

Application No: 09/01180/CM	Ward: Kirtlington	Date Valid: 27/08/2009
Applicant:	Enzygo Ltd, c/o Oxfordshire County Council, (FAO James Irvine), Speedwell House, Speedwell Street, Oxford	
Site Address:	Shipton-On-Cherwell Quarry, Shipton-On-Cherwell	

Proposal: To temporarily allow the use of the existing haul road running to the south and east of the site for the transport of minerals and waste materials to and from the site without disturbing Schedule 1 protected species currently present on the site for a period of up to 12 months or until the Little Ringed Plovers have left the site and the construction of the new haul road through the centre of the site is completed, whichever is soonest

1. Site Description and Proposal

- 1.1 Condition 71 of this approval prevents the applicant from using an existing haul road, 1,500m in length, for *'the transport of minerals and waste or in connection with any activities approved by this permission'* on the grounds that it would have a detrimental affect on the amenities of the residents of Shipton-On-Cherwell. Part of the road abuts the village's northern boundary.
- 1.2 The construction of a replacement haul road through the centre of the site has been delayed for a couple of reasons. Firstly, a number of pre-commencement conditions, which require Environment Agency approval, have yet to be discharged. Despite a lengthy consultation period, it is still unclear at this point when the issues surrounding these conditions will be resolved. The second obstacle relates to the presence of Little Ringed Plovers, a Schedule 1 (of the Wildlife and Countryside Act 1980) protected species, which have been found nesting, on the ground, in close proximity to the proposed haul road. Disused quarries are a favoured habitat for this migratory bird whose UK numbers are not thought to greatly exceed 2,000.
- 1.3 The presence of the Little Ringed Plover limits work on the haul road to the period of time when the birds have vacated the site. The Little Ringed Plovers arrive from central Africa in either March or April and depart sometime during September. The on-site ornithologist has confirmed that the birds left the quarry at the beginning of September.
- 1.4 In order to ensure that work can commence on site as soon as possible the applicant is seeking permission to allow for the temporary use of the existing haul road to transport minerals and waste. To reduce the impact this will have on the amenities of the residents of Shipton-On-Cherwell, the applicant is proposing a number of mitigation strategies. These comprise; enforcing a strict speed limit of 10mph; improving and regularly inspecting the road surface; and limiting the hours of use (7am to 5pm Monday to Friday only). The use of the road, for the transporting of materials, will cease as soon as the central haul road is operational or when the temporary permission elapses, whichever is sooner.

- 1.5 Oxfordshire County Council has indicated that it will take the applicant approximately two months to construct the central haul road. This means that providing the outstanding pre-commencement conditions can be discharged by the end of the year, there should be time to construct the central haul road before the Little Ringed Plovers return in the spring. This should render the need for the temporary consent redundant.

2. Application Publicity

- 2.1 Non required as the Council is acting as consultee

3. Consultations

- 3.1 Ecology Officer - No objections
- 3.2 Contaminated Land Officer - No objections

4. Relevant Planning Policies

- 4.1 The South East Plan - SP5, NRM5 and NRM10
- 4.2 The Cherwell Local Plan - GB1 and ENV1
- 4.3 The Non-Statutory Cherwell Local Plan - GB7 and EN3

5. Appraisal

- 5.1 The principal consideration in this case relates to the impact the lorry movements will have on the amenities of the residents of Shipton-On-Cherwell.
- 5.2 The close proximity of the haul road to the rear of a number of properties in Shipton-On-Cherwell leads the HDC&MD to conclude, notwithstanding the proposed mitigation strategies proposed, that the use of the haul road to transport materials to and from the site will undoubtedly have a significantly adverse impact on these residents. It is noteworthy that there is no mention, in the supporting documentation, as to the likely number of vehicle movements.
- 5.3 This proposal is therefore considered to run contrary to Policy ENV1 of the adopted Cherwell Local Plan and the policy in the Non-Statutory Cherwell Local Plan which deals specifically with the quarry, GB7. Point 5 of this policy requires that the traffic and travel implications of any proposal on this site are acceptable.
- 5.4 It is for the County Council to consider whether the impact on the amenities of the residents of Shipton-On-Cherwell is outweighed by any perceived economic or ecological benefits.

6. Recommendation

That Oxfordshire County Council be advised that Cherwell District Council objects to the proposed temporary consent on the grounds that it will adversely affect the amenities of the residents of Shipton-On-Cherwell and therefore run contrary to Policy ENV1 of the adopted Cherwell Local Plan and Policies GB7 and EN3 of the Non-Statutory Cherwell Local Plan.

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