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Dear Emily

Amended Information - Planning Application MW.0074/18 – Proposed New Quarry at Fullamoor, Clifton Hampden

Please find below a number of comments made on behalf of Clifton Hampden & Burcot Parish Council (CH&BPC) in respect of the amended information submitted for the above application.

Revisions to Proposed Bunding

Contrary to the conclusions of the original noise assessment¹ the new noise addendum (NA) has now determined that the height (m AOD) and length of the bund (“Bund A”) to the west of the plant site to protect local residents from noise nuisance can be reduced. In arriving at this conclusion assumptions have been made, which are evidently either unfounded or inconsistent with other aspects of the development proposal.

Firstly, it is claimed that the processing plant will be located at a height of 47m AOD, not 49m AOD as previously stated, because 1.5 metres of soils and overburden will be stripped. However, this is inconsistent with the topography assumptions that have been used in the flood modelling, as set out in Table 4.3 of the Hydraulic Modelling Report (ES Appendix 3B). This identifies (bottom of first row on page 32) a 0.5m lowering of the plant and stockyard area to levels between 47.74 and 48.8m AOD. A number of conclusions can be drawn from this:

1. The alleged reduction in ground levels of the plant site has not been taken into account in the flood risk modelling.
2. The instalment of the processing plant at a level of 47m AOD is not a realistic scenario, because it would be below the water table² and far more vulnerable to flood events.
3. The original 49m AOD for the ground level of the processing plant was an appropriate and sound assumption.

Secondly, the main noise source of the processing plant is now said to be 4m not 5m as previously stated. A diagram, showing an elevation of the processing plant and the 4m and 5m heights, is included in the NA, but this is not the same as the application drawing of the processing plant. The NA diagram, whilst reflecting that of drawing no.: 493-Plant (though in reverse), omits or changes the de-sanding and grading components, such that the conveyors are shown to discharge at heights of about 1.5 – 2m above them. The amended application information does not indicate elsewhere that a different plant configuration is proposed and the covering letter confirms that the height of the plant cannot be reduced. The NA therefore appears to be based on a different plant configuration to the one for which approval is sought. Nevertheless, even if the NA processing plant is now proposed, the drop of material from conveyors at the indicated height would create a significant noise source, as would the discharge from the stockpiling conveyor, and the scrubber section, and as is clear from the diagram in the NA all of these points are still at the 5 metre height. There is no justification therefore for reducing the processing plant noise source height to 4 metres.

¹ Paragraph 6.4 of ES Chapter 9 Noise identifies noise impact mitigation measures as follows: “A 10m high bund is proposed between The Old Dairy (and Fullamoor Farm) and the proposed plant site. A barrier to a height of 8m above local ground is proposed between the nearest extraction area and the Old Dairy”

² Paragraph 4.17 of the planning statement confirms that the water table is between 1 to 1.5m below the ground surface.

Moreover, even on the basis of these revised assumptions the NA concludes that Bund A “needs to be to a height of 57 metres AOD in order to provided (sic) sufficient mitigation for the site noise levels to comply with the suggested noise limit at the Old Dairy”³, thereby confirming that the bund must be 10 metres above the base level of the plant (47 m AOD) and that this height is required for noise protection (not for visual amenity, as conversely claimed earlier in the report⁴). Alternatively, if the assumption about ground levels is incorrect and the processing plant is actually installed at a higher level, to comply with the hydraulic modelling parameters, then Bund A (as amended), would **not** provide the necessary noise protection that the NA says needs to be in place.

In addition to reducing the height of Bund A the NA adds that it would be possible to reduce the length of Bund A – both to the north and south, as indicated by red lines on a diagram of the bund, without compromising the noise mitigation required for the Old Dairy and Fullamoor Farm. However, the diagram shows a different layout to that shown on application drawing CUL-3000-OPA, which provides details of the operations area, and shows that a range of washed products are to be stockpiled along the eastern flank of Bund A. (The hydraulic modelling also assumes that up to 50% of the operational area would be occupied by stockpiles some of which would be within the southern part of the plant site⁵). The reduction of the southern end of Bund A, as shown on drawing no.: C6_LAN-049 Rev A, would mean that the full extent of the western and southern edge of the “Plant & Stock Yard” would not be screened. Noticeably this is not the case with the 5m bund along the eastern edge of the plant site. The NA has not taken the opening up of this stockpiling area and noisy loading/unloading activities associated with it into account in the revised noise calculations.

The conclusions in the LVIA Addendum also appear to have overlooked the impact of mineral stockpiles being exposed to view in assessing the proposed changes to Bund A at the southern end, (though not in terms of its northern end). The effects on views from viewpoint 7 (the Abingdon Road) or from the railway (from which the site is very visible) have not been considered.

In conclusion CH&BPC can have no confidence that the proposed bunding revisions would provide the necessary screening to protect against both unacceptable noise levels and harmful visual effects. In addition the changes to Bund A would not have a material change in its impact – still at 8 metre high, 37 metre wide and 300 metre long the bund remains a vast structure, which would undoubtedly have significant adverse landscape and visual effects, and would not preserve the openness of the Green Belt.

Green Belt and Landscape Value

The Ware Park Decision

The applicant relies on a recent appeal case for sand and gravel extraction at Ware Park in Hertfordshire, to maintain a claim that the proposed development is not inappropriate in the Green Belt. In that appeal decision the Secretary of State reached this conclusion on the basis that bunds at Ware Park would exist up to 10 years, marking a boundary between medium and long term effects in GLVIA3 landscape terms; that the adverse effects on openness would be fully reversible in time; and that tree planting does not constitute development and would not conflict with the purposes of the Green Belt. The circumstances of the Ware Park decision are, however, wholly different to and do not set a precedent for the Fullamoor proposal.

In the first instance the vast majority of the proposed bunds required to screen the workings at Ware Park were significantly lower at 2 - 3 metres in height. Only a small section of bunding around phase 1 and the bunds around the as-dug stockpile area were 4 metres high, with one of these rising in part to 7m. By contrast the vast majority of the bunding with the Fullamoor scheme is proposed to be 5m high or much higher and is significantly more extensive in width. In addition the Fullamoor scheme involves the use of highly incongruous straw bale barriers at 7m in height. As has been stated before⁶ these are all not features generally or commonly found with mineral workings, but are necessary

³ See third paragraph under “Bund Heights” section of NA.

⁴ See second paragraph under “Bund Heights” of the NA.

⁵ See page 30 and Figure 4.1 of ES Appendix 3B

⁶ See paragraph 5.18 of CH&BPC July 2018 response.

because of the site specific land characteristics, and would be harmful to this particularly open and much valued part of the Oxford Green Belt.

Secondly at Fullamoor the bunds would be in place for at least 12-13 years, which is firmly within the category of long term effects for GLVIA3⁷, and the adverse effects on openness would not be reversed. In fact there would be major loss or irreversible negative effects over an extensive area, by changing the landscape from green to blue; that is by replacing the existing tranquil farmland with huge water bodies and the urbanising effects of their recreational use, as well as introducing uniformly shaped remnant silt lagoon structures, all of which compounds the long term damage to the Green Belt and indigenous landscape.

With regard to the question of planting, case law⁸ has held that it would not be appropriate to place any definition on what character of enclosure may or may not be capable of adversely affecting openness in a Green Belt sense, and as is clearly the case with the Fullamoor proposal, where the planting has been designed to block views artificially, rather than work with the existing vegetation structure (much of which still follows historic field boundaries and is part of the important heritage setting to Fullamoor Farmhouse and Clifton Hampden conservation area) the current nature and openness of the Green Belt would as a consequence be severely harmed.

Moreover, the Ware Park case involves a much smaller quarry proposal (a third of the size of the Fullamoor proposal) adjoining another quarry and therefore also in the context of an area of Green Belt already affected by mineral extraction. Conversely the Fullamoor proposal would be an entirely new quarry and would introduce a range of disturbing and harmful effects to a currently unspoilt and intact area of the Green Belt, having little if any regard to the approach to be taken as enshrined in Green Belt policy⁹, which is to plan positively to retain and enhance landscapes [and] visual amenity.

It is also pertinent to note, in contrast to the important and historic status of the landscape at Fullamoor¹⁰, that the landscape of the Ware Park site carries no particular value. Paragraphs 30 and 32 of the appeal decision identify that the area has experienced a high degree of disturbance from mineral extraction, and that overall the area is judged to be in a poor condition, with high impact of landscape change, and a moderate strength of character. Paragraph 33 notes that the local Landscape Character Assessment also suggests that mineral extraction might be possible (with extreme care to ensure that there was no permanent damage to local landscape character). Even so the Secretary of State agreed with the Inspector's conclusions on the adverse effects of the proposed development on the character and appearance of the area and placed substantial weight on this consideration in dismissing the appeal¹¹. Notably, the Inspector considered that the site acted as a foil to urban settlements and was a landscape resource and visual amenity of considerable importance because of its proximity to the urban area.¹² These considerations of the amenity value of the land, both locally, and more widely given the presence of the Thames Path, are equally relevant to the Fullamoor site in addition to its highly significant landscape character.

In addition to the harm to openness, the Inspector found that the Ware Park proposal would conflict with the purposes of the Green Belt due to the adverse effects on historic parts of Hertford¹³. This was in circumstances where the Hertford Conservation area is a similar distance from the appeal site, as the Clifton Hampden conservation area is from the Fullamoor site. However, the scenic riverside farmland of the Fullamoor application site is also a key historic component of the setting to Clifton Hampden conservation area.

⁷ See Appendix A (9th page) of ES Chapter 7 LVIA

⁸ Danbuild Southern Limited v Secretary of State for the Environment and Waverley Borough Council (QBD) 1995

⁹ Paragraph 7 of SSBOT judgment and NPPF paragraph 141

¹⁰ The application site is a protected landscape under South Oxfordshire Core Strategy policy CSEN1, has an overwhelming priority of conservation in the South Oxfordshire Landscape Assessment, and is within the setting of the North Wessex Downs AONB. See paragraphs 5.17 and 5.21 of July 2018 response and February 2019 response.

¹¹ Paragraphs 20 and 21 of the Secretary of State's letter.

¹² Paragraph 378 of the appeal decision.

¹³ Paragraph 371 of the appeal decision.

The Ware Park decision therefore actually confirms that the Fullamoor proposal exceeds the tipping point of acceptance of some level of operational development for the purposes of applying NPPF paragraph 146. The proposed development would therefore be inappropriate in the Green Belt and should not be approved except in very special circumstances

Very Special Circumstances (VSC)

The applicant continues to maintain that there is a need for the mineral, and that there will be higher levels of demand for aggregates in coming years. However, this stance is not supported by the facts. As the previous February 2019 response explained the landbank stands well in excess (more than 70%) of the minimum requirement, and the perceived increased demand for aggregates is not materialising. Notwithstanding annual sales remaining well below the Local Aggregate Assessment rate, the Mineral Products Association has also recently reported a decline in the first quarter of 2019 for sales of mineral products, which reflected the Office for National Statistics reporting of a decline in construction output. Moreover, the Construction Products Association forecasts negative output for this year with only slow recovery in 2020 and 2021¹⁴. As the previous February 2019 response also noted, the mineral deposit at Fullamoor is not gravel rich and so is not suitable for supplying the range of construction requirements for potential local projects. Need for the mineral is therefore not a consideration of sufficient merit to outweigh the substantial harm to the Green Belt that would arise from allowing the development to go ahead.

The applicant's letter of 8 April 2019 refers to a recent decision of the Council's to grant permission for a 9.8m high bund at Shipton-on-Cherwell in the Green Belt. Notwithstanding that the application documents (bund survey and noise assessment) make clear that bund is actually 8 metres above the (unexcavated) ground level, again the circumstances of this bund are not comparable to and do not set a precedent for the Fullamoor proposal. The Shipton decision is for one bund installed at an existing longstanding limestone quarry to protect the amenity of residents living within just a few metres of ongoing permitted operations, and it is only to remain in place for a short duration of two years.

In conclusion there are no considerations, which amount to very special circumstances to outweigh the harm to the Green Belt and other harm that would result from the quarry proposal at Fullamoor, and the Council's previous reason for refusal on this ground remains fully justified.

Dust

The applicant's letter of 8 April 2019 states that an addendum covering dust has been provided. However, this has not been made available for review.

Conclusion

CH&BPC considers that the amended information does not resolve any of the issues previously identified in the consultation responses of July 2018 or of February 2019, and in fact reinforces the validity of many of the concerns raised. CH&BPC therefore maintains a strong OBJECTION to the proposed development.

Yours sincerely



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¹⁴ https://www.agg-net.com/news/mpa-reports-first-quarter-dip-in-sales?utm_source=Agg-Net+Newsletters&utm_campaign=c45653a486-Newsletter_UK_2019_05_02&utm_medium=email&utm_term=0_f2dd553f9a-c45653a486-273583801