

OXFORDSHIRE COUNTY COUNCIL

County Planning Authority

TOWN AND COUNTRY PLANNING ACT 1990  
TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE)  
(ENGLAND)  
ORDER 2015

To: David Einig Contracting Ltd  
5, Rycote Lane Farm  
Rycote Lane  
Milton Common  
Thame  
Oxfordshire  
OX9 2NZ

CONDITIONAL PLANNING PERMISSION

Section 73 application for the variation of Condition 12 of Planning Permission P15/S0058/CM (MW.0154/14) to allow the continuation of the importation of inert materials to restore the old landfill and sewage beds and extraction of small sand reserve without complying with the requirements of condition 12 in order to allow an increase in the permitted screening bund heights on the site at Moorend Lane Farm, Moorend Lane, Thame, Oxfordshire, OX9 3HW

The OXFORDSHIRE COUNTY COUNCIL as County Planning Authority hereby GRANT PLANNING PERMISSION for this development SUBJECT TO the conditions set out in the attached Schedule 1.

The reasons for the imposition of the conditions are as set out in the attached Schedule 1.

The relevant Development Plan policies are set out in the attached Schedule 2.

The reasons for approval are set out in the attached Schedule 3.



Dated: 12<sup>th</sup> November 2015

On behalf of Deputy Director (Strategy and Infrastructure Planning)

**YOUR ATTENTION IS DRAWN TO THE NOTES OVERLEAF**

## Notes

### IMPORTANT

- This permission does not convey or imply any approval or consent which may be required under any enactment, byelaw, order or regulation other than section 57 of the Town and Country Planning Act 1990.
- Application for approval under the Building Regulations must be made to the Council for the district in which the land is situated.

#### **Appeals to the Secretary of State**

- If you are aggrieved by the decision of the County Planning Authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990.
- If you want to appeal, then you must do so within six months of the date of this notice, however if an enforcement notice is served relating to the same or substantially the same land and development as in your application and if you want to appeal against the County Planning Authority's decision on your application then you must do so within: 28 days of the date of service of the enforcement notice, or within 6 months of the date of this notice, whichever period expires earlier using a form which you can get from the Secretary of State at Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN (Tel: 0303 444 5000) or online at <https://acp.planninginspectorate.gov.uk>
- The Secretary of State can allow a longer period for giving notice of an appeal, but he will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.
- The Secretary of State need not consider an appeal if it seems to him that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.

## **Purchase Notices**

- If either the County planning authority or the Secretary of State refuses permission to develop land or grants it subject to conditions, the owner may claim that he can neither put the land to a reasonably beneficial use in its existing state nor render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted.
- In these circumstances, the owner may serve a purchase notice on the Council of the District in whose area the land is situated. This notice will require the Council to purchase his interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.

## Schedule 1 - Conditions

### Conditions

1. The development shall be carried out strictly in accordance with the particulars of the development, plans and specifications contained in the application except as modified by conditions of this permission. The approved plans and particulars comprise:
  - Planning Application form dated 04/08/15
  - Planning Application form dated 03/02/14
  - Planning Statement by GP Planning V1 February 2014
  - Email from Gill Pawson to David Flavin dated 04/03/14
  - Gill Pawson Drawings: Dwg Nos. GPP/DE/T/11/01 [Site Location Plan]
  - GPP/DE/T11/02 [Site Plan]
  - GPP/DE/T/12/03 [Site Layout Plan]
  - GPP/DE/T/12/04 Rev 5 [Landscape Plan revised 18/09/12]
  - GPP/DE/T/12/05 [Proposed Footpath Diversion]
  - GPP/DE/T/12/09 [Flood Plain & Land Ownership]
  - DT Transport Planning Drawings Dwg Nos. SK3 [LH visibility splay]
  - SK4 [RH visibility splay]
  - Mitcham Surveys Drawings: Dwg Nos. 1 [Proposed Recycling Area and Noise Attenuation Bund dated 28/01/14]
  - 1 [Proposed Restoration Version 2 Rev A dated 13/6/12]
  - 1B [Site Survey 6/2/12]
  - 2a [Proposed Sand Extraction 6/2/12]
  - 4 [Cross Sections Pre & Post restoration 17/6/12]
  - 4b [Proposed Screen Bund Cross Sections August 2015]
  - 5 [Section Location Plan 17/6/12] PGW&A
  - Sand Extraction Drawings: ML/S1/D1 [Current site survey with trial pit and borehole locations]
  - ML/S1/D2 [Inferred contours on the top of the sand]
  - ML/S1/D3 [Inferred contours at the base of the sand]
  - ML/S1/D4 [Inferred sand thickness]
  - ML/S1/D5 [Proposed extent of sand extraction]
  - ML/S1/D6 [Cross sections through site]
  - Noise Assessment & Mitigation Report by WBM dated 18/09/12
  - Final Ecological Assessment & Mitigation Report by BSG dated September 2012
  - Planning Statement by GP Planning V2 June 2012
  - Planning application form dated 20/06/2012
  - Transport Statement from DT Transport Planning June 2012
  - Landscape & Visual Assessment by GP Planning V1 June 2012
  - Addendum to Landscape & Visual Amenity Appraisal by DB Landscape Consultancy Ltd dated January 2015
  - Flood Risk Assessment by Abington Consulting Rev A 13/6/12
  - Hydrogeological Assessment by Hafren Water Ref:THL/HIA V1 May 2012
  - Geology & Proposed Sand Extraction by PGW&A Ref:ML/S1/1 14/6/12
  - Discharge of Conditions Application Relating to Planning Permission MW.0100/12 by GP Planning V1 March 2013
  - Email from Gill Pawson to Kevin Broughton dated 24/10/13
  - Restoration and Aftercare Scheme February 2013 by Katie Burfitt
  - Dwg KB-THA001 [Agricultural Restoration Plan, February 2013]
  - Dwg 13012/104 [Proposed Highway Works Layout, 25/02/13]
  - Ecological Management Plan by BSG ecology dated 05/03/13
  - Planning Statement dated 29th March 2015
  - Planning Statement ref DEC/P4 dated August 2015

Reason: To ensure that the development is carried out as proposed (PE18:OMWLP1996).

2. Extraction of minerals shall cease by 31/12/2020, all plant, vehicles and machinery to which this permission relates shall be removed by 31/12/2022 and restoration shall also be completed by 31/12/2022.

Reason: To ensure restoration takes place when sand extraction and landfilling has ended (PE13:OMWLP1996).

3. A copy of this permission and the approved plans showing the method and direction of working and landfilling and restoration shall be displayed in the operator's site office at all times during the life of the site. Any subsequent approved amendments shall also be displayed.

Reason: To ensure that the development is carried out as approved (PE18:OMWLP1996).

4. No operations, including HGVs entering and leaving the site (subject to the additional restriction in Condition 11 below), other than environmental monitoring, shall be carried out at the site except between the following times:- 7.00 am to 6.00 pm Mondays to Fridays 7.00 am to 1.00 pm Saturdays No operations shall take place on Sundays, Public or Bank Holidays.

Reason: To protect the amenities of local residents the southern side of the by-pass (PE18:OMWLP1996).

5. The site access road shall be maintained in accordance with approved DT Transport Dwg's SK3 & SK4. No other access shall be used by traffic entering or leaving the site. The visibility splays shown on approved plans SK3 & SK4 shall be maintained free of all obstruction.

Reason: To ensure the access road is maintained with due regard to highway safety (PE18:OMWLP1996).

6. Unsurfaced sections of the access or haul road shall be hardened to ensure a smooth running surface free of pot holes and shall be maintained as such and kept free of mud and other debris at all times until completion of site restoration and aftercare.

Reason: In the interests of highway safety and to reduce the effect of noise and dust on residents on the other side of the by-pass (PE18:OMWLP1996).

7. No mud or dust shall be deposited on the public highway.

Reason: In the interests of highway safety (PE18:OMWLP1996).

8. No development shall take place except in accordance with the dust suppression measures specified in the document Discharge of Conditions Application Relating to Planning Permission MW.0100/12 by GP Planning V1 March 2013.

Reason: To protect the amenities of residents the other side of the by-pass and the users of the adjacent sports pitches from the effects of any dust arising from the development (PE18, W7: OMWLP1996; EP1: SOLP2011).

9. No development shall take place except in accordance with the approved Restoration and Aftercare Scheme dated February 2013, email from Gill Pawson to Kevin Broughton dated 24/10/13 and Ecological Management Plan by BSG ecology dated 05/03/13.

Reason: To ensure the productive afteruse of the land and that the development results in biodiversity enhancement (PE18:OMWLP1996; NERC Act 2006).

10. All topsoil and subsoil shall be permanently retained on site and used in restoration.

Reason: To prevent loss of soil (PE18:OMWLP1996).

11. No HGVs shall leave the site during the morning rush hour (8.00 - 9.00 am) or the afternoon rush hour (4.00 - 6.00 pm).

Reason: In order to prevent traffic congestion and danger to road users on the Thames by-pass (A4129) (PE18:OMWLP1996).

12. A landscape bund shall be constructed as per Dwg No.4b "Proposed Screen Bund Cross Section August 2015". The bund shall be seeded and maintained in accordance with the approved Restoration and Aftercare Scheme (February 2013). The screener and crusher shall only be sited in the area shown on Dwg No 1 (Proposed Recycling Area and Noise Attenuation Bund dated 28/01/14).

Reason: To ensure residents to the south of the by-pass do not suffer any adverse noise impacts from the crushing and screening operations on the site (PE18, PE13, W5:OMWLP1996; EP2:SOLP2011).

13. No material shall be stockpiled to a height exceeding 4 metres.

Reason: In the interests of visual amenity (W3:OMWLP1996).

14. Prior to commencement of each phase of restoration details of the location of the temporary perimeter ditches to collect surface water run-off and the location of the temporary settlement lagoon (identified in Para. 9.9 of the Flood Risk Assessment by Abington Consulting dated 13/6/12) shall be submitted to and approved in writing by the Mineral Planning Authority.

Reason: In order to prevent sediment discharging to the watercourse as set out in the FRA (PE18:OMWLP1996).

## **Informatives**

### Oil Storage

Any chemical or fuel storage containers on the site shall be sited on an impervious surface with bund walls; the bunded areas shall be capable of containing 110% of the container's or containers' total volume and shall enclose within their curtilage all fill and draw pipes, vents, gauges and sight glasses. There must be no drain through the bund floor or walls.

### Biodiversity

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.

## Breeding Birds

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 (trees, scrub, hedgerows, grassland) should take place between 1st March and 31st August inclusive to prevent committing an offence under the Wildlife & Countryside Act 1981 (as amended).

Badger: All deep excavations should be suitably ramped and any pipe-work associated with the development covered overnight to minimise the risk of badgers being inadvertently killed and 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.

## Schedule 2 - Relevant Development Plan Policies

### Oxfordshire Minerals and Waste Local Plan (OMWLP) 1996:

- W5 (Screening)
- PE13 (Restoration)
- PE18 (Regulation of development through imposition of conditions. Code of Practice.

### South Oxfordshire Local Plan (SOLP) 2011:

- EP2 (Noise and vibrations);

## Schedule 3 - Reasons for Approval

The application accords with policies W5, PE13 & PE18 of the Oxfordshire Minerals and Waste Local Plan and EP2 of the Oxfordshire Minerals and Waste Core Strategy in that there would be no adverse environmental impacts from the development and it would serve to reduce the noise and visual impacts of the development.

## Schedule 4 - Compliance with National Planning Policy Framework

In accordance with paragraphs 186 and 187 of the NPPF Oxfordshire County Council take a positive and proactive approach to decision making focused on solutions and fostering the delivery of sustainable development. We work with applicants in a positive and proactive manner by;

- offering a pre-application advice service,
- updating applicants and agents of any issues that may arise in the processing of their application and where possible suggesting solutions

Potential concerns raised by Thame Town Council were addressed through the organisation of a site visit with the applicant and planning case officer.