

NORTHOBSERVATIONS97/00307/CM
12.02.97SHENINGTON WITH ALKERTON, EPWELL, HORNTON, SHUTFORD AND
WROXTON,Land at Epwell, Shutford, Abuts Wroxton, Hornton and
Shenington.Review of Mineral Planning Permissions; updated conditions on
Planning Permission No. 1899/9/6 dated 28th February 1957.For: Trustees of The Needler D4 Settlement, c/o Rollit Farrell
& Bladon, Wilberforce Court, High Street, Hull. HU1 1YJRECOMMEND:

That Oxfordshire County Council be advised that Cherwell District Council object to the application on the grounds that the submitted conditions are considered inadequate for the following reasons:-

1. The maximum period permitted for the mining operations should be no more than 60 years from the date of the operative time i.e. 22.2.82 and therefore expire on 22.2.2042 not 2057;
2. the absence of a basic phased programme of works at this stage;
3. the absence of information indicating the extent and location of baffle/screening mounds, overburden stockpiles, specification of baffle mounds;
4. the absence of details of the limits of the intended operations;
5. the hours of operation should commence no earlier than 07.30 not 07.00 and cease at 18.00 not 19.00;
6. servicing of plant and equipment should not take place between the hours of 19.30 to 07.30 not 22.00 to 07.00;
7. the absence of details as to how the various sites are to be accessed by haul vehicles and routes taken to and from the quarry sites;
8. no details are provided of the location, design and formation of main haul routes and access to public highways;
9. accesses using public highways may require road widening affecting the rural character of the area;
10. inadequate details are provided of how noise and dust is to be suppressed;
11. no details of the maximum extent of blasting areas in relation to residential property times of blasting, methods of blasting;

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97/00307/CM
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12. no assurance is given that all sites will be progressively restored and thereafter used for agricultural purposes only;
13. no limits as to the extent of the surface area, depth and annual output has been provided;
14. no details of protection of important landscape features;

Recommended additional requirements

- (a) All worked sites to be progressively restored for agricultural purposes and adequately drained such that normal cultivation can be achieved at all times; *and should not be used at any time for the depositing of waste material other than that extracted from the quarry itself i.e. overburden, spoil & surplus*
- (b) applicant to enter into a legal agreement not to rework previously worked sites for whatever reason;
- (c) applicant to enter into a legal agreement requiring certain sites/parts of sites not to be worked because of the landscape impact and/or poor access by public highway and/or the damaging effect of a temporary haul road;
- (d) a minimum 325 metre buffer zone between the nearest working site and the recognised edge of any village settlement should be imposed whereby no quarry work is permitted;
- (e) no blasting whatsoever should be permitted;
- (f) applicant to enter into a routeing agreement to require, inter alia, that no route shall pass through any villages other than those on the A422;
- (g) that the Mineral Planning Authority (MPA) require a bonding agreement for all aftercare works i.e. restoration to required standards, landscaping and subsequent replacement of failed species, removal of all plant and equipment;
- (h) all important trees and hedgerows should be retained and protected;
- (i) an archaeological assessment to be carried out on sites of or potentially of archaeological interest prior to extraction;

Consultations/Representations

Head of Environmental Health states that all sites have the potential to adversely affect the residents of nearby settlements through noise, dust, vibration or road traffic. The submitted conditions do not detail exactly how these measures are to be addressed. She recommends the Sub-Committee advise the Mineral Planning Authority (Oxfordshire County Council) that, should the application be approved, prior to the

97/00307/CM
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commencement of any works on any site detailed noise surveys and surveys of air-borne dust are carried out; That these results are used to agree levels of noise (within the constraints of MPG11 - "The Control of Noise at Surface Mineral Workings") and dust emissions and that these parameters are monitored throughout the working life of the site.

Background

Planning consent was granted by the then Minister of Housing and Local Government for the working of ironstone within the area defined on the appended plan. Some of the consented land has been worked, particularly on and around the old Shenington Airfield. No part of the land is currently being worked but parts were active in the period beginning 22.2.82 and ending 6.6.95 the qualification for an "active" site in accordance with the Act.

Aims of the Legislation

The Environment Act 1995 introduces new requirements for the review and updating of old mineral planning permissions and the periodic review of all mineral permissions thereafter.

It is recognised that although mineral working is a temporary use of the land it sometimes lasts for many years.

The operation of the site can significantly change its impact over its lifetime and the standard of society can also change. There is therefore need for regular review so as to ensure that modern standards are met.

The County Council have determined that all applications to determine the conditions relevant to planning permission relating to that site must be lodged by 1st February 1997. If no application was made by that date the permission would cease to have effect.

The process for the determination of conditions is set out in the attached flow chart extracted from MPG14 "Environment Act 1995: Review of Mineral Planning Permissions".

Limits of the Legislation

The major constraint to the imposition of conditions on a mineral rights owner/operator as opposed to a voluntary agreement on conditions is that should any of the conditions imposed by the Minerals Planning Authority further restrict working rights and the economic viability of the operating site or the asset value of the site "prejudiced adversely to an unreasonable degree" then the Authority would be liable to pay compensation. In addition the owner/operator has the right of appeal to the Secretary of State against the determination of conditions different from those submitted.

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97/00307/CM
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Understandably therefore the County Council are likely to be reluctant to impose additional conditions which might then be the subject of compensation claims.

Conclusions

The applicants state that they are not mineral operators and consequently they argue that it is premature to impose detailed conditions since these can be dealt with more appropriately by an operator when it is proposed to commence mineral extraction.

I take the view however that this somewhat defeats the object of reviewing old mineral consents in order to impose appropriate modern conditions on the development. The applicant has approached the determination application on the basis of seeking to comply with the suggested model conditions contained in MPG 14. These are of course not site specific conditions and are a framework for discussion and a guide.

It seems to me that the applicant should employ a qualified mineral consultant in order to draw up a much more site specific, meaningful and detailed set of conditions as in its present form the submission is considered inadequate and thus leads to the recommendation that this Council should object to the application.

Appendix

- (i) Extract from MPG14 illustrating the process of the determination of conditions;
- (ii) the applicants suggested conditions;
- (iii) Plan showing extent of quarry sites.