

Application 11/01402/CM	No:	Ward: Kirtlington	Date Valid:15 September 2011
Applicant:	Hansteen Land Ltd		
Site Address:	Shipton on Cherwell Quarry, Shipton on Cherwell, Oxfordshire		

Proposal: Continuation of development without complying with condition 6 (importation of waste by road) and with the variance of conditions 1 (time limits) and 7 (volume of waste imported) of planning permission 10/00360/CM, dated 17 June 2010 (OCC ref. MW.0120/11)

1. Site Description and Proposal

1.1 Shipton on Cherwell Quarry is a limestone quarry, which extends to approximately 67 hectares. The quarry is located to the north of the village of Shipton on Cherwell and east of the A4260. To the north eastern boundary of the quarry, the land falls away to the Oxford Canal/ River Cherwell, which runs along the edge of the site. Along the eastern boundary is the Birmingham to Oxford Rail line. Bletchington lies approximately 2km to the east of the site. To the north west of the site is the linear settlement of Bunkers Hill, separated from the Quarry by the A4095. The quarry has been designated a County Wildlife Site and parts of the quarry are designated as a Site of Special Scientific Interest (SSSI) so has high ecological interest. The site is also within the Oxford Green Belt. A public right of way runs close to the site and the site is potentially contaminated.

1.2 This application seeks the comments of Cherwell District Council on a planning application currently being dealt with by Oxfordshire County Council to continue the comprehensive restoration and redevelopment of the quarry originally approved in 2009 under application 06/02046/CM and as varied by application 10/00360/CM, without complying with condition 6, which also involves the variation of conditions 1 and 7.

1.3 Condition 1 relates to ensuring the development is carried out in accordance with the plans and documents submitted with the application (which are listed).

The proposed variation of condition 1 results from the proposed aggregate recycling facility (addressed under application 11/01372/CM elsewhere on this agenda). The phasing plans for the restoration and redevelopment works need to be changed to detail the location of this recycling facility and as such condition 1 needs to be varied to address this.

1.4 Condition 6 states:

No waste or any material needed for the construction of the area which will take construction, demolition or excavation wastes shall be imported to the site by road

after 3 years from the date when the import began. That date shall be notified to the waste planning authority in writing within one week of the start of road imports of such waste or materials.

Reason: To ensure that sufficient waste is available to restore existing landfill sites in Oxfordshire and to ensure the maximum use of the rail connection (SEP M3, W13, W17).

- 1.5 The non compliance of condition 6 is proposed due to delays in securing a rail linked inert waste contract and as such, the operating company propose to continue to import by road beyond the three year period to allow the works to commence and be undertaken in accordance with the restoration scheme.

- 1.6 Condition 7 states:

No more than 250,000 tonnes of waste shall be imported by road in any period of a year starting when waste and materials imports by road begin. In any event, no more than 750,000 tonnes of waste or materials shall be imported to the site by road as part of this permission.

Reason: To ensure that sufficient waste is available to restore existing landfill sites in Oxfordshire and to ensure the maximum use of the rail connection (SEP M3, W13, W17).

- 1.7 The applicants request the continued road importation of waste for the duration of the restoration works. As a result of this proposal, condition 7 must be varied, as although within the supporting statement it is stated that no more than 250,000 tonnes per year would be imported into the site, clearly the maximum requirement that 750,000 tonnes overall, could not be met. As such, it is requested that condition 7 be varied to allow the importation of no more than 250,000 tonnes of waste or material per year from when the waste and materials imports by road begin (but would include no end point or no maximum amount).

- 1.8 Planning history

The site has a long history which is set out on the file, however the most relevant applications are:

06/02046/CM (Permitted) Comprehensive restoration and development of quarry. This development programme incorporated:

- Mineral extraction;
- The import of inert engineering fill to raise the quarry floor above water level;
- The comprehensive restoration of the site, including development of open storage yard areas principally for the storage of cars with an associated inspection building for a period of no more than a 15 year temporary operational period, and a rail storage depot, both supported by a new rail terminal; and

- Two class B8 warehouse buildings and a rail aggregates depot.

Comments were submitted to OCC to this proposal under application numbers 07/00996/CM (Objection) and 07/02011/CM (Objection). The objections were based on the fact that the development is inappropriate development in the Green Belt and that the special circumstances put forward did not outweigh the harm to the purposes and objectives to the Green Belt.

10/00360/CM (No Objection) To continue development without complying with conditions 26 and 36 of 06/02046/CM (these conditions related to site investigation surveys). **(This application repeated all conditions from the earlier application and so supersedes the original consent).**

11/01372/CM (Pending – reported elsewhere on the agenda) The importation, storage and processing of inert construction and demolition waste, and operation of an aggregate recycling facility on land at Shipton on Cherwell Quarry. Retention of the existing weighbridge, site office and wheelwash to facilitate the operation of the proposed recycling facility (OCC ref. MW.0119/11)

2. Application Publicity

- 2.1 As this matter is a County Matter, all publicity has been undertaken by Oxfordshire County Council.

3. Consultations

- 3.1 As this matter is a County Matter, all formal consultations have been undertaken by Oxfordshire County Council. However, internal consultations have been undertaken:

- 3.2 CDC Anti Social Behaviour Manager: No observations or objections

CDC Landscape: No direct landscape impact except where it impacts on the volumes of fill generated and the eventual use of the fill

No comments have yet been received from CDC Contaminated Land Officer, Ecologist or Rights of way Officer.

4. Relevant Planning Policies

- 4.1 PPS1: Delivering Sustainable Development
PPG2: Green Belts
PPS9: Biodiversity and Geological Conservation
PPS10: Sustainable Waste Management
PPG13: Transport
PPS25: Development and Flood Risk
- 4.2 The South East Plan: Policies BE1, CO4, waste policies
- 4.3 Adopted Cherwell Local Plan: Policies GB1, C7

4.4 Oxfordshire Minerals and Waste Local Plan

5. Appraisal

- 5.1 The applicant is seeking to vary condition 6 due to the inability to secure a rail linked inert waste contract. The consequence of which means that, in order to continue with the permitted development, the applicant needs to be able to continue, beyond the three year permitted period, to import and export waste and material by road. As such, it is proposed that this condition is removed from the permission to allow the use of the road network beyond the permitted three years.
- 5.2 As set out in paragraph 1.2, this would then have an implication on condition 7, as this condition provides a restriction on the overall amount of material which can be imported by road, within the three year period (as well as annually, however this is not envisaged to be exceeded). As such, the applicant seeks that this condition be varied to remove the reference to the total amount of material which can be imported by road to give the applicant flexibility in this respect.
- 5.3 Further, condition number 1 would need to be varied to allow the plans and documents to be changed from those currently included within the list of approved documents to address the changes proposed to conditions 6 and 7.
- 5.4 In terms of the merits of the proposals, the change to the conditions is unlikely to have any greater impact upon the openness or visual amenities of the Green Belt, given that ultimately the change to the conditions relates to the way in which waste and material is transported to and from the site rather than a change to the volume of material or how the material will be processed. Furthermore, it is the HOS for DC&MD's view that there is unlikely to be significantly greater impact upon the visual amenities of the area and wider landscape, the residential amenity of neighbouring properties or the ecology of the area than the impact which has already been considered and approved as part of the original planning permission granted.
- 5.5 However, there is clearly a highway implication from the proposals. It is noted that the County Council will have consulted their highway officers directly. Their response has not been seen, however the HOS for DC&MD does have some concerns in relation to the highway implications that could arise and the impact that the changes to the conditions could have on the intentions and aims of the original planning permission.
- 5.6 The submitted documents state that the applicant continues to hold the intention that importation of inert material will occur by rail into the site, however, that this is dependant on being able to secure a rail linked inert waste contract, which has not currently proved possible due to a number of factors.

- 5.7 The HOS for DC&MD's concern lies in the fact that the approval of this permission will lead to the use of the highway network over a greater period of time, to which no end date/restricted time period has been identified. This greater flexibility that would be experienced may then reduce the applicant's urgency in securing a rail linked contract, which may ultimately never be secured, leaving all the importation of waste and material to be carried out by road.
- 5.8 The total period of time this could occur for is temporary, however it appears that this could be for a maximum of 25 years (22 years longer than originally approved), which is still a significant period of time. It is noted that a routeing agreement is in place, which it is assumed will continue to apply and this is considered necessary if the application were to be approved.
- 5.9 This application is being considered at the same time as a proposal to establish an aggregate recycling facility at the Quarry. The waste is understood to be a product of the material being imported to the site in accordance with the approved scheme, but clearly some of the waste is to be recycled and some of the non-suitable imported inert waste will be deposited within the ongoing consented and permitted quarry restoration works at the site.

6. Recommendation

That Oxfordshire County Council be advised that Cherwell District Council has concerns in relation to this proposal as the variation of conditions has the potential to increase traffic movements to the site for a significant period of time to which no end date/restricted time period has been identified. The approval of this may reduce the applicant's urgency to secure a rail linked waste contract leading to the continued use of the road network for accessing the site, for a period of time which although is temporary, is for a significant amount of time.

Cherwell District Council request that they be informed of the outcome of the application once a decision has been made.

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