

Divisions Affected – Kidlington South

PLANNING AND REGULATION COMMITTEE - 29 NOVEMBER 2021

Section 73 application for the continuation of the winning and working of sand and gravel with restoration using suitable imported materials to vary conditions 2, 3 and 6 of planning permission 19/02521/CM (MW.0111/19) in order to extend the period of extraction until 31st December 2022 and the time period for restoration until 31st December 2024 to allow for sufficient time for the working of mineral from beneath the plant site and the revised restoration of the plant site at Cassington Quarry, Worton, Witney, OX29 4EB.

Report by Assistant Director for Strategic Infrastructure and Planning

Contact Officer: Emma Bolster **Tel:** 07775 829 954

Location: Cassington Quarry, Cassington Road, Yarnton OX29 4EB

OCC Application No: MW.0122/20
CDC Application No: 21/02998/CM
WODC Application No: 20/03551/CM

District Council Area: Cherwell District Council

Applicant: Hanson Quarry Products Europe Ltd

Application Received: 10th December 2020

Consultation Period: 31st December 2020 – 22nd January 2021
9th September 2021 – 30th September 2021

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RECOMMENDATION

1. It is **RECOMMENDED** that planning permission for MW.0122/20 be approved subject to conditions to be determined by the Director of Planning and Place, to include those set out in Annex 1.

Executive Summary

2. The report sets out the proposed changes to the specified existing planning conditions which have been applied for under application no. MW.0122/20. Having considered the proposals against the development plan and other material considerations, including consultation responses and representations received, it is recommended that that the application be approved.

PART 1- FACTS AND BACKGROUND

Location (see Plan 1)

1. The quarry plant area sits within the wider Worton Farm site, with the permitted and largely restored extraction operations straddling the administrative boundary between Cherwell District Council and West Oxfordshire District Council.



Plan 1 shows the planning application area outlined and shaded in green and the wider application area of Cassington Quarry outlined in red. The application site lies wholly within Cherwell District Council's administrative area, approximately 670m from the boundary with West Oxfordshire, approximately 0.5 mile (1 km) south-west of the village of Yarnton and 1 mile (1.5 km) north-east of the village of Cassington. The village of Eynsham, approximately 2.5 miles (4 km) south-west of the site. The city of Oxford is approximately 2 miles (3 km) to the south-east.

Site and Setting

2. Cassington Quarry's plant site is located immediately adjacent to a waste recycling facility, which encroaches the red-line area to the north and an anaerobic digestion (AD) site immediately adjacent to the west. The closest residential properties are approximately 350m to the north of the site at Mead Farm. The closest residential properties within Yarnton are approximately 600m from the site, also to the north. Other residential properties at a similar distance are Worton, approximately 710m west of the site.
3. The application site is 7.12 hectares in total. The remaining sand and gravel within the consented Plant Site area was being actively extracted from February 2019, having been left dormant previously, until March 2020. Extraction then ceased due to the COVID-19 pandemic and the first of the national lockdowns.
4. The plant site is within a wider area of restored sand and gravel workings, also under the control of the same applicant. The wider quarry area has been worked and restored in stages. Each stage has then entered a corresponding five-year aftercare period, and then a longer-term Management Plan period where specified in legal agreements attached to the approved planning permissions. The overall restoration consists of some agricultural after use and water bodies either for nature conservation or recreational purposes. Several of the created water bodies are immediately south of the application site. The A40 runs south along the southern boundary of the wider Worton Farm operations. The River Windrush is approximately 970m south of the site, 480m south of the A40. The northern boundary of the application site is adjacent to the Cotswold railway line. This runs east-west along the north-eastern boundary of the wider Worton Farm site.
5. The site is largely in Flood Zone 1, which is the area of least flood risk. However, the eastern and southern boundaries of the plant site are edged by Flood Zone 2 and Flood Zone 3, which is the highest area of flood risk.
6. Public footpath 420/5/20 (Yarnton) runs along a short section of the northern edge of the application site along the railway line before running north and joining Bridleway 420/21/10. Bridleway 420/21/30 runs along the eastern boundary of the application site, before joining Bridleway 420/21/20. This then also joins Bridleway 420/21/10 which runs towards Mead Farm/ Yarnton.
7. The application site access is via the main haul road, which spurs off the eastbound A40 before the Duke's Cut bridges. The haul road services the former quarry workings, this application site, and the separate waste management and AD plant sites. The haul road runs back towards the A40 and passes under the A40 to join the westbound carriageway, approximately 115 metres east of the overall site entrance.

8. The Pixey and Yarnton Meads Site of Special Scientific Interest (SSSI) lies approximately 480 metres south of the application site. The SSSI forms part of the Oxford Meadows Special Area of Conservation (SAC), which lies mainly to the southern side of the A40.

Planning History

9. Application W1132/83 and CHS458/83 (MW.015/86) was approved and issued in August 1986. This was to allow for the extraction of sand and gravel at Worton Rectory Farm, where operations were to cease by 31 December 2010, with restoration to be completed by 31 December 2012 and aftercare to finish by 31 December 2017. This permission has been subsequently superseded. A legal agreement was also signed (12 May 1986) to ensure that the water levels of the adjacent Pixey and Yarnton Mead SSSI were not adversely affected by the sand and gravel operations.
10. Application W2001/1729 & 02/00602/CM (MW.033/01) was submitted October 2001, due to non-compliance with condition 22 of W1132/83 & CHS 458/83 (MW.015/86), for the importation of waste to land other than that area outlined on plan W92m/50. This application was approved and issued May 2002, with operations to cease by 31 December 2010, restoration to be completed by 21 December 2012 and aftercare to finish by 31 December 2017. This permission has subsequently been superseded.
11. Application W2003/0726 and 03/00775/CM (MW.006/03) was submitted March 2003, for the extraction of sand and gravel from Cassington Quarry and to amend the restoration scheme to create a reed bed by importation of waste materials. This application was refused in August 2003. This was subsequently approved on appeal and issued in August 2004. Operations were to cease by 31 December 2011, restoration to be completed by 31 December 2012 and aftercare to finish by 31 December 2017. This permission has now been completed. A planning obligation was signed (14 June 2004) for the long-term after care management for the restored workings of Cassington Quarry, including bird management plans, prior to the permission being issued.
12. Application 07/1757/8/CM and 07/01927/CM (MW.022/07) was submitted in August 2007, for the extraction of 1.86mt of sand and gravel from land at Eynsham and restoration to reed bed/ open water (using basal clay and soils) for conservation/ recreation purposes and installation of conveyors and infrastructure at Cassington Quarry. This application was withdrawn
13. Application 10/01929/CM (MW.0175/10) was submitted in December 2010, for the continuation of the winning and working of sand and gravel with restoration using suitable materials without complying with the requirements of condition 2, to extend the time period for extraction until December 2015 and the time period for restoration until December 2017 to allow for sufficient time for the working of material from beneath the plant site. This application was approved and issued

March 2011. Operations were to cease by 31 December 2015, restoration to be completed by 31 December 2017 and aftercare to finish by 31 December 2022. This permission has now been superseded.

14. Application 15/04415/CM (MW.0158/15) was submitted December 2015, under Section 73 for the continuation of the winning and working of sand and gravel with restoration using suitable materials without complying with the requirements of condition 2 of planning permission 10/01929/CM, to extend the time period for extraction and restoration until December 2024 to allow for sufficient time for the working of material from beneath the plant site. This application was approved and issued in June 2016. Operations are to cease by 31 December 2020, restoration to be completed by 31 December 2022 and aftercare to finish by 31 December 2027. This permission has now been superseded.

15. Application 19/02521/CM (MW.0111/19) was submitted October 2019, under Section 73 for the continuation of the winning and working of sand and gravel with restoration using suitable materials, without complying with the requirements of conditions 1 and 6, of planning permission 15/04415/CM, to amend the restoration scheme from a large water body to increase the previously approved area of grassland restoration with a correspondingly smaller but more diverse area of planting to the reduced water bodies as a small complex to the south of the Plant Area site. It was proposed that the revised restoration would include the importation of inert waste from the Oxford Flood Alleviation Scheme (OFAS), if available. This application was approved and issued in April 2020. Operations are consented to cease by 31 December 2020, restoration to be completed by 31 December 2022 and aftercare to finish by 31 December 2027. This is the active permission.

Details of Proposed Development

16. This application has been submitted to extend the approved timescales for operations within the Plant Site by varying conditions 2, 3 and 6. This would allow a further two years for extraction, from 31st December 2020 to 31st December 2022 and would amend the date for completion of restoration from 31st December 2022 to 31st December 2024. The relevant aftercare period would commence following the completion of restoration and finish by 31st December 2029.

17. The extended timescale is to allow for the required Great Crested Newt capture-programme, to commence from April 2022 in accordance with the relevant licensing. The application site is within Cherwell District Council's administrative area. The identified relocation sites for the Great Crested Newts are within West Oxfordshire's administrative area. Both are within the overall red-line area for Cassington Quarry. Once the capture-programme is completed, gravel extraction can recommence and the restoration of the Plant Site can be completed.

18. There are no further changes to the approved plant site restoration, which is for grassland and water bodies. The substantial tree and shrub planting as previously approved, to the northern and eastern boundaries, would remain unchanged. Also, as previously permitted, importation of suitable inert material is allowed to create the restoration levels, which were approved in 2019. There is no change proposed to how the inert material will be brought onto site.

PART 2 – OTHER VIEWPOINTS

19. There were two periods of public consultation. The original consultation period was for the application as originally submitted for an extension of time of one year to 31st December 2021, to extract the remaining mineral and restore the plant site area by 31st December 2023. The second consultation period followed amendment of the application to be for a further year for extraction to 31st December 2022 and restoration to 31st December 2024, which is due to it not being possible to extract the remaining mineral by 31st December 2021. This was due to the extended time it took to arrange for the relocation of the Great Crested Newt population under District Licensing at the correct times of year. The full text of the consultation responses can be seen on the e-planning website¹, using the reference MW.0122/20. These are also summarised in Annex 2 to this report.
20. No third party representations expressing concern or objection were received on either consultation.

PART 3 – RELEVANT PLANNING DOCUMENTS

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

21. 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

22. The Development Plan for this area comprises:
- Oxfordshire Minerals and Waste Local Plan Part 1: Core Strategy (OMWCS)
 - Oxfordshire Minerals and Waste Local Plan 1996 saved policies (OMWLP)
 - Cherwell Local Plan 2031 Part 1 (CLP1)
 - Cherwell Local Plan 1996 (saved policies) (CLP)
23. The **Oxfordshire Minerals and Waste Local Plan Part 1: Core Strategy** (OMWCS) was adopted in September 2017 and covers the period to 2031. The

¹Click here to view application [MW.0122/20](#)

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.

24. The **Oxfordshire Minerals and Waste Local Plan 1996** (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.
25. The **Cherwell Local Plan 2031 Part 1** (CLP1) was adopted in July 2015. The plan sets out the details of the strategic sites, policies and considerations for development within Cherwell District Council's administrative area for the plan period to 2031.
26. The **Cherwell Local Plan** (CLP) was adopted in November 1996. The plan covered the period to 2001. The 'saved' policies from the CLP were saved in September 2007 and have not been replaced by the policies of the adopted CLP1, and remain a consideration.

Emerging Plans

27. The **Oxfordshire Minerals and Waste Local Plan Part 2: Site Allocations** (OMWSA) (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 Document is currently being prepared, and very limited weight can be given to the emerging plan in decision-making. There has been a delay in the production of the Preferred Options consultation, which was expected in August 2021, whilst a Review of the Core Strategy is undertaken. An updated Minerals and Waste Development Scheme setting out the revised timetable, including the Core Strategy Review, was approved in October 2021.

Other Policy Documents

28. The **National Planning Policy Framework** (NPPF) was first published in 2012, revised in July 2018, further minor revisions made in February 2019 and revised again in 2021. This is a material consideration in taking planning decisions. Relevant sections include those on facilitating the sustainable use of minerals, and conserving and enhancing the natural environment.
29. The **National Planning Policy Guidance** (NPPG) contains specific advice on matters including the Green Belt, minerals, determining a planning application and natural environment.

30. The **National Planning Policy for Waste** (NPPW) contains specific advice on matters including the identifying suitable sites and areas and determining a planning application.
31. There is no adopted neighbourhood plan for the application site area.

Relevant Development Plan Policies

32. The OMWCS policies most relevant to this development are:

- M2 – Provision for working aggregate minerals
- M3 – Principal locations for working aggregate minerals
- M5 – Working of aggregate minerals
- M10 – Restoration of mineral workings
- C1 – Sustainable development
- C2 – Climate Change
- C5 – Local environment, amenity and economy
- C7 – Biodiversity and Geodiversity
- C8 – Landscape
- C10 – Transport
- C11 – Rights of Way
- C12 – Green Belt

33. The OMWLP policies most relevant to this development are:

- CY3 – After uses of Cassington – Yarnton area
- CY4 – Promotion of pedestrian/ cycle routes

34. The CLP1 policies most relevant to this development are:

- Policy PSD 1 – Presumption in favour of sustainable development
- Policy ESD 9 – Protection of the Oxford Meadows SAC
- Policy ESD 10 – Protection and enhancement of biodiversity and the natural environment
- Policy ESD 13 – Local landscape protection and enhancement
- Policy ESD 14 – Oxford Green Belt
- Policy ESD 17 – Green infrastructure

35. The CLP policies most relevant to this development are:

- C1 – Protection of sites of nature conservation value
- C2 – Development affecting protected species
- C7 – Landscape conservation
- TR7 – Minor roads
- TR10 – Heavy goods vehicles
- ENV1 – Pollution control

PART 4 – ASSESSMENT AND CONCLUSIONS

Comments of the Assistant Director for Strategic Infrastructure and Planning

36. All planning applications must be determined in accordance with the Development Plan, unless material considerations indicate otherwise, in accordance with the Town and Country Planning Act 1990. The key planning policies are set out above and discussed below in accordance with the key planning issues.
37. The key planning issues are:
- | | | |
|------|--|-------------|
| i. | <u>Minerals</u> | <u>Min</u> |
| ii. | <u>Green Belt</u> | <u>Gre</u> |
| iii. | <u>Landscape, Biodiversity and potential impact on the SAC</u> | <u>Lan</u> |
| iv. | <u>Biodiversity and potential impact on the SAC</u> | <u>Bio</u> |
| v. | <u>Restoration and Rights of Way</u> | <u>Site</u> |
| vi. | <u>Environment and Transport</u> | <u>Am</u> |
| vii. | <u>Sustainable Development</u> | <u>Sus</u> |

Minerals

38. OMWCS policy M2 states that provision will be made through policies M3 and M4 to enable the supply of sharp sand and gravel, soft sand and crushed rock, with a total provision requirement for each, from land-won sources within Oxfordshire for the period 2014 – 2031 inclusive. Also, permission will be granted for aggregate mineral working under policy M5 to enable separate landbanks of reserves with planning permission to be maintained for the extraction of minerals of, for sand and gravel, at least 7years. The policy requires landbanks to be calculated in accordance with the annual requirement rates in the most recent Local Aggregate Assessment, taking into account the need to maintain sufficient productive capacity to enable these rates to be realised.
39. OMWCS policy M3 states that the principal locations for aggregate mineral working will be located within strategic resource areas, as shown on the Policies Map.
40. OMWCS policy M5 states that prior to the adoption of the Minerals and Waste Local Plan Part 2: Site Allocations Document, permission will be

granted for the working of aggregate minerals where this would contribute towards meeting the requirement for provision in policy M2 and provided the proposal is in accordance with the locational strategy in policy M3 and that the requirements of policies C1 – C12 are met.

41. This application is for an extension of time to allow for the permitted, remaining mineral reserves to be extracted and the site to then be subsequently restored, therefore the principal for the location of the development has been determined. Whilst not in a Strategic Resource Area, locational policies have been saved from the 1996 OMWLP, which still apply to the Cassington and Yarnton area which is stated as being an area where the council accepts the principle of working. The current landbank of sharp sand and gravel as at the end of 2020, is 11.27 years. There is no change to the application area for extraction and there is no extension of the already permitted mineral workings. Although the landbank position suggests that there is not currently an urgent need for additional permissions for sand and gravel, it is important to note that the landbank is a minimum and not a maximum and also that as this site has already been consented, the reserve will already be included in the county's landbank.
42. The proposed development is to extend the existing timescales for the existing mineral development to allow for the permitted reserve to be worked out. If the proposed extension of time isn't allowed, then the quarry would need to be restored without the remaining mineral being worked. This would sterilise the remaining mineral which would then be lost from the existing landbank. It is considered that working mineral in this location, as an unrestored area of an existing quarry, is likely to have less impacts than working the same quantity of mineral elsewhere. The proposal is considered to be in accordance with OMWCS policies M2, M3 and M5

Green Belt

43. OMWCS policy C12 states that proposals that constitute inappropriate development in the Green Belt will not be permitted except in very special circumstances. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations. Conditions may be imposed on any permission granted to ensure that development only serves to meet a need that comprises or forms an 'other consideration' in the Green Belt leading to the demonstration of very special circumstances.
44. CLP1 policy ESD 14 states that the Oxford Green Belt boundaries within Cherwell District will be maintained, which assists in safeguarding the countryside from encroachment and development proposals within the Green Belt will be assessed in accordance with government guidance in the NPPF and NPPG. Development within the Green Belt will only be permitted if it maintains the Green Belt's openness and does not conflict with the purpose of the Green Belt or harm its visual amenities.

45. NPPF paragraph 150 states that certain forms of development, which includes mineral extraction, are not inappropriate in the Green Belt, provided they preserve its openness and do not conflict with the purposes of including land within it.
46. This proposal is for an additional two years for the remaining extraction of sand and gravel and subsequent restoration. An extension of time would not lead to any additional impacts on the openness of the Green Belt, once the mineral workings have ceased. The site weighbridge is the only fixed structure, and the plant on site is mobile when the site is operational and these will be removed once extraction has ceased as part of the restoration of the site. There is no change proposed to the approved restoration, which is to conservation grassland and water bodies, with existing tree and hedge planting to the site, and which remain as already approved.
47. The extension of time to allow for the remaining permitted mineral reserve to be extracted and the approved restoration scheme to conservation grassland and water bodies does not lead to any other change to the site as permitted and so any impact on the openness of the Green Belt or the purposes of including land within it. The extended timescale proposed in the application as a variation to the existing permission would not therefore be inappropriate development. The additional time is necessary to secure the approved restoration of the site. The development proposals are therefore considered to be in accordance with OMWCS policy C12, CLP1 policy ESD 14 and NPPF paragraph 150.

Landscape and Biodiversity

48. 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.
49. 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.
50. CLP1 policy ESD 9 states that during operation of the development any run-off of water into adjacent or surrounding watercourses will meet Environmental Quality Standards and new development will not significantly alter groundwater flows and that the hydrological regime of the Oxford Meadows SAC is maintained in terms of water quantity and quality. Run-off rates of surface water from the development will be maintained at greenfield rates.

51. CLP1 policy ESD 10 states that protection and enhancement of biodiversity and the natural environment by, among other measures, considering proposals that protect, manage, enhance, or extend existing resources. Protection of trees will also be encouraged, with an aim to increase the number in the District overall.
52. CLP1 policy ESD 13 states that opportunities will be sought to secure the enhancement of the character and appearance of the landscape, through restoration, management or enhancement of existing landscapes, features or habitats, and where appropriate the creation of new ones including planting of woodlands, trees and hedgerows. Development will be expected to respect and enhance local landscape character, securing appropriate mitigation where damage to local landscape character cannot be avoided. Proposals would not be permitted if they would, among other considerations, cause undue visual intrusion, undue harm to important natural landscape features or be inconsistent with local character.
53. CLP1 policy ESD 17 states that the district's green infrastructure network will be maintained and enhanced, including protecting existing sites and features forming part of the green infrastructure network and maximising opportunities to extend links to form a multifunctional network of open space, providing opportunities for walking and cycling, connecting towns, the urban fringe and the wider countryside beyond.
54. CLP saved policy C1 states that the interests of nature conservation will be promoted. Development which would result in damage or loss of designated sites would not normally be permitted and the council will see to ensure the protection of sites of local nature conservation value.
55. CLP saved policy C2 states that development which would affect any protected species will not normally be permitted.
56. CLP saved policy C7 states that development will not normally be permitted if it would cause demonstrable harm to the topography and character of the landscape.
57. An extension of time by two further years is proposed to allow for the Great Crested Newt (GCN) capture programme to be carried out from April 2022, as the ideal months are between March and September. The extraction of the remaining mineral reserve would then recommence following this programme. The conservation grassland and water bodies restoration would then be carried out. The GCN capture programme will be carried out under the District Licensing regime (District Licence WML-OR49-2020). The semi-permanent perimeter newt fence and stand-off capture fence are in place to

ensure that the capture and relocation of the newts is carried out as permitted.

58. There would be no significant adverse impact on the existing landscape or cause for any visual concerns in the overall setting by proposing the extension of time. The site's location is within the largely restored workings and adjacent to recycling and AD operations. There are no changes to the proposed restoration, which is an increased grassland and a collection of smaller water bodies. There is no change to the proposed biodiversity net gain of the restoration, once completed. The relocation of the resident GCN population ensures that the statutory protection is adhered to and diverse biodiversity is maintained on the site overall.
59. There are no changes proposed to the approved restoration or the tree and hedge planting along the northern and eastern boundaries. Although there would be a further delay of a year for the extraction to be completed, this does not create a significant adverse impact on the approved overall site's eventual restoration, to include lakeside water-related activities, general public access, bird-watching and some fishing. No new development is proposed and there would be no significant effect on the nearby Oxford SAC either alone or in combination with other plans or projects, as the safeguards in place would continue as approved, whilst extraction and restoration is being carried out.
60. The extension of time allows for the required Great Crested Newt capture programme to be carried out at the appropriate time of year, to allow for the extraction to recommence and thereafter enable restoration. There are no significant impacts on the existing or proposed landscape and biodiversity. The proposal is in line with OMWCS polices C7 and C8, CLP1 policies ESD 9, ESD 10, ESD 13 and ESD 17 and CLP saved policies C1, C2 and C7.

Site Restoration and Rights of Way

61. OMWCS policy M10 states that minerals workings will be restored to a high standard and in a timely, phased manner to an after-use which is appropriate to the location and delivers a net gain in biodiversity. The restoration and after-use of the minerals workings needs to take into account various factors. This includes a site's characteristics, landscape, local amenity, water-quality, biodiversity, geodiversity and historic environment.
62. OMWCS policy C2 states that proposals for mineral 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.

63. 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 safe and useable condition. Improvements and enhancements to the rights of way network will be generally encouraged and public access sought across restored mineral workings, especially if this can be linked to the wider provision of green infrastructure.
64. OMWLP saved policy CY3 states that after-uses for the Cassington- Yarnton area should normally conform with those on the Proposals Map. Planning permission will not normally be granted until these after-uses and means of funding them have been secured.
65. OMWLP saved policy CY4 states that the County Council will promote pedestrian and cycle routes, including east from Eynsham to link with the Oxford Canal towpath to provide largely segregated pedestrian/ cycle routes avoiding major roads and junctions, from Eynsham along Cassington Road and circular walks from Eynsham, Cassington and Yarnton villages.
66. There are no changes proposed to the approved after use for the wider Worton Farm site, which includes agriculture and public use. The extension of timescales for extraction and restoration of the plant site area does increase the delay from completion of workings and full restoration of the quarry workings for the approved uses, including intensive water-based activities, to include water-skiing and jet-skiing and public walking and cycle routes. The plant site, once restored, would contribute conservation grassland and smaller waterbodies, with the cycle and walking route running along the haul road and the northern edge of the plant site.
67. There are no changes proposed to the approved after use for the wider former quarry workings. There would be no impact on the existing rights of way adjacent to the plant site operations, or the wider approved restoration promotion of a cycle and pedestrian route, to be implemented across the wider site as it crosses Stages 5-9 and Stage 13. This route is not likely to be implemented until the completion of all restoration and the after care phase of Stage 13.
68. The extension of timescales to allow for the required Great Crested Newt capture scheme, remaining mineral extraction and approved restoration does not adversely impact the overall intention of the plant site restoration to provide various recreational after uses across the immediate and wider site. The development proposal would be in line with OMWCS policies M10, C2 and C11 and OMWLP saved policies CY3 and CY4.

Amenity and Transport

69. OMWCS policy C5 states that proposals for waste development shall demonstrate that there would be no adverse impact on the local environment, human health or residential amenity and the local economy.

70. OMWCS policy C10 states that waste development will be expected to make provision for safe and suitable access to the advisory lorry routes as shown on the Oxfordshire Lorry Routes Map. Development should maintain and, where possible, improve the efficiency and quality of the network, residential and environmental amenity and improve safety for all road users. Development which generates significant amounts of traffic should provide mitigation measures where appropriate.
71. CLP saved policy ENV1 states that development which is likely to cause materially detrimental levels of noise, vibration, odour, smoke, fumes, or other type of environmental pollution will not normally be permitted.
72. CLP saved policy TR7 states that development that would regularly attract large commercial vehicles or large numbers of cars onto unsuitable minor roads will not normally be permitted.
73. CLP saved policy TR10 states that development that would generate frequent heavy goods vehicle movements through residential areas or unsuitable urban or rural roads will not be permitted.
74. The extended timescales to allow for the GCN capture programme, the recommended extraction and subsequent restoration of the plant site do not change any of the existing conditions to protect amenity or the routing of HGVs accessing the site. Quarry traffic is via the A40 both to and from site. HGVs are prohibited from using Cassington Lane to the north, which includes weight limits of 7.5 tonnes.
75. There would be a further delay in the extraction and restoration being completed by a further year. There would be no change to the conditions attached to any planning permission which controls, among other things, noise and dust impacts of the quarry operations.
76. The quarry generates HGV movements to and from the site, which would apply for both extraction and when restoration would be carried out. The quarry operations add to the overall HGVs generated by the adjacent Waste and AD operations. However, an extended timescale for the quarrying operations would not increase HGVs on the local road network or impact on the local residents' amenity, above what is currently generated other than that the movements would continue over a longer period. HGVs are not permitted to enter or exit the quarry operations other than via the A40, which is a main trunk road. This existing arrangement would continue. On balance, the additional impact of HGVs using the existing access arrangements over a longer period of time is considered acceptable given the desirability of ensuring the site's satisfactory final restoration. However, any further

increases in timescales would require a further submission to satisfy the council as Highway Authority that any further increase of timescales, even if there was no appreciable change to HGV generation, would not impact adversely on the A40. This is in response to large-scale changes to sections of the A40, specifically consented proposals for a dedicated bus lane along the road and a park and ride site near Eynsham, which could have impacts on and be impacted by HGVs related to the quarry operations but were not a consideration at the time that the original quarrying permission was granted.

77. There is no new development or other changes proposed by this application. This application is considered to be in line with the existing permission and in accordance with OMWCS policies C5 and C10 and CLP saved policy TR7, TR10 and ENV1 with regards to impacts on amenity and transport movements.

Sustainable Development

78. The NPPF (2021) contains a presumption in favour of sustainable development. This has environmental, economic and social roles, reflected in OMWCS policy C1 and CLP1 policy PSD 1.
79. The extended timescales would enable the approved transfer of Great Crested Newts from the Plant site to the relocation site, west of the application site. There are no changes to the approved restoration, which would provide overall environmental benefits and health benefits, which would contribute to sustainable development in accordance with these policies.

Financial Implications

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

Legal Implications

81. Legal comments and advice have been incorporated into the report.

Equality & Inclusion Implications

82. 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

83. The application is to extend the approved timescales for extraction and restoration, to allow for the required Great-Crested Newt capture scheme at the appropriate time of year to be carried out. The mineral extraction would then recommence and the restoration to grassland and a series of small water bodies to the southern part would be implemented.
84. There is no change to the permitted and adjacent restoration schemes and the after use for the site as a whole. An extension of a further year would not adversely impact on the overall permitted extraction and restoration of the plant site within a largely restored mineral working.
85. The proposed development is considered to be in accordance with the relevant development plans and plan policy relating to Green Belt, Landscape, Biodiversity, Site Restoration, Amenity and Traffic movements.

RECOMMENDATION

It is RECOMMENDED that planning permission for MW.0122/20 be approved subject to conditions to be determined by the Director of Planning and Place, to include those set out in Annex 1.

RACHEL WILEMAN

Assistant Director for Strategic Infrastructure and Planning

Annex:	1	Heads of conditions
	2	Consultation Responses
	3	European Protected Species

Background papers: Nil.

November 2021

Annex 1 – Conditions

1. Development shall be carried out in accordance with the approved drawings and details.
2. Time limit for extraction 31st December 2022.
3. Time limit for restoration to be completed 31st December 2024.
4. Excavations carried out as approved.
5. No working shall take place except in accordance with the approved schemes.
6. Restoration shall be carried out in accordance with the approved drawings and Details.
7. Details of mobile plant shall be submitted to, and approved by, the Mineral Planning Authority.
8. Slopes no steeper than 1 in 1 ½.
9. No excavations within specified areas without prior written consent.
10. Watercourse margins as specified shall be preserved.
11. No watercourses shall be incorporated into excavations without prior written approval.
12. Solid matter shall be prevented from passing into the watercourses.
13. No discharge of polluted water into any watercourse.
14. Oil storage tanks shall be bunded.
15. No stockpiles sited in the flood plain shall impede water flow.
16. No dewatering whilst watercourses are under flood conditions.
17. Hours of operation 0700 hours to 1800 hours Mondays to Fridays;
0700 hours to 1300 hours on Saturdays.
18. No operations on Sundays or Bank Holidays.
19. All plant and machinery used shall be fitted with silencers and only electric pumps shall be used, with prior approval.
20. No fixed plant or machinery on site without prior written consent.
21. Total area of worked land shall not exceed 24 hectares, without prior approval.
22. Any land not being used for mineral operations shall be in agricultural use .
23. No waste imports except where approved.
24. Existing hedges along the boundaries of the land shall be retained and properly maintained.
25. All trees on the land shall be preserved and properly maintained.
26. Any fence or gate which is required by this permission to be retained and maintained.
27. All derelict material, buildings, plant and machinery, and all structures shall be removed once redundant for mineral extraction.
28. Written notice of completion of the development.
29. The junction between the internal haul route and A40 as approved and maintained.
30. Facilities for machinery to cross footpaths and bridleways without causing damage.
31. No development on the old railway turntable between the disused Witney Branch railway line and the internal haul route.
32. Aftercare scheme as approved.
33. Aftercare scheme as approved as under Stage 10 – Five Year Outline Aftercare Scheme.

35. Area bounded in red on the approved plan W92m/44 shall be restored to agriculture.
36. Heavy goods vehicles via the A40 as approved.
37. No mud on the highway.
38. Dust suppression on the haul road.
39. Vehicle noise.
40. Removal of processing plant following the cessation of extraction.
41. All Ecological works as approved, including checking for badger setts.
42. All of site clearance, demolition or development as approved in line with results of reptile surveys.
43. Details or proposed water bodies buffer planting prior to restoration.
44. Development in accordance with the great crested newt licensing.

Informative

It is recommended that the NatureSpace Best Practice Principles are taken into account and implemented where possible and appropriate.

SAFETY

Any works on this land will need to be undertaken following engagement with Asset Protection to determine the interface with Network Rail assets, buried or otherwise and by entering into a Basis Asset Protection Agreement, if required, with a minimum of 3 months notice before works start. Initially the outside party should contact assetprotectionwestern@networkrail.co.uk.

EXCAVATIONS/EARTHWORKS

All excavations / earthworks carried out in the vicinity of Network Rail's property / structures must be designed and executed such that no interference with the integrity of that property / structure can occur. If temporary compounds are to be located adjacent to the operational railway, these should be included in a method statement for approval by Network Rail. Prior to commencement of works, full details of excavations and earthworks to be carried out near the railway undertaker's boundary fence should be submitted for approval of the Local Planning Authority acting in consultation with the railway undertaker and the works shall only be carried out in accordance with the approved details. Where development may affect the railway, consultation with the Asset Protection Engineer should be undertaken.

All excavations / earthworks carried out in the vicinity of Network Rail's property / structures must be designed and executed such that no interference with the integrity of that property / structure can occur. If temporary compounds are to be located adjacent to the operational railway, these should be included in a method statement for approval by Network Rail. Prior to commencement of works, full details of excavations and earthworks to be carried out near the railway undertaker's boundary fence should be submitted for approval of the Local Planning Authority acting in consultation with the railway undertaker and the works shall only be carried out in accordance with the approved details. Where development may affect the railway, consultation with the Asset Protection Engineer should be undertaken.

All public rights of way crossing the site shall either be protected from working and kept free of all obstructions, or diverted in accordance with statutory procedures.

If any protected species (e.g. bats, badgers, dormice, otters, water voles, reptiles, amphibians, breeding birds) are found at any point, all work should cease immediately. Killing, injuring or disturbing any of these species could constitute a criminal offence. Before any further work takes place a suitably qualified ecological consultant should be consulted for advice on how to proceed. Work should not recommence until a full survey has been carried out, a mitigation strategy prepared and licence obtained (if necessary) in discussion and agreement with Natural England.

All bird nests, eggs and young are protected under the Wildlife & Countryside Act 1981 (as amended) which makes it illegal to intentionally take, damage or destroy the

nest of any wild bird while it is use or being built. Therefore, no removal of vegetation should take place between 1st March and 31st August inclusive to prevent committing an offence under the Wildlife & Countryside Act 1981 (as amended).

All deep excavations should be suitably ramped and any pipe-work associated with the development covered overnight to minimise the risk of badgers and hedgehogs being inadvertently killed or injured within the active quarry after dark. This is to ensure the protection of badgers and avoid committing a criminal offence under the Badger Act 1992.

All wild mammals are protected from unnecessary suffering, including suffocation in burrows. Where common mammals such as hedgehogs, rabbits, foxes, voles and mice are encountered during works, they should be allowed to safely escape the working area to avoid unnecessary cruelty. Should any burrows be located in the vicinity of intrusive works, advice should be sought from a suitably qualified ecologist to determine which species is present and what measures can be taken to avoid any unnecessary suffering to mammals. Please see the requirements relating to badgers in the Ecology Report.

Annex 2 – Consultation Responses

Cherwell District Council - Planning

Responded – No observation on either consultation.

West Oxfordshire District Council - Planning

Responded – No observation on either consultation.

Cherwell District Council – Environmental Health

Responded – No comments or observations on either consultation.

Yarnton Parish Council

Yarnton Parish Council objects to this application that represents yet another extension and delay to restoration beyond original plan. Yarnton Parish Council remains concerned that restoration using spoil from the Oxford Flood Alleviation Scheme will vary substantially the wetland space from original images and description of what the area was depicted to become. Additional HGV traffic can only increase air pollution and is contrary to local and regional Climate Change policies.

Should Oxfordshire County Council grant permission allowing this plan to proceed it is important that HGV routes must not include movement through the villages of Yarnton and/or Cassington.

No response received on the subsequent consultation.

Environment Agency

No comments in respect of the proposed development or the proposed further extension of time for extraction and restoration.

Natural England

Responded – No comment on either consultation

Network Rail

Final response

Network Rail has no objection in principle to the above proposal.

SAFETY

Any works on this land will need to be undertaken following engagement with Asset Protection to determine the interface with Network Rail assets, buried or otherwise

and by entering into a Basis Asset Protection Agreement, if required, with a minimum of 3 months notice before works start. Initially the outside party should contact assetprotectionwestern@networkrail.co.uk.

EXCAVATIONS/EARTHWORKS

All excavations / earthworks carried out in the vicinity of Network Rail's property / structures must be designed and executed such that no interference with the integrity of that property / structure can occur. If temporary compounds are to be located adjacent to the operational railway, these should be included in a method statement for approval by Network Rail. Prior to commencement of works, full details of excavations and earthworks to be carried out near the railway undertaker's boundary fence should be submitted for approval of the Local Planning Authority acting in consultation with the railway undertaker and the works shall only be carried out in accordance with the approved details. Where development may affect the railway, consultation with the Asset Protection Engineer should be undertaken.

Initial response

Due to the proposal being next to Network Rail land and infrastructure, it should be ensured that no part of the development adversely impacts the safety, operation and integrity of the operational railway. It is strongly recommended that comment from Asset Protection should be actioned should the proposal be granted planning permission. Any works on this land will need to be undertaken following engagement with Asset Protection to determine the interface with Network Rail assets, buried or otherwise and by entering a Basis Asset Protection Agreement, if required, with a minimum of 3 months notice before works start. Initially the applicant should contact assetprotectionwestern@networkrail.co.uk .

If these matters have not been addressed in the supporting documentation submitted with this application, the following conditions should be included:

Condition

Acknowledging that mineral will be worked beneath the plant site, adjacent to railway, no development approved by this permission should be commenced until further details of the extent and depth of workings are provided to the Local Planning Authority and approved by Network Rail.

Reason: To ensure the development does not impact on the safety of the neighbouring railway.

Informatives

LANDSCAPINGSITE LAYOUT
EXCAVATIONS/EARTHWORKS
GROUND DISTURBANCE
DRAINAGE

OCC Transport Development Control

No objection to the original consultation. The application is for an extension of one year until 31 December 2021, to facilitate further extraction of material from the site. Subject to no further application via this process, the Local Highway Authority (LHA) can see no reason to object to this request, subject to all the existing conditions

being carried over from the previous planning permissions. Should the applicant envisage this extraction may not be completed prior to Friday, December 31st 2021, then the applicant should come in with a new, and timely application, that provides a full and updated assessment that reflects and incorporates updates and changes that have occurred upon the LHA network in Oxfordshire and specifically the A40 corridor between Oxford and Eynsham, since the original application was made and subsequently renewed. Conditions 3 and 6 are restoration conditions and subject to the same clauses as condition 2, the LHA can see no reason to object.

Notwithstanding the above and subject to the above, the proposals are unlikely to have any additional adverse impact upon the local highway network from the existing permitted permission from a traffic and safety point of view.

Please note that if works are required to be carried out within the public highway, the applicant shall not commence such work before formal approval has been granted by Oxfordshire County Council by way of legal agreement between the applicant and Oxfordshire County Council.

Oxford Green Belt Network

No response has been received on either consultation.

OCC Ecology

No objection to the extension of time proposed.

Happy with the recommendations and conditions provided in relation to the District Licencing for newts.

OCC Landscape

No objection. The proposed variations to conditions do not raise any landscape or visual concerns.

No objection to the proposed time extension.

OCC Rights of Way and Countryside Access

Responded – No comment to the initial consultation.

No objection to the second consultation on the further proposed extension for timescales.

OCC Lead Local Flood Authority

No response has been received on either consultation.

Oxfordshire County Councillor

I've spoken to the parish council and the feeling there is that this site has already come to the end of its life. I understand it's been active for over 25 years and the original proposal was that after the initial period of working it would be landscaped as a wildlife reserve.

Considering the impending destruction of large areas of green belt in the area it's now even more vital that we have those sorts of spaces available. I would imagine the operators have made ample profits from the extraction works and I think, given the lifetime of the site, it's time it was give back to the community. We can't keep pushing back the point where the promises about the final restoration of the site will be kept.

Annex 3 – 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 & 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.

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

Given the nature of the proposed restoration, no further consideration in respect of European Sites is required.

European Protected Species are unlikely to be harmed as a result of the proposals.