Town and Country Planning Act 1990 – Section 78 Town and County Planning (Development Management Procedure) (England) Order 2015 Town and Country Planning (Inquiries Procedure) (England) Rules 2002

Appeal by

London Rock Supplies Ltd

Land at White Cross Farm, Wallingford, Oxfordshire

Against the refusal of planning permission by Oxfordshire County Council for application MW.0115/21

"Extraction and processing of sand and gravel including the construction of new site access roads, landscaping and screening bunds, minerals washing plant and other associated infrastructure with restoration to agriculture and nature conservation areas, using inert fill"

Appeal Ref. APP/U3100/W/25/3361505

Proof of Evidence of Liam Toland BA

(Hons) MSc, MRTPI – Planning

June 2025

Contents

APPENDICES

Appendix 1 – Gantt Chart of Operational Timings

1 Introduction and Background to Appeal

1.1 Personal Details

1.1.1 My name is Liam Toland. I hold a Bachelor of Arts degree in History and Geography having graduated in 2003 and a MSc in Regional and Urban Planning having graduated in 2006. I am a Member of the Royal Town Planning Institute (MRTPI) since 2008. I have over eighteen years' experience in planning obtained through employment in the private consultancy sector.

1.1.2 From June 2013 to September 2022, I was employed by Heatons, being promoted to Planning Director in 2021. My work with Heatons has predominantly been in connection with the minerals and waste sectors, preparing planning applications and project managing EIAs for a range of developments including new and extensions to quarries covering a wide range of mineral types.

1.1.3 Since October 2022, I have set up my own company Liam Toland Planning, predominantly providing planning services to the minerals and waste sector. Since September 2024, I have been Director of Kedd Limited, a Multi-disciplinary Consultancy of Planners, Landscape Architects and Ecologists. As such, I have good experience in the issues that are relevant to this Inquiry.

1.1.4 In preparing this evidence for the re-determination of the appeal I have reviewed all the previous documentation.

1.1.5 I have visited the Appeal Site and the surroundings and have examined the relevant plans and documents for the purpose of this Inquiry. I shall be giving general planning evidence covering various issues relating to National and local planning policy, and in particular need considerations of the Appeal.

1.2 The Appeal Scheme

1.2.1 Full details of the proposed operations, including proposed phasing, are provided in the Environmental Statement (CD1.03) and the Statement of Common Ground (SoCG) agreed with the Council on 16/05/2025.

1.2.2 With regard to operational timings, the Gantt Chart included as Appendix 1, illustrates the indicative timeline for site development. In summary, extraction operations will be completed within 5 years. Within 3.5 years from commencement of development,

Phase 1 shall be restored and placed into aftercare, followed by Phase 2 by the beginning of Year 4. Extraction and backfilling of Phase 3 will be complete by the end of Year 5, with the area restored and placed into aftercare in Year 6. The final backfilling and restoration activities will take place within the Plant Site area with restoration complete by end of Year 6. At this point, Phase 1 will have been restored and within aftercare for ~3.5 years.

1.2.3 The whole operation is therefore undertaken quickly, with the area of disturbed land being minimised at all times through the phased working and progressive restoration approach.

1.3 The Appeal Site and Surroundings

1.3.1 This is described in section 3 of the SoCG.

1.4 Planning History Relevant to the Appeal

1.4.1 The planning history of the appeal site is described in section 6 of the SoCG.

1.5 Planning Policies relevant to the Appeal

1.5.1 The relevant development plan policies can be found within the SoCG in Section 5.

1.6 Reason for Refusal

1.6.1 The decision notice issued by OCC on 03rd September 2024 (CD11.01) refused the application for the following sole reason:

"Due to its location, the proposed development would have an adverse landscape and visual impact on the River Thames, the Thames Path National Trail and on the setting of the Chilterns National Landscape (Area of Outstanding Natural Beauty), contrary to the provisions of policy C8 of the Oxfordshire Minerals and Waste Local Plan – Part 1 Core Strategy and policy ENV1 of the South Oxfordshire Local Plan 2035."

1.7 Declaration

1.7.1 I can confirm that the evidence which I have prepared and provide for this appeal reference APP/U3100/W/25/3361505 in this Proof of Evidence to be true, and that the opinions I have expressed represent my true and complete professional opinion, and complies with the RTPI Code of Professional Conduct.

2 Planning Policy and the Committee Report

2.1 Introduction

2.1.1 In this Section I consider the Officer's Report (CD11.02) to the Planning and Regulatory Committee in relation to relevant planning policies and the planning balance reached.

2.2 Planning Policy

2.2.1 To avoid unnecessary duplication, I assume that the reader has read the committee report (CD11.02). I also assume that the reader has read the Planning Statement (CD1.02) submitted with the planning application, particularly sections 8 and 9 on Planning Policy and Need. Together, the officer's report and the Planning Statement comprise a detailed evaluation of relevant planning policy at the national and local level along with setting out the factors that contribute towards the planning balance. Further details on policy are set out in the SoCG.

2.3 Committee Report

2.3.1 In arriving at the recommendation for approval, the Planning Officer identified 16 key issues to be considered in determining whether the application is acceptable, namely:

- Need for Mineral Extraction;
- Location in relation to the site's accordance with Policy M3 of the Oxfordshire Minerals and Waste Local Plan Part 1: Core Strategy;
- Restoration and Aftercare;
- Landscape & Visual Impacts;
- Biodiversity;
- Transport;
- Rights of Way;
- Flooding and Drainage;
- Groundwater and Water Quality;
- Amenity;
- Historic Environment;

- Agriculture and Soils;
- Climate Change;
- Sustainable Development;
- Weighing Up the Need for Mineral with Landscape Impacts; and
- Sequential Test Conclusions.

2.3.2 The report set out a detailed consideration of each aspect, which led to a balanced consideration and recommendation for approval.

3 Scope of my evidence

3.1.1 My Proof of Evidence covers planning policy relating to minerals and mineral and waste need.

3.1.2 The following elements are considered:

- The need for Sand and Gravel (Section 4);
- The need for inert waste disposal (section 5);
- Landscape and Visual Planning Policy Considerations (Section 6);
- Comments on Issues Raised by Rule 6 Parties and Other Interested Parties (Section 7);
- Planning Balance and Conclusions (Section 8).

3.1.3 In preparing my evidence I have also had regard to the evidence provided by:

- Mr Neil Furber on landscape and visual matters;
- Mr John Young on flood risk matters.

4 The Need for Sand and Gravel

4.1 Introduction

4.1.1 NPPF paragraph 222, states *"It is essential that there is sufficient supply of minerals to provide the infrastructure, buildings, energy and goods that the country needs. Since minerals are a finite natural resource, and can only be worked where they are found, best use needs to be made of them to secure their long term conservation"*. Paragraph 224 of the NPPF goes on to state, *"When determining planning applications, great weight should be given to the benefits of mineral extraction, including to the economy"*. The NPPF at paragraph 224 indicates that great weight is to be afforded to mineral extraction, noting the contribution that the minerals sector makes to the UK economy. This is of significant note given how the NPPF describes sustainable development in paragraph 8 whereby the economic objective is to help *"build a strong, responsive and competitive economy"* and a social objective seeking to *"support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations"*. Without an adequate supply of minerals, the "homes"(as referred to under paragraph 8 of the NPPF under sustainable development) cannot be built.

4.1.2 The NPPF at paragraph 226 indicates that *"minerals planning authorities should plan for a steady and adequate supply of aggregates"*. A key tool for doing this is the maintenance of landbanks, which for sand and gravel is 7 years.

4.1.3 This places an emphasis on:

- Preparing an LAA to forecast future demand based on 10 years sales data, other relevant information and assessment of supply options;
- Involvement in Aggregates Working Party;
- Taking account of national/sub-national guidelines on future provision;
- Using landbanks to monitor security of supply and additional provisions needed;
- Maintaining a landbank of at least 7 years of sand and gravel; and
- Being aware of issues of large landbanks bound up in very few sites.

4.1.4 There are two important points that flow from paragraph 222:

1. Minerals can only be worked where they are found as set out above in relation to the site's location adjacent to the Chilterns National Landscape (CNL); and
2. The need for this proposal is embodied in the strategy of the OMWCS and policies M2 – M5, which propose and plan for a significant locational shift in supply of sand and gravel from north to south Oxfordshire in the context of achieving a planned year on year supply of this aggregate throughout the plan period.

4.2 Landbank/Productive Capacity Position in Oxfordshire

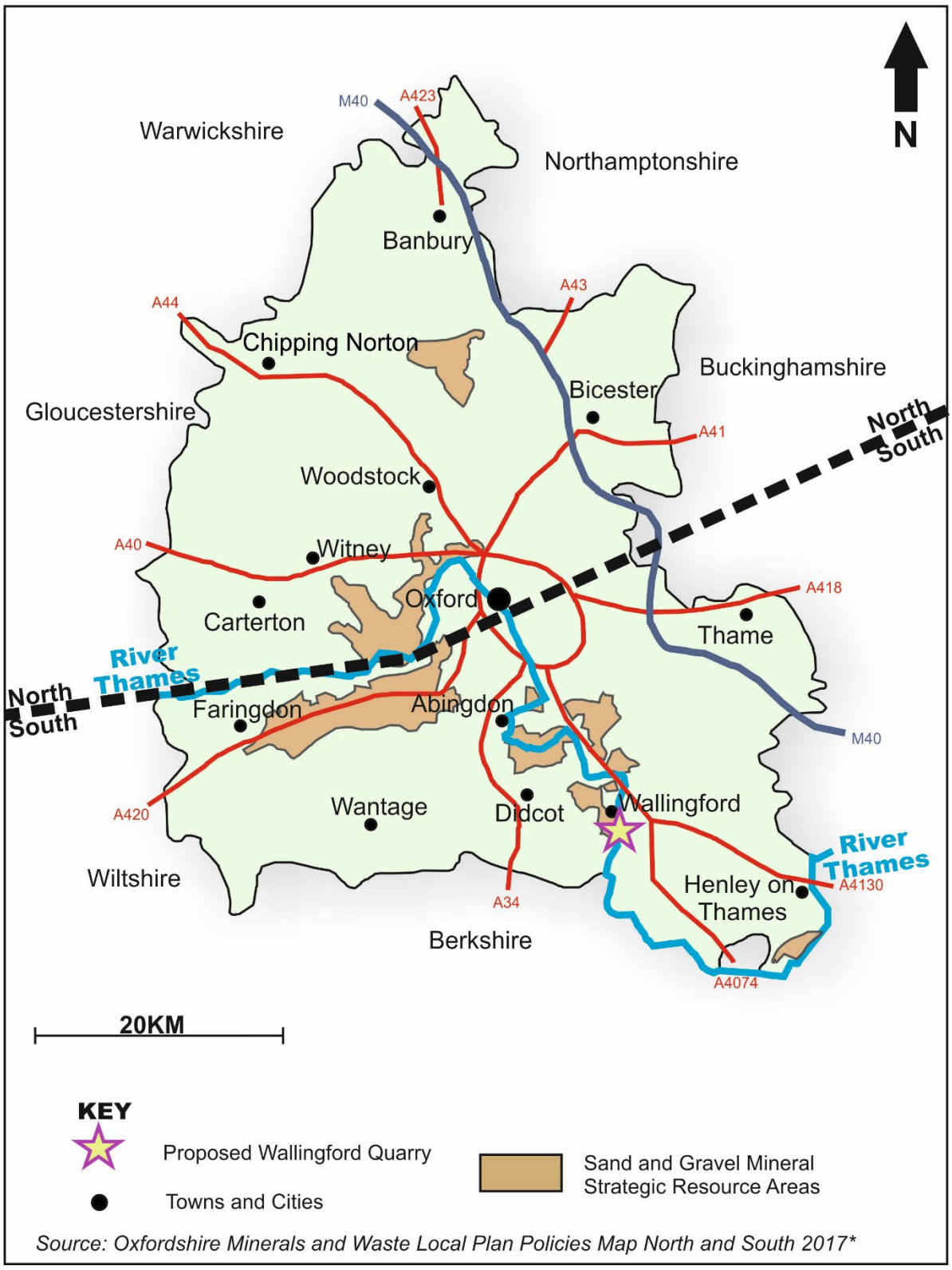
Landbank

4.2.1 The NPPF at paragraph 226 requires Mineral Planning Authorities to maintain a landbank of at least 7 years for sand and gravel.

4.2.2 As stated within the SoCG at paragraph 7.4, *"… in light of no new sand and gravel permissions being granted since the end of 2023, and with a current Annual Provision Rate (APR) of 0.986, it can be estimated that the sand and gravel landbank within Oxfordshire is currently below 7 years".*

4.2.3 Furthermore, it is agreed in the SoCG that the Appeal site is located within the Thames & Lower Thames Valley – Oxford to Cholsey Strategic Resource Area (SRA) which is a principal location for sand and gravel extraction under Policy M3 of the OMWCS. The location of the identified SRA's and the Wallingford site are shown in Figure 4.1 below.

Figure 4.1 – Identified Strategic Resource Areas and Site Location



4.2.4 The Local Aggregate Assessment published in October 2024 (CD12.09) provides the most recently published landbank position for Oxfordshire at 7.693 million tonnes of

Sharp Sand and Gravel reserves at the end of 2023, with an Annual Provision Rate (APR) based on the 3-year landbank of 0.986 million tonnes per annum (mtpa), providing a landbank of 7.8 years. This APR is lower than the APR set by the OMWCS Policy M2 of 1.015mtpa which was originally established by the LAA 2014. Based on the OMWCS APR the landbank for the end of 2023 would equate to 7.58 years.

4.2.5 It is appropriate to calculate an up to date landbank position to understand, more accurately, Oxfordshire's supply. It is agreed that due to the absence of permissions being granted in 2024 and ongoing sales it is likely to have reduced below 7 years during 2024 and continuing forwards. Table 4.1 below calculates the estimated landbank as of 31st December 2024, based on both the LAA APR and the adopted OMWCS APR.

Table 4.1 – Calculated Oxfordshire Sharp Sand and Gravel Landbank as of 31st December 2024

	LAA APR – 0.986mtpa	OMWCS APR – 1.015mtpa
Total permitted reserves as of 31st December 2023	7.693mt	7.693mt
Mineral permitted in 2024	0mt	0mt
Assumed mineral sales in 2024	0.986mt	1.015mt
Calculated permitted reserves as of 31st December 2024	**6.707mt**	**6.678mt**
Calculated Landbank as of 31st December 2024	**6.8 years**	**6.58 years**

4.2.6 In considering other potential applications / permissions which could increase Oxfordshire's Sharp Sand and Gravel landbank, the Committee Report (CD11.02) considered the following applications:

- MW.0027/22 – 12,300 tonnes of sand and gravel to be extracted as part of the Oxford Flood Alleviation Scheme. Resolution to grant permission was made in July 2024, however permission has not formally been issued. Furthermore, it is agreed that this permission would not have a significant impact on the landbank position (paragraph 71 of CD11.02);
- MW.0057/24 – Proposed 1 million tonnes of sand and gravel extension to Gill Mill Quarry was submitted in May 2024 and is currently undetermined;
- MW.0036/24 – Proposed 2.5 million tonnes of sand and gravel extension to

Sonning Quarry was submitted in March 2024 and is currently undetermined.

4.2.7 The application for Sonning Quarry (Ref: MW.0036/24) is currently held in the determination period due to the OCC Landscape Officer taking a similar stance to their proposals as was taken at the Appeal site in relation to assessing impact from the Thames Path and consideration of the Chilterns National Landscape (CD11.1), in addition to a number of other environmental issues. Resultingly, the Appellant understands that the Applicant for the Sonning Quarry proposals intend to await the decision of this Appeal whilst preparing their Regulation 25 response to the request for further information.

4.2.8 The Planning Policy Guidance for Minerals states that low landbanks may be an indicator that suitable application should be permitted as a matter of importance, and goes on at paragraph 84 to make it clear that there is no maximum landbank level and each application for mineral extraction should be considered on its own merits (CD11.02).

4.2.9 The Appeal development would provide for ~550,000 tonnes of sand and gravel, which based on either APR rate of 0.986mt or 1.015mt would add less than one year's additional landbank. However, as demonstrated in Table 4.2 below, the mineral within the Appeal site would be sufficient to temporarily increase the sharp sand and gravel landbank of Oxfordshire to above 7 years.

Table 4.2 – Calculated landbank inclusive of Appeal Site mineral

	LAA APR – 0.986mtpa	OMWCS APR – 1.015mtpa
Calculated permitted reserves as of 31st December 2024	6.707mt	6.678mt
Mineral contained within the Appeal Site	0.55mt	0.55mt
Total reserves inclusive of Appeal Site	7.257mt	7.228mt
Calculated Landbank inclusive of Appeal Site	**7.36 years**	**7.12 years**

4.2.10 Therefore based on the detailed calculations within Table 4.2 above, that the proposed development would enable Oxfordshire County Council to demonstrate a 7-year landbank.

4.2.11 Furthermore, it is my professional opinion that the more important point is that the appeal site will add in excess of 100,000 tonnes of sand and gravel to annual supply. In

that regard, I would point out that maintenance of a 7+ years landbank is not the main objective. It is one element of a number of elements, including determining planning applications positively, that helps ensure an adequate and steady year on year supply of sand and gravel.

Supply and Productive Capacity Position

4.2.12 In terms of supply adequacy there is evidence/policy to confirm what this amount is. The adopted OMWLP 2017 plans for a supply of 1.015 mt of sharp sand and gravel per annum, throughout the plan period 2014-2031 – see Policy M2. In other words, the MPA is planning to supply this amount of sharp sand and gravel every year for 18 years. The LAA 2024 contains evidence that confirms that the MPA – despite its "adequate" landbank – has failed to achieve this level of supply for most of the period 2014 to 2023 (see Table 3.1). Indeed, it has failed to the extent that the latest LAA 2024, confirms a reduced annual provision rate (i.e. reduced from the 1.015 mtpa in the OMWCS policy M2) of 0.986 mtpa, which I presume is based on the failure to meet the 1.015 mtpa figure for most of the previous 10 years (i.e. the 10 years sales data).

4.2.13 Whichever of these figures is taken it remains the case that the latest LAA 2024 contains evidence to confirm that the MPA continues to under supply sand and gravel, which, in my opinion gives considerable planning weight to the need for the appeal site to be permitted to rapidly add 100,000 tonnes plus per annum for 5 years to the annual supply of sharp sand and gravel.

4.2.14 Sharp sand and gravel sales for 2023 were 0.877 mt – 138,000 tonnes below the OMWCS figure of 1.015 mtpa and 109,000 tonnes below the suggested "annual provision rate" of 0.986 mtpa.

4.2.15 The 10 years sales average of sharp sand and gravel (confirmed at para 3.12 of the LAA 2024) is 0.839 mtpa – 176,000 tonnes below the OMWCS figure and 147,000 tonnes below the suggested "annual provision rate".

4.2.16 Given that there is evidence in the Council's own LAA 2024 that the MPA is consistently undersupplying sharp sand and gravel by between 109,000 and 176,000 tonnes per annum, it is my professional opinion that significant planning weight should be given to the additional 100,000+ tonnes of sharp sand and gravel that the appeal site could rapidly contribute to the Oxfordshire supply system. In that regard, I would point out that a small-scale, short-term operation as set out in the appeal proposals can be

delivered more quickly than a large-scale site as it will require much less lead time and infrastructure delivery.

4.2.17 In my opinion, another reason for giving significant planning weight to the additional supply from the appeal site is the fact that it will make its 5 years 100,000+ tonnes sharp sand and gravel contribution from a SRA in the Themes Valley, identified by Policy M3 of the OMWCS and will thus contribute positively to the policy requirement in Policy M3 to "shift" the emphasis of sharp sand and gravel supply from north Oxfordshire to south Oxfordshire. In that regard, it is notable that the LAA 2024, when discussing evidence on sharp sand and gravel supply makes no reference to this clear, locationally critical supply strategy contained in the adopted/extant OMWCS. It is surprising that a document that is annually assessing local aggregate supply in Oxfordshire is apparently overlooking a clear thrust of sharp sand and gravel supply policy. In my opinion, having regard to policy M3 in combination with the clear overall annual shortfalls in sharp sand and gravel supply, significant positive weight should be given to the appeal proposals in relation to increasing supply from this SRA located in south Oxfordshire, particularly as the SOCG confirms that "a significant proportion of the sand and gravel landbank is contained in one site (Gill Mill), which has a large reserve…" which is located in north Oxfordshire. It is notable that permitting the current planning application for 1 million tonnes of sand and gravel in a potential extension to Gill Mill, would add to the land bank and supply from north Oxfordshire however it would not increase the lifetime of the site which is currently permitted to 2040. Also, as the Gill Mill proposals is an extension to a site that is already contributing to supply it is unlikely to add to the overall supply of sharp sand and gravel in Oxfordshire. By contrast, the granting of planning permission for the appeal site would increase the landbank and, more particularly, increase overall sharp sand and gravel supply in the county with aggregate extracted and supplied from south Oxfordshire, in full accordance with policy M3 (as well as policy M2 and M5).

4.2.18 Gill Mill works at an annual output rate of 450,000tpa which as stated as paragraph 4.1.9 of the Planning Statement for the extension application, is controlled / restricted by the capacity of the existing plant. Therefore, whilst it is the largest sand and gravel quarry in the county, it could not increase its output further to make up the shortfall of 109,000-176,000 tpa identified within the LAA. The shortfall in annual supply means Oxfordshire is falling into the problems that paragraph 226 of the NPPF (Items f and g) advise against – i.e an inadequate size of landbank, in this case relative to the locational supply shift from north to south Oxfordshire sought by policy M3 and a large

proportion of the sharp sand and gravel landbank bound up in Gill Mill Quarry in north Oxfordshire, which is at full output capacity and supplying over 50% of all sharp sand and gravel in the county. That makeup of landbank and pattern of supply does not currently accord with the policies and strategy contained in the OMWCS.

4.2.19 It is my opinion that Oxfordshire needs to permit additional sand and gravel quarrying in order to maintain a steady and adequate supply of this aggregate mineral (see para 226 of the NPPF 2024). The evidence to further support this (besides the points made above) is that para 8.2 of the LAA 2024 indicates that there is a remaining requirement to permit a further 2.649 million tonnes of sharp sand and gravel reserves to meet the adopted OMWCS requirement of delivering 18.27 mt of sand and gravel supply over the period 2014-2031. In my judgment, significant planning weight should therefore be given to the positive effect of permitting the appeal proposals which would deliver 500,000+ tonnes of additional supply in the remaining plan period 2025-2031. Importantly, the appeal site would not simply give the vanity of an improved landbank figure but would practically deliver 500,000 tonnes of additional supply which is needed at a time of rising potential demand for aggregate in this locality.

4.2.20 The LAA 2024 confirms an increase in the 3 years sales average of sharp sand and gravel, which suggests increasing demand. The SoCG at paras 7.7-7.9 confirm increasing demand for these aggregate minerals to supply substantial amounts of housing and infrastructure construction.

4.2.21 Housing and infrastructure delivery are key aspects of Government policy. Such delivery will require a steady and adequate supply of sharp sand and gravel. The adopted policies/strategy of the OMWCS require a shift in supply emphasis from north to south Oxfordshire in maintaining a steady and adequate supply of sharp sand and gravel for the construction industry. To plan for this and to locate supply sites in suitable locations, with good mineral resources, the OMWCS identifies SRA's for aggregate delivery in the period 2014-2031. The appeal site is located within an SRA in south Oxfordshire and will contribute positively by supplying an additional 100,000+ tonnes per annum for the remainder of the plan period at a time of increasing demand and against a background of significant housing and infrastructure delivery. In my opinion, considerable planning weight should be given to these factors.

4.2.22 The SOCG at para 5.7 confirms that a Part 2 Site Allocations document has not been produced since the adoption of the OMWCS. The Council is now looking to prepare a new Part 1 and 2 MWLP. There is no clear timeline on this. Therefore, in the absence

of any specific site allocations the Council is reliant on maintaining adequate sharp sand and gravel supply through the determination of planning applications having regard to the strategy and requirements of policies M2, M3 and M5 of the OMWCS (and other related elements of this plan). The appeal site accords with the strategy contained in these policies and particularly in terms of contributing positively to the maintenance of supply (in the context of persistent undersupply) from an identified SRA in south Oxfordshire, thus contributing positively to the adopted strategy of shifting supply of sharp sand and gravel from north to south Oxfordshire.

4.3 Housing Need

4.3.1 The National Planning Policy Framework was updated in December 2024, alongside which an updated standard methodology for calculating housing need was published (CD12.13). Under the previous methodology South Oxfordshire had an annual housing completion requirement of 579 dwellings per annum (dpa). Under the new adopted approach, this has been increased to 1,242 dpa. In addition, the bullet points below identify the updated housing requirement for the neighbouring authorities:

- Oxford – 762 dpa to 1,087 dpa;
- Cherwell – 706 dpa to 1,118 dpa;
- Buckinghamshire – 2,912 dpa to 4,319 dpa;
- Wokingham – 748 dpa to 1,336 dpa;
- Reading – 878 dpa to 1,028 dpa;
- West Berkshire – 495 dpa to 1,070 dpa;
- Vale of White Horse – 633 dpa to 949 dpa; and,
- West Oxfordshire – 549 dpa to 905 dpa.

4.3.2 This increase in housing targets for South Oxfordshire and its neighbouring authorities that in turn will result in an increase to the mineral requirement for Oxfordshire.

4.4 Conclusions

4.4.1 In summary therefore based on the evidence that I have presented above, I conclude the following:

1. There is a shortfall in sand and gravel supply in Oxfordshire;

2. This appeal proposal meets that immediate need;
3. The appeal site is located within an SRA in south Oxfordshire and will contribute positively by supplying an additional 100,000+ tonnes per annum for the remainder of the plan period at a time of increasing demand and against a background of significant housing and infrastructure delivery;
4. In the absence of any specific site allocations the Council is reliant on maintaining adequate sharp sand and gravel supply through the determination of planning applications having regard to the strategy and requirements of policies M2, M3 and M5 of the OMWCS (and other related elements of this plan); and
5. The appeal site accords with the strategy contained in these policies and particularly in terms of contributing positively to the maintenance of supply (in the context of persistent undersupply) from an identified SRA in south Oxfordshire, thus contributing positively to the adopted strategy of shifting supply of sharp sand and gravel from north to south Oxfordshire.

4.4.2 These factors combine to show a compelling case on need for the appeal site now.

5 The Need for Inert Waste Disposal

5.1 Introduction

5.1.1 To restore the site and help create restoration formation levels, the Appellant is proposing to import approximately 280,000 cubic metres of inert material. The imported inert material would consist of clean excavated materials consisting of clays, overburden and soil making material.

5.1.2 The Appellant London Rock Supplies Ltd have over 20 years of experience with the removal and management of inert waste.

5.1.3 The Environment Agency define Inert Waste as "waste that does not undergo any significant physical, chemical or biological transformations. Inert waste will not dissolve, burn or otherwise physically or chemically react, biodegrade or adversely affect other matter that it comes into contact with, in a way likely to cause environmental pollution or harm to human health."[1]

5.1.4 In 2019, the Minerals Products Association published 'From waste to resource a UK Mineral Products industry success story'[2]. The following Key Facts are published within the report based on 2014 data which was most recently available:

- 120MT of Construction, Demolition and Excavation Waste (CDEW) is produced in the UK in a typical year, of which 12MT represents navigational dredging spoil disposed offshore and hazardous waste. From the remaining balance of 108MT;
- 76% of all Construction, Demolition and Excavation Waste is currently recycled or recovered in the 'chain of utility' and directly contributes to the Circular Economy;
- 90% of hard Construction & Demolition Waste (CDW) is recycled as aggregates. Together with a further 9MT of recycled soft Excavation Waste (EW), this contributes 60MT to the construction materials supply chain;
- 57% of soft Excavation Waste (EW) is beneficially used, mainly in backfilling operations to restore land, often following mineral extraction; and,
- Only 26MT of the remaining Construction, Demolition and Excavation Waste (CDEW) waste stream is actually sent for disposal, of which a proportion is likely to be used beneficially.

[1] https://www.gov.uk/guidance/landfill-operators-environmental-permits/landfills-for-inert-waste
[2] https://www.mineralproducts.org/MPA/media/root/Publications/2019/MPA_Inert_Waste_Feb2019.pdf

5.1.5 EW plays an important role in the delivery of quarry restoration. Once separated from the CDEW waste stream, EW can be recycled into soils for use on the site of production, transferred to another site or as a product in its own right. MPA Members who produce recycled and secondary aggregates will, wherever possible, recover EW alongside these processes. 17.5% of EW is currently recovered for other uses, excluding backfilling.[3]

5.1.6 One of the most significant end-uses of EW is in the phased restoration of mineral workings once extraction activities have ended. Mineral excavation is a temporary land use, with site restoration a critical element to ensure that land is available for restoration to future generations. In many cases, site restoration can result in the delivery of valuable new habitats, contributing towards national biodiversity targets and wider 'net gain' ambitions.

5.1.7 Defra data indicates that 39.3% of all EW is currently recovered for use as backfill. Consequently, the mineral products sector represents a significant end-user of EW, activity which generates substantial benefits by returning land previously subject to mineral extraction back to beneficial and productive use..

5.2 Policy Context

5.2.1 Oxfordshire's waste management targets are set out within Policy W2 of the OMWCS (CD12.01), which seeks for provision to be made for capacity to manage principal waste streams for maximum diversion of waste from landfill across the plan period of 2016-2031. With regard to construction, demolition and excavation waste, a target of 25% to permanent deposit other than for landfill is set.

5.2.2 In relation to the deposit of inert waste, Policy W6 states the following:

"Provision for the permanent deposit to land or disposal to landfill of inert waste which cannot be recycled will be made at existing facilities and in sites that will be allocated in the Minerals and Waste Local Plan: Part 2 – Site Allocations Document. Provision will be made for sites with capacity sufficient for Oxfordshire to be net-self-sufficient in the management of inert waste.

Priority will be given to the use of inert waste that cannot be recycled as infill material to achieve the satisfactory restoration and after use of active or unrestored quarries. Permission will not otherwise be granted for development that involves the permanent

[3] https://www.mineralproducts.org/MPA/media/root/Publications/2019/MPA_Inert_Waste_Feb2019.pdf

deposit or disposal of inert waste on land unless there would be overall environmental benefit."

5.2.3 Further general points made within the policy wording include:

"Proposals for landfill sites shall meet the requirements of policies C1 – C12.

Landfill sites shall be restored in accordance with the requirements of policy M10 for restoration of mineral workings."

5.3 Restoration Scheme

5.3.1 In order to achieve the restored landform, the importation of restoration materials is required as there is insufficient quarry material to achieve this and provide a preferred final landform. To achieve a satisfactory standard of reclamation, it is necessary to import a quantity of suitable material. In addition to being the minimum necessary to achieve the restoration objectives, the volumes proposed for importation are considered to be available and are based on discussions and interest shown from earthworks contractors operating within the surrounding area.

5.3.2 An Environmental Permit will need to be secured from the EA for the importation of inert waste.

5.3.3 The restoration proposals include re-creation of low level floodplain land within the eastern extraction area for a range of diverse UK and Oxfordshire BAP habitats (such as reedbeds, marshland and floodplain grazing marsh). The larger western extraction area and plant site area will be restored to mainly agricultural land with hedgerows, using soils stored in landscaping bunds, following backfilling with imported inert materials to raise the levels of the land back to original levels.

5.4 Need for Inert Waste Capacity within Oxfordshire

5.4.1 It is agreed within the SoCG that the proposed development provides for capacity to manage 280,000 cubic metres of inert waste (construction, demolition and excavation waste - CDEW) within Oxfordshire.

5.4.2 The latest published data regarding the inert waste was produced by the Environment Agency in September 2024. This included the '2023 Remaining Landfill Capacity'; '2023 Waste Data Interrogator – Waste Received'; and 'Waste Management 2023 in South East'.

5.4.3 It is noted that the landfill capacity is reported in cubic metres (m^3) and the waste received in tonnes (t). For analysis of the data, a conversion has been applied, which based on knowledge of the industry and experience at other quarry sites operating a similar extraction and backfill operation is 1.3t per m^3. Based on this, the Appeal site provides for a capacity of 280,000m^3 / 364,000t.

5.4.4 The remaining landfill capacity in Oxfordshire as of the end of 2023 totalled 2,059,000m^3 equating to 2,676,817t. This was split between seven sites identified in table 5.1 below.

Table 5.1 – Remaining Landfill Capacity at end of 2023 (EA Waste Data)

Site Name	Capacity (m^3)	Capacity (tonnes)
Upwood Quarry	225,000	292,500
Shellingford Quarry Landfill	538,484	700,029
Ewelme No 2 Landfill	101,768	132,298
Mckenna Environmental Limited	90,407	117,529
Shipton Quarry	894,366	1,162,675
Blenheim Palace	35,472	46,113
Hatford Quarry	173,593	225,670
TOTAL	**2,059,090**	**2,676,814**

5.4.5 The EA data for Waste Received in Oxfordshire identified 744,882t of construction, demolition and excavation waste was received by the sites listed above for the purpose of L05 – Inert Landfill. This follows 2022 figure of 832,000t and 2021 figure of 536,000t. A 3-year average provides a figure of 704,294t, which if applied to Table 5.1, suggest a remaining landfill capacity of **~3.8 years**, through to a date of **2027**. Further consideration is provided below, and within Table 5.2.

5.4.6 The capacity of 2,059,090m^3 is the lowest inert landfill capacity Oxfordshire have held since 2008. Throughout the period of 2009-2018, Oxfordshire maintained a capacity between 3,570,000m^3 and 4,713,000m^3, however in recent years they have been unable to replenish capacity quicker than it has been consumed.

Productive Capacity

5.4.7 With regard to productive capacity of landfill sites within Oxfordshire, Table 5.2 below identifies the waste received to each individual site listed in Table 5.1 above. It

demonstrates that a large proportion of annual capacity is controlled by two sites – Shipton Quarry and Blenheim Palace receiving 250,367t and 219,727t respectively. Blenheim Palace had approximately 0.2 years of capacity remaining at the end of 2023, therefore it is assumed that this has been exhausted in 2024 and the productive capacity of the site lost. The 219,727t received to the site equates to ~30% (1/3) of the total productive annual capacity of Oxfordshire.

Table 5.2 – Waste Received at each Inert Landfill Site (EA Waste Data)

Site Name	Capacity (tonnes) at end of 2023	Waste Received 2023 (tonnes)	Years of Capacity remaining at 2023 rate	Adjusted to capacity remaining at 30th June 2025 (at 2023 rate)
Upwood Quarry	292,500	21,029	13.9	12.4
Shellingford Quarry Landfill	700,029	141,516	4.9	3.4
Ewelme No 2 Landfill	132,298	279	N/A[4]	N/A[5]
Mckenna Environmental Limited	117,529	35,557	3.3	1.8
Shipton Quarry	1,162,675	250,367	4.6	3.1
Blenheim Palace	46,113	219,727	0.2	0
Hatford Quarry	225,670	76,407	3.0	1.5
TOTAL	**2,676,814**	**744,882**	**3.59**	**2.09**

5.4.8 If other sites were to pick up the loss of productive capacity they would see their remaining capacity depleted at an even quicker rate, reducing the number of available sites across the authority area. The lack of productive capacity and spread of locations would see the need for inert waste to be transported to facilities outside of the authority area, which is against the principles of net self-sufficiency.

Future Capacity – Committed and Proposed

5.4.9 To understand the future capacity for Oxfordshire, a review of planning permissions and applications from the recent three years have been undertaken providing an overview of potential capacity following the latest published data.

[4] Not calculated due to negligible waste received in 2023
[5] Not calculated due to negligible waste received in 2023

5.4.10 The following are a list of granted permissions providing inert waste capacity:

- MW.0108/24 – Castle Barn Quarry (Approved - 07/01/2025)
    - 118,000m^3 – Infilling operation was previously approved, however the timeframe was required to be extended as infilling operations had not yet taken place. 3 year infilling programme.
- MW.0101/24 – Woodeaton Quarry (Approved - 21/10/2024)
    - Permission for altered restoration scheme in relation to a proposed farm track and altered planting. The application stated inert placement for restoration would be completed in 2025. The use of inert fill initially permitted by reference MW.0015/12 allowing for 340,000m^3 of material for restoration purposes.
- MW.0024/24 – Sutton Wick Quarry (Approved - 12/03/2025)
    - Permission granted an extension of time to complete the infilling operations until 1st March 2026. The scheme required a total of 140,000m^3 of inert fill material.
- MW.0165/23 – Gill Mill Quarry (Approved – 29/01/2025)
    - Planning Permission MW.0050/13 (approved 15/06/2015) allowed for the extraction of sand and gravel and the importation of ~1.25m m^3 of inert fill for use in restoration of 8 of the 14 phases. Extraction to take place over 23 years with a further 4 years to complete restoration.
    - No aspects of the MW.0165/23 permission alter the use of inert fill material.
- MW.0049/23 – Dewars Farm (Approved – 07/05/2025)
    - Permission for 3.6 million tonnes of limestone extraction and restoration using 1.3 million m^3 of inert material. Total extraction timeline of 8 years and 12 year time period for development allowing for site preparation and restoration. A timescale specific to the importation of the inert fill is not provided.
    - Condition 3 of the permission allows for up to 10 years for mineral extraction and a further 5 for importation of inert fill following cessation of mineral extraction.

5.4.11 From the permissions listed above, Woodeaton Quarry and Sutton Wick Quarry do not contribute to long term capacity, with operations being completed in less than 12 months. Likewise, Castle Barn Quarry provides productive capacity for a short 3 year time scale as well as a small void space overall at only 118,000m^3.

5.4.12 Both Gill Mill Quarry and Dewars Farm provide for the largest capacity, however the timescale regarding the delivery of capacity at Gill Mill Quarry is unclear as permission for inert fill was granted over 10 years ago and the EA Waste Data Interrogator suggests the void space is not operational. Dewars Farm, however is a recent permission which will provide capacity over the forthcoming 8-12 years.

5.4.13 On the premise that all three of Castle Barn Quarry, Gill Mill Quarry and Dewars Farm provide for void capacity, they will not replace entirely the productive capacity which shall be lost from the number of sites which will be complete, as identified in table 5.2 above.

5.4.14 It is demonstrated through the EA Waste Data that a large number of sites are required for the Authority to maintain a sufficient productive capacity within the region.

5.4.15 In addition to the above, the following applications have the potential to provide inert waste capacity, however are undetermined at present:

- MW.002/25 & MW.003/25 – Shipton Quarry
    - Extension of time of 18 months to complete operations, no further capacity to be provided. Existing cessation date set at 12th February 2025. Completion therefore expected by 12th August 2026 subject to planning permission.
- MW.0063/24 – Wroxton Quarry
    - Application for further mineral extraction, and restoration of phases 5, 6 and 2b utilising inert fill material. A total of 925,000m^3 of inert fill material is required to facilitate the proposed scheme, at a rate of 60-80ktpa over an ~11 year period.
- MW.0037/24 – Tubworth Quarry
    - Proposal for mineral extraction at a rate of 60,000tpa over ~15 years, with restoration utilising 420,000m^3 of imported inert fill with a total scheme lifetime of 18 years.

- No specific timescale / rate of importation is provided within the application documents, but due to the phased approach and small amount of total inert fill material required, annual rate is assumed to be low to reflect this.

- MW.0006/23 & MW.0007/23 – Great Tew Limestone Quarry
  - Two applications to amending a variety of aspects across the quarry development, including for the deposition of 5,000tpa across the life of development which is permitted until 31st December 2037.
- MW.0157/22 – Whitehill Quarry
  - Proposed development for extension of limestone quarry and restoration utilizing inert fill material.
  - Importation of 50,000tpa of restoration material to a total of 425,000m^3. The importation of the inert material will take place 5 years into the development.

5.4.16 Of the applications listed above, Wroxton Quarry has the potential for the largest contribution to inert capacity at 925,000m^3 over an 11 year period. Whilst Great Tew Limestone Quarry has potential for providing capacity through to 2037, this is at a very low rate of only 5,000tpa. Furthermore, whilst Tubworth Quarry and Whitehill Quarry have scope to provide 420,000m^3 and 425,000m^3 of inert waste capacity, the timescale for delivery and productive capacity is not clear from the applications. It is understood that productive capacity will be intrinsically linked to the void space available on the phased working basis.

Capacity Conclusion

5.4.17 It has been demonstrated through data published by the Environment Agency, that Oxfordshire has a high demand for inert waste capacity annually, but an insufficient available void capacity to meet the needs within only a few years.

5.4.18 Table 5.1 identifies seven sites which actively received inert waste in 2023. It also identifies that there is limited void space remaining within many of the sites, one of which (Blenheim Palace) had less than a years capacity remaining at the end of 2023, but accounted for ~1/3 of all productive capacity for Oxfordshire.

5.4.19 It is important that Oxfordshire replenish its inert waste capacity in order to maintain its productive capacity, and whilst a number of sites are identified through approved

permissions and undetermined planning applications, these largely include for low productive capacity or overall small void space. Furthermore, the EA Waste Data identified that the void capacity at the end of 2023 was the lowest it has been since 2008, with capacity being maintained at between 3,570,000m^3 and 4,713,000m^3 between 2009-2018. Therefore, it is imperative that Oxfordshire seek to increase its inert void space and maintain a productive capacity.

5.4.20 Utilising the Appeal site for inert backfill would therefore be policy compliant in aiding the county to becoming net self-sufficient in management of its principal waste streams, and in assisting the county in meeting its OMWCS 25% target through the Plan period for diverting construction, demolition and excavation waste to permanent deposit of inert waste other than for disposal to landfill (Policy W2).

5.4.21 It is agreed within the SoCG that the proposed use of inert waste that cannot be recycled as infill material to achieve satisfactory restoration of quarries is policy compliant (W6). The inert waste will be utilised to achieve appropriate restoration of best and most versatile land.

5.5 Major Projects and Future Demand

5.5.1 As set out in paragraphs 4.3.1 and 4.3.2 above, there is a significant increase to the number of homes required within South Oxfordshire, and the surrounding authorities following the recent publication of revised Standard Methodology on 12th December 2024. South Oxfordshire themselves seeing annual delivery requirement more than double from 579 to 1,242 dwellings per annum.

5.5.2 The latest Local Aggregate Assessment (CD12.09) published in October 2024 provides a list of major infrastructure projects and key developments within the county which could influence aggregate demand but also the need for waste capacity. These include:

- Allocated sites within the current District Local Plans;
- Housing Infrastructure Funded Projects – HIF1 in Didcot and HIF2 on the A40;
- HS2;
- Highway works throughout Oxfordshire;
- National Infrastructure Delivery Plan;
- East West Rail;

- Oxfordshire Housing and Growth Deal - £60m for affordable housing, £150m for infrastructure improvements (rail and road), supporting the ambition of building 100,000 new homes across Oxfordshire between 2011 and 2031 to address the county's severe housing shortage and expected economic growth;
- Oxfordshire Rail Corridor Study – proposed new and improved railway stations;
- Oxfordshire Knowledge Spine; and,
- Science Vale Area.

5.5.3 The proximity of the Appeal site to planned development is explored below.

5.6 Locational and Sustainability Benefits

5.6.1 A further key consideration is the number of proposed and permitted large-scale schemes discussed above, in close proximity to the Appeal Site. Large quantities of inert waste would arise from these large-scale schemes and the potential transport to and use of this material in the restoration scheme, aligns with the ethos of achieving sustainable development.

5.6.2 The Appeal site is located immediately south of the settlement of Wallingford and ~6.7km east of Didcot within South Oxfordshire, and ~13.5km south east of the town of Abingdon-on-Thames within the Vale of White Horse District Council.

5.6.3 The Emerging Joint Local Plan 2041 of South Oxfordshire and Vale of White Horse (CD12.05) includes a settlement hierarchy for development throughout the plan period (Policy SP2). The main focus for development within the two authority areas are listed as Tier 1 settlements, and these include: Abingdon-on-Thames, Didcot and Wallingford.

5.6.4 There are a number of allocated housing sites in close proximity to the Appeal site located within / adjacent to the settlements of Abingdon-on-Thames, Didcot and Wallingford (total of 12,397 dwellings - it is acknowledged that a number of the developments are currently under construction), that will require a level of waste management. It is also noted that in addition to the allocated sites, the Emerging Plan which predates the recent revised Standard Methodology, does not plan for a sufficient number of dwellings per annum. Policy HOU1 states a requirement for 909dpa between 2021/22-2035/36 in South Oxfordshire, decreasing to 579dpa between 2036/37 and 2040/41; and a requirement for 816dpa in Vale of White Horse between 2021/22-2035/36, decreasing to 633dpa between 2031/32 and 2040/41. This is lower

than the 1,242dpa and 949dpa assigned to each authority respectively as part of the new Standard Methodology. Therefore, there will be a need for further planned development in the authority areas.

5.6.5 The Appellant is confident that market demand, growth projects in the area, increased housing demand would support the need for inert void at the Appeal site over and above that permitted for the life of the site. Given the above, the restoration scheme with the importation of ~280,000 cubic metres is deliverable.

5.7 Conclusions

5.7.1 The importation of inert materials as part of the restoration of the site will allow for re-creation of low level floodplain land within the eastern extraction area for a range of diverse UK and Oxfordshire BAP habitats (such as reedbeds, marshland and floodplain grazing marsh). It shall also allow for the reinstation of agricultural land to the west.

5.7.2 A review of the current supply and demand for inert waste capacity in Oxfordshire has been undertake using the Environment Agency Waste Data, which demonstrates that as of the end of 2023, Oxfordshire's void capacity (2,059,090m^3) was at its lowest point since 2008, and much lower than the capacity maintained between 2009-2018 maintained at between 3,570,000m^3 and 4,713,000m^3.

5.7.3 Furthermore, ~1/3 of the productive capacity is understood to have been lost in early 2024 following the completion of Blenheim Palace site, and with limited void space remaining at the other active sites, this productive capacity must be met elsewhere.

5.7.4 A number of approved permissions and undetermined applications, however these largely include for low productive capacity or overall small void space. In order to maintain the productive capacity required, or increase the void space capacity sufficiently, further permissions are required. The Appeal site has the capability of aiding this with 280,000m^3 of void space.

5.7.5 Looking at future demand, the LAA includes for a list of major projects which will require both mineral and waste management operations. Additionally, the revised Standard Methodology which was published in December 2024 resulted in a significant increase in housing demand across the region in comparison to the previous methodology. South Oxfordshire, the district authority for which the Appeal site is located, saw an increase from 579 to 1,242 dwellings per annum required.

5.7.6 Finally, the location of the Appeal site has sustainability benefits, with allocations included within both the adopted and emerging Local Plans totalling 12,397 dwellings across settlements within 13.5km of the Appeal Site.

5.7.7 I submit that significant planning weight be given to the benefits of the Appeal scheme to providing capacity for inert waste within Oxfordshire in a location with locational and sustainability benefits.

6 Landscape and Visual Planning Policy Considerations

6.1.1 Whilst I leave it to Mr Furber's evidence to undertake assessment of landscape and visual matters, I shall provide judgement of policy compliance in the context of the development plan and the weight of any compliance or non-compliance to be afforded in the planning balance.

6.1.2 The two Development Plan policies cited in the reason for refusal were Policy C8 of the Oxfordshire Minerals and Waste Local Plan – Part 1 Core Strategy (CD12.01), and Policy ENV1 of the South Oxfordshire Local Plan 2035 (CD12.03). In addition to these two policies, the Council's Statement of Case makes reference to the emerging South Oxfordshire and Vale of White Horse Joint Local Plan 2041 (CD12.05) policies NH4, NH6 and NH7; Cholsey Neighbourhood Plan (CD12.04) policies E1 and E3; and Chilterns AONB Management Plan (CD12.06) policy DP3 and DP4.

6.2 Oxfordshire Minerals and Waste Local Plan – Part 1 Core Strategy & South Oxfordshire Local Plan 2035

6.2.1 Both Policy C8 of the OMWCS and Policy ENV1 of the SOLP have been considered in detail by Mr Furber in his Landscape Proof of Evidence at Section 9. I endorse the judgement of Mr Furber in respect of applying the principles of these policies to the proposed development at the Appeal site.

6.2.2 In summary, with regard to Policy C8, the Appeal scheme is demonstrated to respect and enhance where possible the landscape character through a number of means, such as: location of plant site and vehicle movements away from the River Thames, phased working and restoration, minimising time for disturbed land and implementation of screening. Long term landscape enhancements are demonstrated, including: strengthening planting, new planting, a restoration scheme delivering biodiversity net gain, introduction of permissive paths and replacement of dilapidated barn.

6.2.3 Mr Furber, in his evidence at Section 9, has produced a table detailing compliance of the Appeal Scheme with Policy ENV1.

6.3 South Oxfordshire and Vale of White Horse Joint Local Plan 2041 (Emerging Plan)

Policy NH4 – Chilterns and North Wessex Downs National Landscape

6.3.1 Policy NH4 consists of five elements, however only three of the elements are relevant to the Appeal scheme – 1, 4 and 5.

6.3.2 Point 1 states that *"Great weight will be given to conserving and enhancing the landscape and scenic beauty of the Chilterns and North Wessex Downs National Landscapes."* Similarly, Point 4 requires *"Development within the setting of a National Landscape must be sensitively located and designed to avoid or minimise adverse impacts on the National Landscape."*

6.3.3 With regard to the principle of Points 1 & 4, Mr Furber's Proof of Evidence details the impacts and enhancements of the proposed development to the landscape character, making explicit reference to the CNL, in response to Policy C8 and ENV1. These aspects are equally relevant in demonstrating accordance with the aspects of emerging Policy NH4.

6.3.4 Point 5 requires development which could affect a National Landscape to be accompanied by a proportionate Landscape and Visual Impact Assessment (LVIA). A full LVIA was submitted with the original planning application (CD1.16), as well as additional landscape assessment in response to the 1st Regulation 25 Request in 2022 (CD3.05-09).

Policy NH6 – Landscape

6.3.5 Point 1 of the emerging policy reflects Point 5 of Policy NH4, requiring an appropriate level of landscape and visual impact assessment to accompany planning applications. A full LVIA was submitted with the original planning application (CD1.16), as well as additional landscape assessment in response to the 1st Regulation 25 Request in 2022 (CD3.05-09).

6.3.6 Point 2 contains four criteria – *"Development must appropriately respond to its setting by:*

a) *Responding to landscape character (as defined in a Joint South Oxfordshire and Vale of White Horse Landscape Character Assessment, National Character Areas and associated profiles and other relevant Landscape Character Assessments in neighbourhood plans);*

b) being physically sensitive to and visually integrated into the landscape;

c) preserving settlement character and setting; and

d) maintaining the physical and visual separation between settlements, with consideration given to cumulative impacts with other existing or proposed development."

6.3.7 These are addressed in turn below.

a) In respect to the proposed development's potential impact and mitigation / enhancement of landscape character, I refer to Mr Furber's evidence at paragraphs 9.4, 9.5 and 9.6;

b) In-built mitigation measures were incorporated into the scheme design. Again I refer to Mr Furber's evidence at paragraphs 9.4, 9.5 and 9.6;

c) The application was accompanied by a proportionate LVIA. The setting of the CNL and its special qualities, and the immediate site setting would not be materially affected by the Proposed Development; and,

d) The Appeal site is physically detached from settlement boundaries, whilst being an enclosed site through the nature of boundary vegetation and topography, therefore the proposed development will maintain the physical and visual separation between settlements.

6.3.8 Point 3 contains eight criteria for which *"Development will only be permitted where it protects and, where possible, enhances the features and functions that contribute to the nature and quality of the landscape, in particular:*

a) *trees (including individual trees, groups of trees and woodlands), hedgerows and field boundaries;*

b) *irreplaceable habitats such as ancient woodland and aged or veteran trees found outside ancient woodland;*

c) *the landscapes, waterscapes, cultural heritage and user enjoyment of the River Thames, its tributaries and flood plains;*

d) *other watercourses and waterbodies, including globally rare chalk streams;*

e) *topographical features;*

f) *areas or features of cultural and historic value, including historic landscape patterns;*

g) *good quality views and visually sensitive skylines, including the Oxford View Conesa and their backdrops / settings; and*

h) *aesthetic and perceptual factors such as tranquillity, wildness, intactness, rarity and enclosure.*

6.3.9 The criteria are reflective of that listed within Policy ENV1 of the SOLP. Therefore, I refer to the table at paragraph 9.7 of Mr Furber's Landscape Proof of Evidence.

6.3.10 Finally, point 4 requires, where appropriate, development proposals to enhance and restore damaged and/or poor quality landscapes, features and functions. Enhancements delivered by the development are detailed in Mr Furber's evidence at paragraphs 9.4.

Policy NH7 – Tranquillity

6.3.11 Policy NH7 seeks to ensure development proposals conserve and enhance tranquillity, making reference to the User Guidance in the Tranquillity Assessment which accompanies the emerging Joint Local Plan.

6.3.12 The Tranquillity Mapping associated with the Tranquillity Assessment has been reviewed by Mr Furber in his evidence at paragraphs 2.11 – 2.12. The mapping identifies the overwhelming majority of the Site as being located within an area of lower than average tranquillity. The northern end of the Site closest to the A4130, including the area of the proposed temporary plant site, is located in the least tranquil category. The majority of the remainder of the Site is located in the next lowest category of tranquillity with only very limited areas to the southwest and southeast of the Site recording average tranquillity (level 3 on the 5 point scale).

6.3.13 The Study Area beyond the Site follows a pattern of the least tranquillity associated with settlements, major road corridors and other elements including the solar farm and the New Barn quarry to the west of the Site. The areas of greatest tranquillity within the wider study area, include parts of the landscape around the village of North Stoke to the south of the Site and parts of the chalk escarpment near the Ridgeway, west of the Site.

6.3.14 The proposed development is demonstrated to not result in significant adverse impact to tranquillity, and is compliant with the principles of emerging Policy NH7.

6.4 Cholsey Neighbourhood Plan

Policy E1

6.4.1 Policy E1 of the Neighbourhood Plan reads as:

"Cholsey's landscape, countryside, biodiversity, and rural areas will be protected against inappropriate development and where possible enhanced.

Within the AONBs (as shown on Map 2) and their settings great weight will be given to conserving landscape and scenic beauty. Development proposals for major development will not be supported in these areas except in exceptional circumstances and where they can be demonstrated to be in the public interest.

Elsewhere in the neighbourhood area development proposals will only be supported where it would promote small scale economic growth which promotes the conservation and enhancement of the countryside."

6.4.2 Firstly, the proposals are not located within the CNL, and they do not constitute inappropriate development. Minerals can only be worked where they are found (paragraph 222 of the NPPF), which due to the nature of the operations tend to be within countryside locations. The Oxfordshire Minerals and Waste Local Plan Core Strategy confirms that the proposals are situated within a Strategic Resource Area for future sand and gravel working in the Thames Valley to maintain sufficient aggregate supply. The proposal site is not in the CNL and does not have a significant effect on its setting.

Policy E3

6.4.3 Policy E3 states:

"Development proposals should respect the landscape, waterscape, cultural heritage and user enjoyment of the River Thames, its tributaries, floodplains, the Ridgeway, and the Thames Path. As far as planning permission is required proposals for mooring stages, posts, earthworks, or river facing banks with piles and planking outside the built-up area boundary will not be supported."

6.4.4 The Appeal proposals have been designed to limit / minimise impact on Thames Path users. The adjacent phases of working and restoration will be short-term temporary and will be se back from the path and screened. Post working and restoration they will be restored to nature conservation which will enhance the local landscape alongside the River Thames.

6.5 Chilterns AONB Management Plan

6.5.1 The Council's Statement of Case makes reference to both Policies DP3 and DP4 of the Management Plan. Policy DP3 regards development within the CNL, however whilst the Appeal site includes a small area of land within the CNL boundary, no development is proposed within this area. This is acknowledged by the Council, and therefore no further consideration is given to the principles of Policy DP3.

6.5.2 Policy DP4 however deals with development in the setting of the CNL, which is relevant to the development proposed at the Appeal site. This policy requires that proposals for development in the setting of the CNL shall take full account of whether the proposals harm the CNL. The examples given are potential effects of development of land that is visible in panoramic views from the Chilterns escarpment, or which generate traffic in or travelling across the CNL, or which increases water abstraction from the chalk aquifer, thereby reducing flows in chalk streams.

6.5.3 The sand and gravel proposals will not be visible in panoramic views from the Chilterns escarpment.

6.5.4 The main development / construction markets for the supply of the sand and gravel in the Appeal site are located outside of the CNL in areas containing larger settlements with future growth planned. By contrast the CNL settlements are generally smaller/less populated and large parts of the AONB are unlikely to give rise to significant demand for sand and gravel aggregate, although some need/demand may arise from time to time. A large proportion of the proposed mineral traffic is therefore anticipated to support markets outside of the CNL to the west and north of the Appeal site.

6.5.5 The proposals would only lead to a relatively low proportional increase in HGVs on the A4130 within the CNL, which is in any case an identified HGV route. It is also relevant to note that any potential effect will be of a temporary nature and will last for a relatively short duration. In any case, any sand and gravel supplied into the CNL will be serving markets/development in the CNL that will require aggregate from any available source. In other words, any transport of mineral into the CNL is demand led and will take place in any event.

6.5.6 The sand and gravel proposals will provide a contribution to the aggregate landbank located outside the CNL (as per the requirement of the NPPF, mentioned earlier) and will be well placed to serve local markets situated outside the CNL, where demand is likely to be high. It's likely impact on the CNL is considered to be low, temporary and

short-term and any traffic would utilise the HGV route within the CNL – the A4130. The proposed development will not therefore result in an unacceptable HGV impact on the Chilterns National Landscape beyond that which will occur, in any event, as a consequence of development taking place in the CNL demanding sand and gravel during the lifetime (5 years approximately) of the proposed site.

6.5.7 The proposed development will not impact on the low permeability chalk aquifer as the extraction will take place within a different geological sequence.

6.5.8 It is made clear both within the submitted LVIA, Regulation 25 work, and Mr Furber's Landscape Proof of Evidence that there are no significant adverse effects on the CNL receptors. Assessment has followed accepted procedures and meets standards of GLVIA for a development that is located outside a National Landscape but has potential to affect the setting. There is no evidence to indicate that there will be an unacceptable effect on the CNL setting.

7 Comments On Issues Raised By the Rule 6 Party and Other Interested Parties

7.1.1 I recognise that the Appeal has generated objections from local residents and other interested parties, and these concerns will be articulated at the inquiry by the Rule 6 party.

7.1.2 I set out below the general issues that have been raised and where they have been addressed.

Impact on Landscape

7.1.3 Whilst the site is next to the Chilterns National Landscape, the relief/contours/vegetation ensure that there is minimal/no intervisibility between short-term, phased operations and restoration and the upland landscape that gives rise to the Chilterns designation.

7.1.4 The end uses are completely appropriate to a river valley next to the Chilterns, with the restoration of the site being recognised within the Planning Officer's Committee Report (CD11.02) at paragraph 90 to be supported by development plan policy.

7.1.5 The flooding comment in paragraph 18 of the Rule 6 Party SoC is considered within the flooding and hydrology section below.

7.1.6 Evidence has been produced by Mr Neil Furber with respect of potential for landscape and visual impacts. Full consideration of the concerns raised by the Rule 6 Party with regards to landscape, noting reference made to the impact on Chilterns National Landscape and intervisibility of the site and the CNL. Additionally, consideration has been included within Section 6 above.

Adverse landscape and visual impact on the Thames Path National Trail

7.1.7 In terms of the Thames Path – minerals can only be worked where they lie. Sharp sand and gravel is located in the Thames valley in South Oxfordshire and therefore all sites will be proximal to the TP. But, our operations are only for a short length, are phased and of short duration with appropriate restoration. Impacts are therefore minimised on transient receptors. There is nowhere else the sharp sand and gravel can come from within the SRAs as outlined in paragraph 4.2.3 and Policy M3 of OMWCS.

7.1.8 As above, consideration has been included in Section 6, and evidence produced by Mr Furber separately within his Landscape Proof of Evidence.

Ecology and biodiversity

7.1.9 As stated within the agreed SoCG, a suite of ecological protection and enhancement works were submitted as part of the planning submission (CD1.20), and during the determination period. There is no objection from Natural England or the County Ecologist, who are the statutory bodies for considering impacts on ecology.

7.1.10 It is further noted that the Council Ecologist was satisfied that the proposals should deliver biodiversity net gain in excess of 10%, even though the application was submitted prior to the 10% mandatory requirement (Paragraph 123 of CD11.02).

7.1.11 It is noted that the ecological surveys submitted as part of the ES are more than three years old, however the Appellant's ecologist provided a letter prior to determination, informed by a site walkover, confirming that there was no change In the status of the habitats since the previous ecological appraisal which satisfied the County Ecologist, subject to pre-commencement conditions for updated surveys (Paragraph 125 of CD11.02).

7.1.12 As part of the proposed Restoration Scheme (CD9.04) there are extensive areas of 'Floodplain Grazing Marsh', which as stated in the Rule 6 Party SoC, is a habitat of principal importance within Oxfordshire, alongside ponds, rivers, wet woodland and hedgerows. The Restoration Scheme also provides for hedgerow, ponds and wet woodland planting.

Enabling a Natural Capital Approach

7.1.13 I submit that there are not grounds for screening the site for Natural Capital. This Planning Appeal is for a refused application which was subject to an Environmental Impact Assessment (EIA). The purpose of an EIA is *"to protect the environment by ensuring that a local planning authority when deciding whether to grant planning permission for a project, which is likely to have significant effects on the environment, does so in the full knowledge of the likely significant effects, and takes this into account in the decision making process"* (Paragraph 002 of Planning Guidance for Environmental Impact Assessment).

7.1.14 It was therefore identified that the type and scale of the proposed development has the *potential* for significant adverse impact and therefore appropriate assessment, consideration and mitigation of potential impacts were required to be addressed within the application. This approach is sufficient for assessing potential impact and acceptability of the proposed development without the need for further consideration

of the Natural Capital Approach suggested by the Rule 6 Party.

7.1.15 Further to this, the bullet point headings presented by the Rule 6 Party are aspects which have been given due consideration and assessment through the application process. This is covered below:

- Recreation, amenity use of the public footpath/Thames Path National Trail –
    - The guidance, as outlined in the Rule 6 Party SoC, states that *"changes in the quantity, quality or access of such sites can have significant welfare effects."* Full detail on the Thames Path is included in the Landscape Proof of Evidence, but in summary; access to the path will be retained for the full duration of the operations and beyond. The quality of the path itself will be improved as it is restored to its appropriate route through management of hedgerow / trees along its route adjacent to the site. There will be no unacceptable impact to welfare of users.
- Tranquillity and Air Quality. Effects on tranquillity from the noise of gravel workings –
    - Whilst noise and air quality emissions are a source of potential impact, it has been demonstrated through extensive assessment work that no unacceptable impacts will result in these matters. This is a point for which the Mineral Planning Authority agree as detailed within the SoCG.
- Biodiversity of species in a Conservation Target Area –
    - The Rule 6 Party note that Floodplain Grazing Marsh is a habitat of principal importance for the conservation of biodiversity in England as identified under the Natural Environment and Rural Communities Act 2006. As part of the proposed Restoration Scheme (CD9.04) there are extensive areas of 'Floodplain Grazing Marsh' to be established, therefore resulting in no adverse impact from loss of principal habitat.
- Carbon storage –
    - No comment was made by the Rule 6 Party on this aspect, however in the Enabling a Natural Capital Approach Guidance, Carbon Storage relates to woodland stock. Boundary vegetation and the line of vegetation to the centre spine of the site is to be retained throughout

the development, with further planting at restoration, including the creation of wet woodland improving the overall stock onsite long term.

- Soil health –
    - The Committee Report (CD11.02) states at paragraph 186 – *"the proposal would restore the site to agriculture and nature conservation use. This is considered to be an appropriate afteruse in this location and it would preserve the existing BMV agricultural land. There has been no objection from Natural England with regards to soil resources. Conditions should be used to ensure that soils are stored appropriately such as to ensure a high-quality agricultural restoration where required within the site. Subject to those conditions, the development is considered to be in accordance with OMWCS policy C6."*
- Natural non-renewable resources. One of the screening questions poses: *Is the proposal likely to have a significant effect on the supply of raw materials from natural sources? –*
    - The release of the sand and gravel from the Appeal Site will aide towards a Oxfordshire's supply of primary mineral. The submitted scheme and the accompanying EIA set out to demonstrate the acceptability and sustainability of the development operations. The working of the mineral will result in a beneficial long term afteruse for the site which would not be provided without the mineral extraction.
- Groundwater. Water stored beneath or within soil and rocks & Flood water storage to slow the flow during periods of extreme rainfall –
    - As set out within the agreed SoCG, a Hydrogeological and Hydrological Assessment was submitted in support of the proposed development, and supplemented with further assessment work through the Regulation 25 process. The Environment Agency have no objection to the proposed development, and it is acknowledged that the deposit of waste would be required to comply with an Environmental Permit from the Environment Agency. Additionally, the Lead Local Flood Authority also have no objection to the proposed development.

Impact on flooding and hydrology

7.1.16 Both the Environment Agency and the Lead Local Flood Authority have been consulted on the Appeal proposals throughout the entirety of the application process. It is recognised that the EA initially had a number of concerns with the proposed

development and objected to the proposals, however following amendments to the scheme the EA were satisfied subject to a number of conditions being imposed.

7.1.17 Likewise, following extensive Flood Risk Assessment work being undertaken, the Lead Local Flood Authority have no objections to the Appeal proposals. This position has been agreed with the MPA as part of the SoCG.

7.1.18 The proposed implementation of seven conditions from the EA will ensure mitigated risk and allow for greater control over the operations by the MPA. Further to this, it is acknowledged that the infilling operations will be required to comply with an Environmental Permit from the EA, again providing greater control and monitoring to the EA.

7.1.19 As set out in the evidence of Mr Young, hydraulic modelling of the pre-development baseline and the staged excavation scenarios during the five-year operational phase has confirmed that there is:

- No measurable or material change in flood levels resulting from the phasing of the works; and,
- No increase in off-site water levels for a 1 in 100-year event.

7.1.20 There is no requirement for the site to remain operational during flooding. There will be no net loss of floodplain storage, and the works do not impede flood flows.

7.1.21 The tests contained in the Planning Policy Guidance are therefore passed and the conclusions contained in the FRA remain unaffected by the change in flood risk mapping.

Impact on Elizabeth House

7.1.22 The submitted Environmental Impact Assessment and subsequent Regulation 25 submissions sought to demonstrate there would not be significant adverse impacts on human health, the environment or amenity of neighbouring uses, of which the main consideration for Elizabeth House would be the potential for noise or dust / air pollution impact.

7.1.23 There are no objections to the proposed development with regard to either noise or dust / air pollution from the Environmental Health Officer or Oxfordshire County Council Public Health Team, as agreed within the SoCG.

8 Planning Balance and Conclusions

8.1.1 In this Section I set out my consideration of the planning balance and in so doing, I pose the following questions:

1. Do the proposals accord with the Development Plan?
2. Do the proposals impact on the River Thames, the Thames Path National Trail and on the setting of the Chilterns National Landscape?
3. Is there any detrimental effect on residential amenity?
4. Is there a need for the proposed development with particular regard to the landbank position for sand and gravel and the need for inert waste disposal in the County?
5. Are there any other benefits to the proposal?

8.1.2 In the case of the proposed development acceptability against the policies and principles of the development plan, there were two main policies of conflict identified through the single reason for refusal of the planning application – Policy C8 of the OMWCS and Policy ENV1 of the SOLP. Further to this, it is the Council's case that there are further policies which carry weight in the decision to be made on the appealed application, namely: Policies NH4, NH6 and NH7 of the emerging Joint Local Plan, Policies E1 and E3 of the Cholsey Neighbourhood Plan, and Policies DP3 and DP4 of the Chilterns AONB Management Plan.

8.1.3 These policies have been considered in detail both within this Proof of Evidence at Section 6, and within the Landscape Proof of Evidence produced by Mr Furber, which focused on the reason for refusal policies.

8.1.4 In his evidence, Mr Furber considers the potential impact of the proposed development on the landscape character and setting of the Chilterns National Landscape and the River Thames / Thames Path. In terms of the long term effects upon the landscape character of the Site, Mr Furber concludes that the measures which include the proposed restoration scheme, strengthening of the boundary planting, creation of enhanced watercourses and scrub clearance along the River Thames and permissive footpath access linking Reading Road and the Thams Path, collectively would represent a Moderate beneficial magnitude of change (not significant) and a Moderate beneficial effect, that would clearly outweigh the temporary adverse effects of the operational phase over a relatively short period of time.

8.1.5 In terms of effects upon the Special Qualities of the National Landscape Designations, Mr Furber sets out that following full restoration of the Site, there would be Moderate indirect benefits on the setting of the National Landscape as follows:

- Improvements to the River Thames corridor with increased views of the River Thames through scrub clearance and realignment of the path on its definitive route and the potential for wildflower meadow corridor along the Thames Path within the Site;
- New woodland, tree and hedgerow planting around the perimeter of the Site and along an enhanced drainage corridor to reflect the landscape character within the setting of the National Landscape; and,
- Creation of a new permissive path through the northern end of the Site connecting to the Thames Path.

8.1.6 In his evidence, Mr Furber finds that the Appeal scheme provides for enhancement measures benefitting the aforementioned features and designations. These are detailed at paragraph 9.4, 9.5 and 9.6 of Mr Furber's evidence.

8.1.7 I assign great weight to the enhancement measures incorporated in the Appeal scheme.

8.1.8 In terms of potential harms to residential amenity and Elizabeth House, based on the findings of the ES, coupled with the evidence of Mr Neil Furber, there are no significant effects on the amenity of local residents as a result of visual impacts and dust or noise emissions. Either cumulatively or in isolation, these are limited and are considered to be within acceptable limits, noting that some degree of impact from mineral development is inevitable (and indeed accepted in policy – see NPPF paragraph 224). I therefore give slight weight to the potential harms.

8.1.9 It has been agreed with the Council that the Appeal Scheme would not give rise to any significant effects to ecology, archaeology, soils and agricultural land and the water environment. This is corroborated by the findings of the ES.

8.1.10 In terms of heritage matters, I have had regard to the statutory duty to consider the effect of the proposal on such assets within the context of Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990. As set out in the ES, at paragraph 16.3.1, the assessment has concluded that the proposed development and restoration scheme are likely to result in no significant impact upon the heritage assets within the Wallingford area. Furthermore, at Appendix C of the LVIA (CD1.16) an assessment of

the proposed development on 'Historic Visual and Setting' is provided, focusing on the Grade II Listed Ruins of St John the Baptist Church, Grade II Listed Julius Gottleb Gallery and Boathouse, (Non-Designated) Elizabeth House and (Non-Designated) Wet Boathouse within Mongewell Park. The assessment finds that none of the listing will receive a significant adverse impact, concluding that *"the proposed development will be a short-term temporary operation which will **not** physically alter the Cultural Value of historic assets or indirectly significantly adversely affect the Visual Setting of the identified historic assets."*

8.1.11 Similarly, based on the findings of the ES, there are no significant effects arising through the movement of HGVs associated with the development.

8.1.12 Overall therefore, whilst the proposals would result in some harm, I consider the harm to be minor and so acceptable and within "appropriate limits". Accordingly, policies in the Development Plan aimed at protecting the environment are complied with.

8.1.13 With this in mind, the Appeal Scheme benefits from the presumption in favour of sustainable development, whereby paragraph 11 of the NPPF indicates that development proposals that accord with an up-to-date development plan should be approved without delay.

8.1.14 Overall, it is the Appellants case that the Appeal scheme is demonstrated to be acceptable and accord with the Development Plan in its entirety.

8.1.15 Finally, there are other factors weighing in favour of the Appeal Scheme.

8.1.16 Turning to the positive side of the balance, there is "great weight" to be attached to mineral developments. I also attach substantial weight to the need to release new reserves as the landbank is below the minimum of 7 years for sand and gravel, which demonstrates that there is a shortfall in supply. I consider that there is a clear mineral need for the development which carries significant weight in favour of the scheme.

8.1.17 Therefore, in terms of sharp sand and gravel need I consider there is an established need;

- Which is not being met to the full extent required by the landbank;
- Which need would be still further under-supplied if the appeal was dismissed;
- Which can be met if the appeal is allowed; and
- And which it has been shown, can be met well within environmental limits.

8.1.18 In terms of the need for inert waste disposal, the importation of inert materials as part of the restoration of the site will create a high quality environment establishing a net gain in biodiversity and delivering priority habitats, whilst allowing land to return to agricultural purposes.

8.1.19 It has been established that Oxfordshire has a high demand for inert waste management annually, requiring a large number of sites to maintain sufficient productive capacity. Furthermore, the level of void space capacity demonstrated by the most recent Environment Agency data for the calendar year of 2023 identified the lowest capacity level since 2008. I consider there is a clear inert waste capacity need for the development which carries significant weight in favour of the scheme.

8.1.20 Furthermore, there is an anticipated increase in inert waste likely to be generated from large infrastructure projects in Oxfordshire over the next 5 years.

8.1.21 Having regard to employment, the proposed development is expected to directly employ some 10 persons at the site during the majority of the year. In addition to direct employment the proposals will also create a demand for road haulage to deliver products, which may include up to 15 drivers that may be employed on a regular daily basis depending upon site output.

8.1.22 The operation will give rise to further employment in the use of local services to supply the needs of the quarry and administration facilities together with occasional contracts for hired in plant and equipment. The contribution to the local economy will typically involve the purchase of local services such as:

- Site staff and employees;
- Road haulage;
- Fuel and oil purchase;
- Plant and vehicle hire;
- Plant repairs and spares;
- Building contractors;
- Landscape contractors;
- Tree and shrub purchase
- Office supplies and equipment; and,

- Canteen supplies.

8.1.23 I consider that 'great weight' should be attached in line with NPPF paragraph 224.

8.1.24 The restored quarry offers enhanced habitat diversity with generally noticeable and local biodiversity benefits. It should also be noted that minerals extraction is a temporary land-use and that restoration of the site provides an opportunity to create a more diverse landscape feature.

8.1.25 It can be concluded that the benefits resulting from this proposed development are substantial and wide reaching. From an ecological / biodiversity perspective it is clear that this proposal provides betterment. There is an expectation to restore to high standards, but the scheme has sought to offer biodiversity benefits and enhanced access, the latter would be phased in line with the workings. I consider the restoration and biodiversity benefits of the scheme to be a benefit of the appeal proposal.

8.1.26 I consider that each of these factors add significant weight in favour of the Appeal Scheme.

8.1.27 Accordingly, it is my conclusion that the planning balance weighs heavily in favour of the Appeal Scheme.

8.1.28 In summary therefore and based on the evidence that I have presented, I conclude the following:

1. Great weight is to be given to the benefits of mineral development;
2. There is an urgent need for the release of mineral reserves in Oxfordshire which the Appeal Scheme would provide;
3. The appeal site accords with the strategy contained in Policies M2, M3 and M5 of the OMWCS and particularly in terms of contributing positively to the maintenance of supply (in the context of persistent undersupply) from an identified SRA in south Oxfordshire, thus contributing positively to the adopted strategy of shifting supply of sharp sand and gravel from north to south Oxfordshire;
4. The appeal site is located within an SRA in south Oxfordshire and will contribute positively by supplying an additional 100,000+ tonnes per annum for the remainder of the plan period at a time of increasing demand and against a background of significant housing and infrastructure delivery.
5. The site is in a sustainable location to serve mineral and waste needs;

6. There is a need for additional void space for inert materials within Oxfordshire, with the Appeal site being ideally located within close proximity to a number of settlements with planned growth;
7. It is demonstrated both within my evidence, and that produced by Mr Furber, that the Appeal scheme successfully mitigates from adverse impact in relation to landscape and visual matters (inclusive of the Chilterns National Landscape and River Thames) and provides for a series of enhancement measures.

8.1.29 On this basis, I respectfully invite the Inspector to allow the appeal.

Appendix 1 - Gantt Chart of Operational Timings

Proposed Minerals Development - White Cross Farm, Wallingford.
Indicative Timeline for Site Development