant except for the choice of representative background levels for use in the air quality modelling assessment. We strongly recommend that the Local Planning Authority liaise with Cherwell District Council (CDC) to ensure they are happy with the assumed background levels and if they are not the applicant may wish to consider re-running the model with amended levels as agreed with CDC.
21. The five-year increase in capacity associated with HS2 construction will result in an increase in NO₂ and PM₁₀ concentrations in the air quality management area (AQMA) adjacent to the site. The predicted increase is relatively small, but these are non-threshold pollutants and any increase in exposures is undesirable. However, based on the submitted reports, it would not be possible to quantify the additional risk to persons living in or adjacent to the AQMA. For that reason, PHE cannot raise an objection to the proposed development in principle.
22. In terms of dust control from the site we recommend that the local planning authority should consider including suitable planning conditions to require suitable dust control measures at the site (in line with industry good practice).

OCC Public Health

23. The recommendations made by PHE also constitute the consultant's advice.

OCC LLFA

24. No response received

OCC Ecology

MW.0012/21, MW.0013/21 & MW.0014/21

25. No objections

OCC Landscape Advisor

MW.0012/21, MW.0013/21 & MW.0014/21

26. No objection subject to conditions. I don't expect the application to cause unacceptable landscape or visual impacts subject to the boundary vegetation along the western boundary be retained as suggested in the Landscape and Visual Appraisal (LVA) and lighting to be implemented in line with the proposed lighting scheme. Confirm that the submitted Landscape Mitigation and Enhancement Plan is acceptable and should be implemented.

Network Rail

MW.0012/21, MW.0013/21 & MW.0014/21

27. The proposal is acceptable in principal – subject to agreement to their proposed grab operations over the freight sidings (adjacent to the operational passenger lines) and acceptable arrangements around their machines and delivery movements – guaranteeing Network Rail maintenance access 24/7/365.

Annex 5 – Summary of Representations

MW.0012/21, MW.0013/21 & MW.0014/21

- Noise pollution, including in the early mornings
- Air Quality, pollution & dust
- Health impacts including mental health
- Light pollution
- Traffic congestion
- Highway safety
- Safety of pedestrian and cyclists
- Impact on recreational areas including the reservoir
- Impact on birds, wildlife and biodiversity
- The loss of woodland habitat
- Overnight parking of HGVs outside of the site
- General opposition to HS2
- HGVs blocking visibility on the highway for vehicles and pedestrians
- Damage to the highway through broken road surface and eroded signs

Annex 6 - 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 Species & Habitats Regulations 2017 which identifies 4 main offences for development affecting European Protected Species (EPS).

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

Our records, survey results and consideration of the habitats within the site area indicate that, with appropriate mitigation, European Protected Species are unlikely to be harmed as a result of the proposals.

Annex 7 - Compliance with National Planning Policy Framework

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

- offering a pre-application advice service, as was the case with this application, and
- updating applicants and agents of issues that have arisen in the processing of their application, for example in this case the applicant was provided the opportunity to respond to objections and concerns raised by consultees.