



Naomi Woodcock
Oxfordshire County Council
County Hall
Oxford
OX1 1NB

By email only to: naomi.woodcock@oxfordshire.gov.uk

27 May 2021

Dear Naomi,

APPLICATION NO: MW.0057/21 & MW.0058/21

DESCRIPTION: Importation of inert material / to continue the development of limestone quarry extension permitted by 18/02008/CM (MW.0027/18) without complying with condition 1, condition 2, condition 8 and condition 26 in order to amend the approved restoration scheme, extend the date for restoration and allow the importation of inert material.

LOCATION: Castle Barn Quarry, Fairgreen Farm, Sarsden, Oxfordshire

Thank you for consulting the Cotswolds Conservation Board ('the Board') on the above planning applications, in relation to Castle Barn Quarry, which is located within the Cotswolds National Landscape.

The Board acknowledges that the proposed restoration of the quarry to a pre-quarrying landform would have some beneficial effects with regards to the landscape character of the Cotswolds National Landscape. However, there are a number of factors that weigh heavily against the proposed development. On balance, we object to the proposed development.

Our reasons for objecting to the proposed development are outlined below and explained in more detail in Appendix 1. In essence, we consider that 'the end doesn't justify the means'.

Firstly, we consider that the proposed development constitutes 'major development', in the context of paragraph 172 and footnote 55 of the National Planning Policy Framework (NPPF). We do not consider that exceptional circumstances apply or that the development would be in the public interest. Planning permission should therefore be refused.

A key factor in reaching this conclusion is that the proposed development would, in effect, be a strategic waste facility, importing over 50,000 tonnes of waste per annum into the Cotswolds National Landscape. Locating a strategic waste facility in the National Landscape would not be consistent with the Oxfordshire Minerals & Waste Core Strategy or with the Cotswolds AONB Management Plan. Furthermore, the site is not located within the zones specified for such strategic waste facilities, within the Core Strategy, around Oxford and the main towns of the county.

Another key factor is the potentially significant adverse impacts of the associated HGV movements. We acknowledge the applicant's assertion that the HGV movements would not materially exceed the HGV movements that were permitted for the quarry operation at this site. However, given that the mineral extraction operations ceased in 2020, the current baseline for HGV movements is now presumably approximately zero. The baseline if planning permission is not granted would also presumably be zero HGV movements.

Cotswolds Conservation Board

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The Cotswolds National Landscape is a designated Area of Outstanding Natural Beauty (AONB), managed and looked after by the Cotswolds Conservation Board.

cotswoldsaonb.org.uk

Chairman:
Brendan McCarthy
Vice Chair:
Rebecca Charley

In this context of these baselines, the proposed development would result in an additional 28,000 HGV movements over the anticipated three year life of the infilling operation. All of these HGV movements would presumably pass through either Chipping Norton, to the north, or Burford, to the south. Both of these settlements are located within the Cotswolds National Landscape and both are already highly sensitive to HGV movements. For example, HGVs are one of the main causes of the air pollution problems in Chipping Norton whilst, in Burford, the adverse impacts of HGVs have resulted in weight restrictions being imposed. The 28,000 HGV movements resulting from the proposed development would unnecessarily exacerbate these problems.

Given the distance of the site from the main sources of waste material (i.e. Oxford and the main towns in Oxfordshire), the proposed development would also result in unnecessarily excessive CO₂ emissions. For example, the distance travelled in the 28,000 HGV movements would be at least 560,000km more than if the waste facility was located within the zones specified in the Core Strategy. This is equivalent to 14 times round the circumference of the world and equates to approximately 1.5 million kg (or 1,500 tonnes) of CO₂ emissions. These unnecessary and excessive CO₂ emissions would not be compatible with Oxfordshire County Council's stated ambition to enable a net-zero carbon Oxfordshire.

We acknowledge that the proposed development would have some biodiversity value. However, a much more significant biodiversity benefit could be achieved if there was a biodiversity-led restoration of the unfilled quarry, focussing on the creation of species-rich, limestone grassland. Taking into account all of the points raised in this consultation response, we consider that this would be the most appropriate way forward.

Please refer to Appendix 1 for further details.

If you have any queries regarding this response then please do not hesitate to contact me.

Yours sincerely,

A handwritten signature in black ink that reads "John Mills". The signature is written in a cursive style with a long, sweeping underline.

John Mills
Planning & Landscape Lead
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APPENDIX 1. FURTHER COMMENTS RELATING TO PLANNING APPLICATIONS MW.0057/21 AND MW.0058/21

MAJOR DEVELOPMENT

Does the proposal constitute major development?

A key consideration, which the applicant has failed to mention or address, is whether the proposal constitutes major development in the context of paragraph 172 and footnote 55 of the National Planning Policy Framework (NPPF).

As outlined in footnote 55 of the NPPF, whether a proposal is major development is a matter for the decision maker, taking into account its nature, scale and setting, and whether it could have a significant adverse impact on the purposes for which the area has been designated or defined.

Although we are not the 'decision maker', we consider that the proposed development *does* constitute major development in this context. The reasons for reaching this conclusion are outlined below.

Nature / scale

The proposal is, in effect, a waste disposal operation involving the importation of 118,000m³ of inert material over a three year period (i.e. 39,333m³ per annum). The applicant does not specify what this equates to in tonnes. However, evidence relating to the High Speed 2 rail project indicates that a cubic metre of inert waste weighs 1.5 tonnes.¹ Therefore, 39,333m³ per annum would equate to approximately 59,000 tonnes per annum (tpa).

The Oxfordshire Minerals and Waste Local Plan (OMWLP) Core Strategy classes facilities that would manage 50,000tpa or more as 'strategic'. The proposed development would therefore be a strategic waste facility.²

The Core Strategy specifies that strategic waste facilities should normally be located within 15km of Oxford city centre or within 5km of Banbury, Bicester, Abingdon or Didcot.³ It also specifies that strategic facilities should avoid AONBs (with this requirement being related to Policy CE8 (Landscape) of the Core Strategy, presumably in the context of major development). The proposed development does not comply with these requirements.

Policy CE13 (Waste Management) of the Cotswolds AONB Management Plan specifies that strategic waste facilities should not normally be permitted in the Cotswolds National Landscape. This is also

¹ High Speed Two (HS2) Limited (2015) High Speed Rail (London – West Midlands). *Supplementary Environmental Statement 3 and Additional Provision 4 Environmental Statement. Volume 5: Technical appendices – waste and material resources.* Section 3.2.6, page 26. [Link](#).

² Oxfordshire County Council (2017) *Oxfordshire Minerals and Waste Local Plan (OMWLP) Core Strategy.* Paragraph 5.34, page 78. [Link](#).

³ OMWLP Core Strategy. Paragraph 5.35, page 78.

reflected in the Cotswolds AONB Landscape Strategy and Guidelines.⁴ The proposed development is not compatible with this policy and guidance.

Even if the development was considered to be a non-strategic waste facility, the Core Strategy states that such facilities are unlikely to be compatible with the aims of planning in the AONBs.⁵ Such facilities should be within 2km of the towns specified in the Core Strategy, the nearest of which is Chipping Norton. The site lies well beyond this limit, being located approximately 5.5km from Chipping Norton by road.

Policy CE12 of the Cotswolds AONB Management Plan 2018 states that '*development in the Cotswolds AONB should be based on robust evidence of local need arising from within the AONB*'. The Cotswolds AONB Landscape Strategy & Guidelines also recommend avoiding importing waste into the AONB.⁶

The applicant provides no indication of the proportion of the waste material that would originate from within the Cotswolds National Landscape – they only specify that it would come from within Oxfordshire. Given the predominantly rural nature of the Oxfordshire section of the Cotswolds National Landscape, it is highly unlikely that a significant proportion of the infill material would originate there. Conversely, it is highly likely that the vast majority of this waste will originate outside the National Landscape. The nearest significant housing development would be on the eastern edge of Chipping Norton but even this would be outside the National Landscape.

As such, the proposed development would not be consistent with the Policy CE12 or with the Landscape Strategy & Guidelines.

The proposed development would result in a larger proportion of the quarry being restored to the pre-quarrying landform than in the currently agreed restoration scheme. As such, it would also involve importing more waste material than would be required to achieve the currently agreed restoration scheme. We would therefore argue that, even if infilling was considered appropriate, the quantity of material being imported would be excessive.

The proposed development is also:

- a Schedule 2 (category 11b) development, under the Environmental Impact Assessment (EIA) Regulations;⁷
- major development, under the 2015 Development Management Procedure Order.⁸

Although these last two points are not deciding factors, in determining if the proposal is major development in the context of paragraph 172 of the NPPF, they are still relevant considerations.

⁴ For example, the Cotswolds AONB Landscape Strategy & Guidelines for Landscape Character Type (LCT) 9 (High Wold)) ([link](#)), Section 9.7.

⁵ OMWLP Core Strategy. Paragraph 5.36, page 78.

⁶ For example, the Cotswolds AONB Landscape Strategy & Guidelines for Landscape Character Type (LCT) 9 (High Wold)) ([link](#)), Section 9.7.

⁷ <https://www.legislation.gov.uk/ukxi/2017/571/schedule/2/made>. In a 'sensitive area', such as an AONB, such development require an EIA screening even if they are below the applicable thresholds and criteria. However, it is worth noting that the proposed development is above the applicable thresholds and criteria.

⁸ <https://www.legislation.gov.uk/ukxi/2015/595/article/2/made>.

Overall, based on the above information, we consider the proposed development to be major development with regards to its nature and scale (even if it was considered to be a non-strategic waste operation). In fact, we consider that the nature and scale of the proposed development are significant enough for it to constitute major development regardless of the other footnote 55 considerations.

Setting

The site of the proposed development is located in the Cotswolds National Landscape, on the 'boundary' between Landscape Character Type (LCT) 9 (High Wold Dip Slope)⁹ and LCT 15 (Farmed Slopes)¹⁰.

There are few nature conservation or historic designations of national or international significance in the locality of the proposed development, although HGVs on the A361 heading to / from the Burford direction would pass close to the 'Roundabout hillfort' scheduled monument, approximately 1km to the south of the site. There are also few public rights of way in close proximity to the site, the main exception being the bridleway immediately to the south.

The most relevant 'special quality' of the Cotswolds National Landscape is the area's tranquillity - see next section for further details.

The site is located on an elevated and fairly flat, or gently sloping, plateau. It is reasonably well screened by existing hedgerows, shelter belts and copses in the immediate vicinity.

Just taking into account its setting, the proposed development would not constitute major development. However, as outlined above, we consider that it still constitutes major development based on its nature and scale.

Potential to have significant adverse impacts on the purpose of conserving and enhancing the natural beauty of the Cotswolds National Landscape

The potential impacts of the proposed development on the purpose of conserving and enhancing the natural beauty of the Cotswolds National Landscape are discussed in more detail later in this response.

In summary:

- there are potential benefits for landscape character, in terms of restoring most of the quarried landform to pre-quarrying levels;
- although the proposed development may deliver some biodiversity benefits, these benefits would not be as significant for a biodiversity-led restoration of the unfilled quarry;
- although the number of HGV movements would not exceed the number of HGV movements that were permitted when the quarry was exporting minerals, it would still be approximately 28,000 more HGV movements (over three years) than would be required if the quarry wasn't infilled.

⁹ <https://www.cotswoldsaonb.org.uk/wp-content/uploads/2017/07/lct-9-high-wold-dip-slope-2016.pdf>

¹⁰ <https://www.cotswoldsaonb.org.uk/wp-content/uploads/2017/07/lct-15-farmed-slopes-june-2016.pdf>

We consider that the HGV movements would potentially have a significant adverse impact on the tranquillity of the Cotswolds National Landscape, particularly compared to the current baseline in which mineral extraction operations have already ceased (and compared to a scenario in which planning permission is not granted).

The HGV impacts are particularly significant given the issues relating to HGV movements in Chipping Norton and Burford and because of the excessive and unnecessary greenhouse gas emissions that would result from the HGV movements.

Please see the 'Tranquillity / HGV movements' section later in this response for further details.

Major development tests and consideration of exceptional circumstances and public interest

Context

Paragraph 172 of the NPPF specifies that planning permission should be refused for major development other than in exceptional circumstances and where it can be demonstrated that the development is in the public interest. It also specifies the assessments that should be undertaken when such applications are being considered.

Relevant case law has provided some useful clarification on this topic, including clarification that:

- The local planning authority should not simply weigh all material considerations in a balance, but should refuse an application unless they are satisfied that: (i) there are exceptional circumstances; and (ii) it is demonstrated that, despite giving great weight to conserving the landscape and scenic beauty in the AONB, the development is in the public interest.¹¹
- No permission should be given for major development save to the extent the development was needed in the public interest, met a need that could not be addressed elsewhere or in some other way and met that need in a way that to the extent possible, moderated detrimental effect on the environment, landscape and recreational opportunities.¹²

Need / Alternative Options

The Board acknowledges that, in order to restore the landform to pre-quarrying levels, it would be necessary to import inert waste to achieve this (given that the operator has exported all of the material that should have been used for this purpose).

As outlined earlier in this response, waste facilities of this scale (i.e. *strategic* waste facilities) should normally be located within 15km of Oxford city centre or within 5km of Banbury, Bicester, Abingdon or Didcot. The applicant has provided no evidence to demonstrate that, from a waste management perspective, the waste material could not be disposed of within these zones, outside of the Cotswolds National Landscape.

¹¹ R (Mevagissey Parish Council) v Cornwall Council [2013] EHC 3684 (Admin) ([link](#)), paragraph 51: *'The planning committee are required, not simply to weigh all material considerations in a balance, but to refuse an application unless they are satisfied that...'*

¹² R (Advearse) v Dorset Council v Hallam Land Management Ltd [2020] EWHC 807 ([link](#)). Direct quote from paragraph 35.

Even if the development is considered to be non-strategic, the applicant has provided no evidence to demonstrate that, from a waste management perspective, the waste material could not be disposed of within the specified distances of the towns specified in the Core Strategy, outside of the Cotswolds National Landscape

In addition, the applicant has provided no evidence to demonstrate that the waste would be sourced from the Oxfordshire section of the Cotswolds National Landscape.

Detrimental Effects

As outlined in the next section of this response, we acknowledge that restoring the quarry to a pre-quarrying landform would provide some beneficial effects for landscape character in the longer term.

However, the proposed development would also have a number of adverse impacts. In particular, as explained later in this response, the associated HGV movements would potentially have an adverse impact on the tranquillity of the Cotswolds National Landscape and on CO₂ emissions.

Overall

We do not consider that there are exceptional circumstances or that the development would be in the public interest. As such, planning permission should be refused.

IMPACTS ON THE PURPOSE OF AONB DESIGNATION

Landscape Character

The applicant states that, owing to the position of the quarry within the Cotswolds AONB, it is considered that the reinstatement of the quarry void to pre-extraction levels represents a beneficial restoration proposal and would enable the site to better assimilate into the wider valued landscape when compared to consented arrangements (Supporting Statement para 3.5).¹³ In purely landscape terms – and all other things being equal – we acknowledge that there is some merit in this statement.

However, as outlined elsewhere in this response, there are a number of factors that weight heavily against granting planning permission, not least the fact that the proposed development should be considered to be major development in the context of paragraph 172 and footnote 55 of the NPPF. Overall, we consider that these factors outweigh the potential benefits of restoring the land to a pre-quarrying landform.

This is not to say that quarry operations should not utilise ‘waste’ material arising on-site to help restore the quarry to a more natural landform. Unlike the current proposal, restoring the landform in this way does not require additional HGV movements. Also, in this scenario, the restoration material is a natural component of the site’s geology, rather than being waste material of unknown quality and provenance. In biodiversity-led restoration schemes, using waste material arising on-site also helps to establish vegetation that more closely reflects the local flora.

¹³ Supporting Statement, paragraph 3.5.

Unfortunately, utilising the waste material arising on site in this way is not possible in this instance because the operator exported the material that should have been used to deliver the agreed restoration scheme.

We acknowledge that current 'bare earth' appearance of the quarry could potentially have an adverse visual impact. However, in the three years that it would take to infill the quarry, this adverse visual impact would already have significantly decreased as the bare earth becomes covered in vegetation. It is also worth noting that the site is on an elevated, relatively flat plateau. This, combined with the screening that is already provided by the hedges, shelter belts and copses in the immediate vicinity, means that the number of publically accessible locations where the site would feature prominently in views would be very limited.

Tranquillity / HGV movements

The applicant asserts that *'there is unlikely to be any additional HG movements on the surrounding network compared to those generated by the existing quarry'*.¹⁴

However, the applicant also notes that the mineral extraction operations ceased at the end of 2020. As such, the current baseline for HGV movements associated with the quarry is presumably approximately zero. Presumably, this would also be the baseline if planning permission was not granted. We therefore consider that it is important to compare the proposed HGV movements with a baseline of zero HGV movements.

The applicant's indicates that the proposed infilling of the quarry would involve *'up to around'* 14,000 HGV loads, which equates to 28,000 HGV movements, over a period of *'up to 36 months'*. In other words, there would be 28,000 more HGV movements than compared to the current baseline or than there would be if planning permission is not granted.

HGV movements have the potential to have a significant adverse impact on the tranquillity of the Cotswolds National Landscape. This tranquillity is one of the area's 'special qualities'. In other words it is a key attribute on which the priorities for the area's conservation, enhancement and management should be based. As well as being an important consideration in its own right, the area's tranquillity is also an integral component of landscape character. Impacts on tranquillity should therefore be given great weight in planning decisions.

As outlined in the Board's Tranquillity Position Statement, a key consideration, in this regard, is whether a proposed development would increase HGV movements on relevant roads and through relevant settlements by 10% or more.¹⁵ The applicant's Transport Statement fails to address / quantify this important issue.

The applicant asserts that *'the number of HGV movements per day is unlikely to exceed the 58 HGV movements per day that is permitted for the existing quarry site'*. This makes an inferred assumption that the number of HGV movements permitted during the operational phase of the quarry (i.e. 58

¹⁴ Eddisons (2021) *Proposed Quarry Works, Sarsden Quarry (3305) Transport Statement – March 2021*.

¹⁵ Cotswolds Conservation Board (2019) *Tranquillity Position Statement* ([link](#)). Section 4.5.

HGV movements per day) is an acceptable quantity. However, as outlined below, we consider this assumption to be questionable.

All HGV movements associated with the quarry presumably go to / from the A361. Northbound HGVs on the A361 would presumably pass through the centre of Chipping Norton and southbound HGVs would presumably pass through the centre of Burford. Both of these settlements (or the town / village centres, at least) are within the Cotswolds National Landscape.

Chipping Norton town centre is designated as an Air Quality Management Area (AQMA) because air pollution levels exceed air quality standards, particularly with regards to nitrous oxides. HGVs have been identified as a key factor in contributing to these high levels of air pollution. Various studies have reviewed options for reducing HGV movements through the town centre. One of the main options being considered is to divert HGV onto the minor road that passes the Rollright Stones scheduled monument. The Board is very concerned about both the air quality problems in Chipping Norton and the possibility of increased HGV movements past the Rollright Stones.

In Burford, the County Council has imposed a temporary weight restriction order in Burford town centre to prevent goods vehicles that exceed 7.5 tonnes passing through the town. This weight restriction is primarily intended to protect the historic centre of the town, its infrastructure and its community from heavy lorry traffic.¹⁶

The sensitivities relating to HGV movements through Chipping Norton and Burford are reflected in the Oxfordshire Lorry Map (Figure 13 of the Minerals and Waste Core Strategy) which identifies that these two settlements are environmentally sensitive areas where lorry movements should be avoided if at all possible.

From this information, it is clear that existing HGV movements through both Chipping Norton and Burford are already at unacceptable levels. The proposed development would unnecessarily exacerbate these issues.

It is worth noting that the 10% threshold outlined above is a 'rule of thumb'. In the context of the HGV problems at Chipping Norton and Burford, the threshold should potentially be less than 10% or even as low as 0%, given that there is not an exceptional need for the waste material to be disposed of in this location.

Climate Change / HGV movements

The Cotswolds AONB Management Plan 2018-2023 identifies climate change as an over-arching issue that cuts across all aspects of the Management Plan. Policy CC7 (Climate Change – Mitigation) of the AONB Management Plan states that '*climate change mitigation should be a key consideration in all new development, infrastructure and transport provision*'.¹⁷

As outlined earlier in this consultation response:

¹⁶ Oxfordshire County Council (2020) *Burford 7.5 tonne vehicle weight restriction. (Experimental) Order 20***. *Statement of Reasons*.

¹⁷ Cotswolds Conservation Board (2018) *Cotswolds AONB Management Plan 2018-2023*. Policy CC7.

- the proposed development would require 14,000 HGV loads of waste, which equates to 28,000 HGV movements;
- given that the current baseline of HGV movements is approximately zero, there would be 28,000 more HGV movements than in the current baseline (or than in a scenario where planning permissions is not granted);
- the proposed development would be a strategic waste facility, managing more than 50,000tpa of waste;
- strategic waste facilities should be within 15km of Oxford city centre or within 5km of Banbury, Bicester, Abingdon or Didcot;

Castle Barn Quarry lies well beyond these 15km and 5km buffer zones for strategic waste facilities. For example, the closest of these zones, the 5km zone around Banbury, is approximately 20km from the site by road. So, even if all the waste that was going to be used for infilling originated in the closest of these zones (i.e. Banbury), each HGV load brought to the quarry would exceed the maximum recommended distance for a strategic waste facility by 20km. 28,000 HGV movements would equate to an excess distance of 560,000km (which is equivalent to 14 times round the circumference of the world). Assuming CO₂ emissions of 2.68kg/km¹⁸, this equates to 1,500,800kg (or 1,501 tonnes) of CO₂ emissions.

Even if the development was considered to be non-strategic, it would still exceed the distance limits specified in the Minerals and Waste Core Strategy. For example, non-strategic waste facilities should be within 2km of the specified small towns, which include Chipping Norton. The site is approximately 5.5km from the centre of Chipping Norton, so it is 3.5km beyond the non-strategic waste facility zone for the town. So, even if all of the infill material originated in Chipping Norton, 28,000 HGV movements would still equate to an excess distance of 98,000km (which is equivalent to 2 times the circumference of the world). This equates to 262,640kg of CO₂ emissions.

These excessive CO₂ emissions would not be compatible with Oxfordshire County Council's stated ambition to enable a net-zero carbon Oxfordshire.¹⁹

Biodiversity

Natural heritage (including biodiversity) is one of the factors that contributes to the natural beauty of the Cotswolds National Landscape. As stated in Policy CE7 of the Cotswolds AONB Management Plan 2018-2023, '*biodiversity in the AONB should be conserved and enhanced by establishing a coherent and resilient ecological network across the Cotswolds AONB and its setting*'.²⁰

The Board acknowledges that the proposed restoration provides some biodiversity value. However, a much more significant biodiversity benefit could be achieved if there was a biodiversity-led restoration of the unfilled site, focussing on the creation of species-rich limestone grassland.

¹⁸

https://people.exeter.ac.uk/TWDavies/energy_conversion/Calculation%20of%20CO2%20emissions%20from%20fuels.htm

¹⁹ <https://www.oxfordshire.gov.uk/residents/environment-and-planning/energy-and-climate-change/what-we-are-doing>

²⁰ Cotswolds Conservation Board (2018) *Cotswolds AONB Management Plan 2018-2023*. Policy CE7.

Not only would such a restoration provide more priority habitat, the topography of the quarry would make it less likely that the site would be farmed intensively in the future. This would make a valuable contribution to halting and reversing declines in species-rich limestone grassland and would provide a valuable 'stepping-stone' in the network of such sites across the Cotswolds National Landscape.

Planning application MW.0045/20, which proposed restoring the unfilled quarry primarily to a 'grassland scrub mosaic' had some merit in this regard. However, we consider that that restoration proposal could have been further enhanced by incorporating the measures that we outlined in our consultation response to that planning application (which is attached, for reference).

SUGGESTED WAY FORWARD

Taking into account all of the points outlined above, we recommend that the site should not be infilled. Instead, we recommend that there should be a biodiversity-led restoration of the unfilled quarry, focussing on the creation of species-rich, limestone grassland.