**Consultation from Cherwell District Council**

**Application no:** **19/00457/OUT**

**Proposal:** Erection of up to 8 No dwellings with all matters reserved except the means of access onto Heyford Road.

**Location:** The Beeches Heyford Road Steeple Aston Bicester OX25 4SN.

**Oxfordshire County Council – Response as Mineral Planning Authority**

**Key issues:**

The proposed development would be likely to prevent and thereby effectively to sterilise mineral deposits of soft sand within adjacent land. These mineral resources are of long-term strategic importance for mineral supply in Oxfordshire and are safeguarded under policy M8 of the Minerals and Waste Local Plan: Part 1 – Core Strategy, adopted September 2017. The application should be considered against this policy.

The application does not appear to include an adequate consideration of the importance of the mineral resource within land adjacent to the application site in relation to the need for the proposed dwellings. The application as it stands is contrary to policy on mineral safeguarding.

**Detailed comments:**

Published BGS mapping shows the application site to be partly within an area that is generally underlain by deposits of sand of the Middle Jurassic Horsehay Sand Formation. These deposits occur within a relatively limited area in this part of northern Oxfordshire and are currently quarried at Duns Tew.

The Oxfordshire Minerals and Waste Local Plan: Part 1 – Core Strategy, adopted September 2017 (Core Strategy) identifies strategic resource areas as principal locations for mineral extraction (policy M3). For soft sand, these areas include ‘The Duns Tew area’. The application site and adjacent land lie within this strategic resource area. ‘The Duns Tew area’ strategic resource area is also identified in the Core Strategy as a mineral safeguarding area for soft sand (as shown on the Policies Map), to which policy M8 of the Core Strategy on safeguarding mineral resources applies. These sand deposits are of long-term strategic importance for aggregate mineral supply in Oxfordshire.

The application should be considered against policy M8 of the Core Strategy, which forms part of the development plan.

Policy M8 states:

“Mineral resources in the Mineral Safeguarding Areas shown on the Policies Map are safeguarded for possible future use. Development that would prevent or otherwise hinder the possible future working of the mineral will not be permitted unless it can be shown that:

* The site has been allocated for development in an adopted local plan or neighbourhood plan; or
* The need for the development outweighs the economic and sustainability considerations relating to the mineral resource; or
* The mineral will be extracted prior to the development taking place.”

The first and third bullets do not apply in this case but the second bullet should be addressed in the application and in its determination.

The application site itself is a dwelling and associated curtilage which is currently occupied by a narrow gauge railway and associated structures. It is unlikely that the application site itself would be available for mineral working whilst it is in residential use. However, the proposed development would be likely to prevent or otherwise hinder working and thereby effectively to sterilise mineral deposits within adjoining land, due to the need there would be for unworked margins (a buffer zone) between any future mineral working and the dwellings in order to protect the amenity of the occupants. A buffer zone of at least 100m width would be likely to be needed.

The planning application does not appear to address mineral safeguarding. The Planning Statement does not refer to the Minerals and Waste Local Plan and does not mention mineral safeguarding policy or the impact of the proposed development on mineral resources.

I do not consider that the application includes an adequate consideration of the importance of the mineral resource within land adjacent to the application site in relation to the need for and/or benefits of the proposed development. Consequently, it does not provide sufficient justification for the development to override mineral safeguarding interests such that the second bullet of Minerals and Waste Core Strategy policy M8 is demonstrated to have been met. I therefore consider this application to be contrary to Minerals and Waste Core Strategy policy M8.

**Response:**

The County Council objects to this application on the grounds that it is contrary to development plan policy on safeguarding of mineral resources in policy M8 of the adopted Oxfordshire Minerals and Waste Local Plan: Part 1 – Core Strategy, September 2017.

In the event that the applicant submits additional information which provides a consideration of the importance of the mineral resource within land adjacent to the application site in relation to the need for and/or benefits of the proposed development, the County Council will reconsider this response in the light of that additional information.

Peter Day

Principal Minerals & Waste Policy Officer

15 April 2019