

Application No: 11/01435/CM	Ward: Hook Norton	Date Valid: 23 September 2011
Applicant:	The Trustees of the Needler D4 Settlement c/o Barton Willmore – Pete Sulley	
Site Address:	Land East of Uplands Farm and North West of Hyde Smith Farm, Quarry Road, Hornton	

Proposal: Application for new conditions (review of old mineral permission) of permission reference: 1899/9/6 for Ironstone Workings – Shenington and Shutford at Shenington Quarry (OCC Ref. MW.0121/11)

1. Site Description and Proposal

- 1.1 This consultation from the County Council relates to an undetermined 1997 application to the County Council as Minerals Planning Authority for approval of up-to-date conditions relating to a mineral-extraction consent granted by the then Minister of Housing and Local Government in 1957.
- 1.2 It has been recognised in planning legislation since 1981 that there was a need for extant minerals consents to be subject to more up-to-date conditions than those originally imposed (four conditions in this case). There was however no compulsion to carry out reviews of mineral consents until the enactment of the 1995 Environment Act. As a result, this mineral consent was not the subject of a ROMP (Review of Minerals Permission) application to the County Council until 1997.
- 1.3 The working areas to which this consultation relates are eight sites broadly describing an arc from Shutford to Shenington and Hornton. The sites are shown on the map at the start of this report and described in detail in the 'Non-Technical Summary' of the proposal in Appendix 1. Broadly speaking however, the affected land is rural, relating to agricultural fields, but including sites with farms and outbuildings, a business park, the edge of an airfield and sites close to the villages of Shenington, Alkerton, Balscote, Shutford, Epwell, Upton and Hornton. Members will note from Figure 1 in Appendix 1 that there are 'red-line' areas on the plan not hatched in blue or referred to in the submission. These sites were included in the original 1957 permission, but are not part of the current review. The permission that exists for those un-hatched areas will therefore be relinquished by the applicants.
- 1.4 The 1997 ROMP application became 'stalled' as a result of legal decisions relating to whether Environmental Statements were required for such applications. It was not until a 2008 amendment to the Environmental Impact Assessment Regulations that the government found a mechanism to 're-start' these 'stalled' applications. The legislation now requires that an Environmental Statement be submitted with an application for up-to-date conditions, and set time limits for submission in order for the mineral consent not to lapse.
- 1.5 The proposal for comment therefore includes an Environmental Statement (ES) to assess the environmental effects of extracting the minerals at Shenington (for which

planning permission exists) in a manner which minimizes any potential effects on the sites and the surrounding area. The ES chapters cover the Extraction Programme; Socio-Economics; Traffic and Transport; Noise and Vibration; Landscape and Visual; Air Quality; Ecology and Biodiversity; Hydrology and Hydrogeology; Soils and Agriculture; Archaeology and Cultural Heritage.

- 1.6 It is important to bear in mind when considering the response to this consultation that planning permission exists for the extraction of the minerals to which this consent relates; the application therefore is only for modern conditions to control the extraction of the minerals.
- 1.7 It is also important to note that whilst this application seeks modern conditions for the minerals extraction, it does not necessarily mean the extraction will take place; the application sets out that the applicants are not mineral operators and that they do not have any current plans to extract the minerals. The application is a result of the need to make the ROMP application or lose the mineral extraction rights.
- 1.8 The applicants have provided a description of the site(s) and of the proposal in a 'Non-Technical Summary' which has been attached to this report at Appendix 1. This document provides a useful summary of the application and site history as well as of the scope and findings of the Environmental Statement. It should be noted however that this Summary is written by the consultants acting for the applicant.

2. Application Publicity

- 2.1 As this application 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 at the request of the County Council:
- 3.2 CDC Anti Social Behaviour Manager: confirms that he has examined the applicants submission in respect of noise and is satisfied that the baseline survey and noise modelling has been carried out in accordance with the appropriate British Standard methods. One location has been identified as being omitted from the study and this has been brought to the attention of the Oxfordshire County Council directly. He further confirms that the proposed noise conditions are phrased in accordance with the advice contained in the relevant Minerals Planning Guidance.
- 3.3 Although this Council has not undertaken any public consultation, many residents of the villages closest to the sites have copied CDC in on their response to the County Council.

4. Relevant Planning Policies

- 4.1 PPS1: Delivering Sustainable Development

PPS4: Planning for Sustainable Economic Development
PPS7: Sustainable Development in Rural Areas
PPS9: Biodiversity and Geological Conservation
PPS10: Sustainable Waste Management
PPG13: Transport

- 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 As set out in Section 1 above, the proposal to which this consultation relates (namely the application of modern conditions to an extant consent for minerals extraction) is the same as that submitted in 1997, with the addition of an Environmental Statement. This Council has therefore already responded to that consultation (97/00307/CM refers, response and report attached as Appendix 2).
- 5.2 The landscape in this part of the District, and indeed in all our rural areas, has long been shaped by the hand and actions of man. It is also clear that this landscape has been significantly altered over time by minerals extraction; the difference in level between the Stratford Road and the surrounding fields is a clear example. However, it is also clear that the character, experience and value of the countryside has also changed significantly since 1957. Villages have experienced a resurgence, with growing populations and growing affluence. The quality of the landscape and the countryside are increasingly valued for their own sake and the impact of development such as this is likely to be more keenly felt as a result. It is also worth noting that the mineral railways which previously linked this area to main lines in Banbury and beyond have also been dismantled since the granting of the original consents meaning that all extracted minerals would leave the quarries by road.
- 5.3 From the Council's 1997 response to the County Council, and the comments copied to this Council from the local residents, it is clear that our main issue for consideration is the impact of the extraction on dwellings and residents, especially with regards to noise, vibration, dust and associated health issues. There are also strong concerns relating to highway, traffic and transport issues; particularly concerning the suitability of the road network in this area to cope with the volumes of HGV traffic proposed in the ES and the impact of the proposals in terms of highway safety and convenience. Reflecting the new sensitivity of the planning system to ecology and biodiversity matters the ES also discusses these issues
- 5.4 Concerns must also be raised regarding the impact of the proposals on what this Council considers to be a valuable and high quality landscape. Although the proposal sets out restoration along similar landforms as existing, the landscape impact in the interim has strong potential for harm. Whilst the proposed restoration of the sites is more sympathetic, progressive and natural than that undertaken at other mineral extraction sites (with less sudden, sharp edges and 'cliff-faces', except where proposed as a biodiversity improvement), the extraction will still cause a marked and noticeable change in the landform of the areas proposed for

extraction. In considering the landscape impact it is also important to consider the visual impact of 'short-term' on-site storage of over-burden (the un-wanted material which overlays the minerals to be extracted), topsoil and fines, proposed to be used in bunds to screen the extraction sites.

- 5.5 Whilst the ES does assess the impact of the proposal in socioeconomic terms, Officers are concerned that there is no mention within the document of the specific impact on either the local schools, or the Sherington Gliding Club. The effective ending of operations at the Gliding Club through the implementation of this consent would have an unfortunate impact, one which planning policy generally seeks to avoid, and it is disappointing that the ES does not address this.
- 5.6 Officers are pleased to see that the applicants are proposing a routeing agreement to be agreed by condition, but is concerned that detail on likely HGV movements and routes has not been set out at this stage which would allow for any wider public scrutiny or comment. It is inevitable, given the local road network, that HGVs will pass close to one set of residential properties or another to the potential detriment to their amenity.
- 5.7 For this reason, Officers concur with the comments in the 1997 report that not applying for fully detailed conditions because the applicants are not mineral operators does somewhat defeat the object of reviewing old mineral consents in order to impose appropriate modern conditions on the development. Whilst the proposed conditions do now set out more detail, and BS compliant schemes for mitigation of dust, noise and nuisance arising from minerals extraction, much of the detail (and therefore, much of the impact on local residents and the wider environment) cannot be properly assessed until more detail is known as to the likely speed or scale of the operations. Whilst this application does now include phasing plans for all of the sites, it still involves extraction close to residential properties, especially in cases where villages have expanded since 1957. There is no indication of the likely spread of extraction across the sites, in order to ensure compliance with the conditions limiting HGV movements per day/year and total extraction per year.
- 5.8 It is considered therefore that whilst the proposal under consideration here does offer a tangible improvement over that submitted in 1997, informed no doubt by the requirement of the applicant to commission and submit an Environmental Statement, the lack of detail in certain areas makes it difficult for this Council to be sure that the development could be carried out in such a way as to protect the character and amenity of the areas surrounding the sites.

6. Recommendation

That Oxfordshire County Council be advised that Cherwell District Council objects to this proposal as it has concerns over the ability of the suggested conditions to properly and appropriately protect the character, appearance, landscape quality and amenity of the affected areas, due to the level of detail and extent of extraction proposed. If conditions are agreed which would allow the extraction of minerals on these sites, Cherwell District Council would request that serious consideration be given to the monitoring and enforcement of any conditions imposed in order to ensure adequate protection of the character and amenity of the area.

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

CONTACT OFFICER: Simon Dean

TELEPHONE NO: 01295 221814

Attach non technical summary as Appendix 1 – A4 Version
97/00307/CM Report/response as Appendix 2

(Please note there is only one map for this application)