

12/01814 Pins Ref 2188549	Copyhold Farm Quarry, Curridge, Newbury RG18 9DR	Materials recycling facility (MRF) for a temporary period until 31 December 2016, and amended restoration of remainder of former quarry.	Dele. Refusal	Allowed 11th June 2013
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Main issue

The Inspector considered the main issue to be the effect of the proposal upon the character, appearance and amenity of the rural area, and in particular the North Wessex Downs Area of Outstanding Natural Beauty (AONB).

Reasons

Copyhold Farm Quarry is an active sand extraction site. The appeal proposal is for a materials recycling facility (MRF) with a throughput of 25 - 30,000 tonnes per annum of 'skip waste'. It would be located within an area of just under one hectare which is already used as an aggregates recycling facility (ARF). The appeal proposal includes a steel-framed waste reception building, a staff welfare cabin and a toilet cabin. The ARF and the MRF would operate together until 31 December 2016 (the date until which the ARF is permitted).

The appeal proposal was preceded by an application (withdrawn) which sought permission for a permanent MRF and permanent use of the ARF. The existing mineral-working permission allows filling to continue until October 2018. Although the proposed buildings could be dismantled and re-used elsewhere, they represent a considerable investment for a facility with a life of less than four years. It is clear from the evidence that although the proposal before him is for a temporary facility linked to the life of the ARF, there is at least a possibility that the appellants might seek an extension of time once the facility was established. However, the Inspector's decision relates solely to a temporary facility as applied for.

Policy considerations

The recycling of waste is a key element of both national and local planning policy (set out in Planning Policy Statement 10: *Planning for Sustainable Waste Management* and in the Waste Local Plan for Berkshire), and in principle the proposed MRF should be supported provided that other material considerations do not weigh against it. In this instance the main consideration is the location of the appeal site within the countryside and the AONB. Whilst promoting sustainable development, the National Planning Policy Framework ('the Framework') says that great weight should be given to conserving landscape and scenic beauty in AONB, and that planning should recognise and respect the intrinsic character and beauty of the countryside.

Under the Countryside and Rights of Way Act 2000 there is a duty to have regard to the purpose of conserving and enhancing the natural beauty of the AONB. Area Delivery Plan Policy 1 of the West Berkshire Core Strategy (WBCS) says that most development will be within or adjacent to identified settlements, and that only limited appropriate development will be allowed in the open countryside. Area Delivery Plan Policy 5 of the WBCS seeks to conserve and enhance the special landscape qualities of the AONB. 8. Policy WLP29 (xiii) of the Waste Local Plan for Berkshire (WLPB) sets out a strong presumption against waste management development within the AONB, except for the restoration of mineral workings, and where temporary recycling and transfer facilities are located on landfill sites in accordance with Policies WLP15 and WLP24. These policies contain the important proviso that the recycling should relate to waste brought to the site for disposal. In the present case, it is clear

from the appellants' own figures that very little of the waste brought to the site would be utilised in the restoration of the mineral workings: the great majority would be exported for sale or further processing. Nevertheless, for the purposes of the policy, there would be a limited relationship between the recycling activity and the quarry restoration.

Key planning and management issues in this part of the AONB include increased traffic, pressure for development and the loss of tranquillity.

The impact of the appeal proposal upon its surroundings would be perceived primarily in terms of visual amenity, noise, dust and vehicle movements. In addition to the policies mentioned above, saved Policy OVS.6 of the West Berkshire District Local Plan and Policy WLP30 of the WLPB bear upon these matters.

The MRF would serve a wide area including Newbury, Thatcham, Hungerford, Theale, Reading, south Oxfordshire and north Hampshire. It would also serve the AONB, but the Inspector did not think it could reasonably be said that the prime justification for the site is to meet needs arising within the AONB. Similarly, a very small proportion of the imported waste would be landfilled as part of the quarry restoration, but that cannot be claimed as the main justification for the facility.

He noted the parties' arguments about the availability and suitability of various existing and proposed alternative sites. However, he did not attach great weight to these arguments, for the following reason. It is clear from national and local policy concerning the countryside, and AONBs in particular, that it is highly unlikely that an MRF would be permitted in this sensitive location were it a pristine site, unless there were very convincing reasons. It might be argued that such reasons could include an absence of alternative sites in less sensitive locations. However, it is not necessary to examine such arguments in this case. The appeal site has already been worked for minerals, it is already used as an ARF, and it shares an access with a working quarry. Provided that the MRF did not occupy the site beyond the period of mineral working and infilling, and that there were no cogent objections in terms of visual amenity, noise, dust and vehicle movements, it would be reasonable and beneficial to permit co-location with the quarry. Once the quarrying was finished, the site could be returned to agricultural use compatible with the tranquillity appropriate to an AONB.

The Inspector had already said that there is at least a possibility that the appellants might seek an extension of time once the facility was established. Any such application would have to be determined in the light of the circumstances prevailing at the time.

The Framework says that planning permission should be refused for major developments in AONB except in exceptional circumstances. 'Major developments' (plural) in this context are not defined. 'Major development' (singular) for the purposes of the Town and Country Planning (Development Management Procedure) (England) Order 2010 (DMPO) includes all waste disposal proposals, of whatever size and nature. As the appellants argue, it does not seem reasonable to assume that a definition made for the purposes of a procedural order can be imported without qualification or question into a national planning policy document. Emerging waste planning policies in both West Sussex and Oxfordshire recognise that sometimes 'small scale' waste management facilities for local needs might be acceptable within AONB, and in the light of common sense and experience that would seem a prudent approach. In the absence of specific parameters, whether any particular proposal is 'small scale' must be a matter of fact and degree taking into account all the circumstances in each case. However, as a guideline, the emerging Oxfordshire policy says that it is unlikely that a

waste management facility with a throughput of more than 20,000 tonnes per annum would be compatible with an AONB.

There was no convincing evidence before him to suggest that the Framework (or indeed the policy guidance which it replaced) intended 'major developments' (plural) to mean exactly the same as 'major development' (singular) in the DMPO. The Inspector recognised that the Inspector in appeal decision APP/W0340/A/12/2173977 concluded that the mineral-working proposal before him (which was larger in scale than the proposal here) amounted to 'major development' in both senses, but he did not consider that his conclusion amounts to conclusive evidence that the Framework should be interpreted only in the light of the DMPO.

In any event, the point is not of great significance in this case. The proposal before him was not 'small scale' according to the Oxfordshire definition, and it is not primarily intended to serve local needs within the AONB, but the appeal site is already used for aggregates recycling, and the proposal is for a temporary period, linked to the life of the existing quarry and ARF.

The buildings, traffic, noise, excavations and stockpiles associated with the existing quarry and ARF are considerable, and are out of character with the beauty and tranquillity which ought to typify an AONB. However, minerals must be worked where they occur, and the effects are temporary. The Inspector had no doubt that the buildings, traffic and noise associated with the proposed MRF would also be out of character with the beauty and tranquillity of the AONB were the existing activities not already taking place. The key question is therefore whether the additional impact of the proposed MRF (the intensification of activity and the introduction of more buildings) would be unacceptable for the temporary period proposed.

Visual impact

The main visual impact of the proposal would arise from the introduction of the waste reception building and from increased traffic to and from the site. Because of the contours and the existing tree screen, from most vantage points the building would not be noticeable. The main impact would be upon horseriders, walkers, runners and cyclists using the public rights of way surrounding the site. According to the appellants' Landscape Appraisal, the impact would vary between 'minor' and 'significant' in winter and between 'insignificant' and 'moderate' in summer, depending on the viewpoint.

The Landscape Appraisal concedes that the limited local visual impact of the waste reception building is an example of one of the pressures contributing to the dilution of the area's distinctive landscape character, and that it would be contrary to the conservation objectives appropriate to the AONB. On the other hand, the building would be located on an existing waste management site which is visually well contained, its visual impact would be very localised, and under the appeal proposal its effect would be temporary. The proposed additional screen planting would not be likely to have a significant effect within the next three years.

Noise and dust

Apart from Copyhold Farm, said to be occupied by the owner of the site, and already subject to noise from the quarry, there are no noise sensitive properties within 500 metres of the site. A crusher and screen are already used by the existing ARF facility. Any additional noise from the appeal proposal would have little or no impact, except upon users of the public rights of

way. Despite the representations from local residents, there is no history of formal complaints about noise from the site.

Dust emissions could be monitored and controlled by means of a condition.

Traffic

The appellants' estimates of traffic movements suggest that there would be an increase from historic mean levels of 48 movements a day (with backloading) to 100 movements a day (with backloading). This would be a substantial increase, and in his opinion would have a noticeable impact, visually and in terms of noise and disturbance, upon the character of the rural area and the AONB. However, there would be little or no impact upon residential properties, the roads serving the site are able to accommodate the increase, and the extra traffic would be limited to the life of the MRF. Vehicles entering and leaving the site and users of the public rights of way would need to exercise due caution at crossing points, but there is no convincing evidence to suggest that the increase in traffic would be detrimental to highway safety. On the basis that this would genuinely be a temporary use, linked to, and limited to the duration of, the ARF and the restoration of the quarry, the Inspector considered that the extra disturbance to the rural area and the AONB could be tolerated.

The Highway Authority recommend a condition limiting daily movements to 130 (an allowance of 30% above the mean estimate) as agreed by the appellants in September 2012. The appellants now argue for a limit of 200 movements a day, which on the evidence before him appears excessive. If the limit of 130 were to prove too low in practice, the condition could be re-assessed in the light of experience, and in particular the effect upon the character and appearance of the rural area.

Other matters

The Inspector recognised that horse-riding is an important activity in the area surrounding the site, and that the bridleways around the site serve an important recreational and commercial function. However, the disturbance from the proposed MRF would be limited both by conditions governing its hours and days of operation, and by its overall lifespan.

There is no evidence that there would be any significant impact upon protected species or other interests of ecological importance.

There is no evidence of flood risk or drainage issues.

Light pollution could be minimised and controlled by means of a condition.

Conclusion

For the above reasons he concluded that whilst the proposal would be harmful to the character, appearance and amenity of the rural area, and in particular the North Wessex Downs Area of Outstanding Natural Beauty (AONB), the harm could reasonably be tolerated so long as the MRF was associated with active mineral extraction and restoration operations. To that extent the proposal would comply with the development plan.

He took into account all other matters raised, including the views of the Chieveley Parish Council, but for the reasons given above he concluded that the appeal should be allowed, and planning permission granted, subject to the conditions set out in the attached schedule.

Conditions

In order to minimise the impact of the development upon the character and appearance of the area, and to control the hours and days of operation, noise, dust, light pollution, traffic, highway safety, and restoration, he imposed the conditions suggested by the Council, modified to remove duplication, increase precision, and, where appropriate, to take account of the appellants' concerns. In his view the conditions are necessary and reasonable, and meet the tests set by Circular 11/95.

The appellants propose that vehicles leaving the proposed MRF should use their existing wheel cleaning facilities. However, these lie outside the site edged red, and were (presumably) provided under the terms of a previous planning permission with its own conditions. In order to ensure that vehicles leaving the MRF are in a clean and safe condition, in the interests of highway safety, the Inspector considered it necessary that details of the wheel washing arrangements should be separately approved for the proposed MRF, even if the existing facilities are to be used. Similar arguments apply to the conditions dealing with crossings of public rights of way and dust control.

He recognised that the appellants intend to use 'white noise' reversing alarms within the appeal site, but it is in his view essential that precise details be approved to ensure that the condition is effective and enforceable.

The application purports to be for two things: (i) the MRF, and (ii) amended restoration proposals for the remainder of the former quarry. The site edged red encompasses only the site of the proposed MRF and its access road. The amended restoration proposals lie within the site edged blue. The parties have agreed that the matter can be dealt with means of a condition.

The Council's suggested Condition 2 does not allow a period for site restoration following the cessation of waste processing. The Inspector therefore amended the condition to allow a year for restoration. The Council's Condition 17 (his Condition 21) then requires a further 5-year aftercare programme.

Decision

The appeal is allowed and planning permission is granted for a materials recycling facility (MRF) for a temporary period until 31 December 2016, and amended restoration of remainder of former quarry, at Copyhold Farm Quarry, Curridge, Newbury RG18 9DR in accordance with the terms of the application, Ref 12/01814/MINMAJ, dated 20 July 2012, and the plans submitted therewith, subject to the conditions set out in the attached schedule.

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