

Consultation from Cherwell District Council

Application no: 20/00964/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 application site is partly within an area underlain by deposits of soft sand, which extend across the adjoining land to the west. 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 site itself is in residential use and is not available for possible mineral working; and there are existing constraints on possible future mineral working within the area of agricultural land to the west of the application site. In view of these factors, any additional indirect sterilisation that would result from the proposed housing development is likely to be small and not significant enough to justify an objection to this development on mineral safeguarding policy grounds.

Detailed comments:

Published BGS mapping shows the application site to be on the eastern edge of an area underlain by deposits of sand of the Middle Jurassic Horsehay Sand Formation. These deposits underlie the agricultural land extending to the west of the site and only the westernmost part of the site itself may be underlain by these deposits. 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'. Most of the application site lies within this strategic resource area, as also does the adjoining land to the west. '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 planning application does not appear to address mineral safeguarding; and 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.

The County Council has previously objected to this proposal. I note that in a response on 8th May 2019 the County Council responded to say that following further information from the applicant, the County Council officer at that time had withdrawn his initial objection. I am surprised at this as the response starts by saying that the response received had not met the policy concerns. In addition I do not concur with the assessment of the effect on mineral sterilisation. On a further point, a later response sent on 3rd September 2019 to application 19/01601/OUT did raise an objection.

The application site itself is a dwelling and associated residential curtilage, currently occupied by a narrow-gauge railway and associated structures, and is therefore previously developed land. It is therefore unlikely that the application site itself would be available for mineral working. Consequently, the sterilisation of any mineral resource within the application site is not a significant issue.

The proposed housing development would be likely to prevent or otherwise hinder working and thereby effectively to sterilise mineral deposits within adjoining land to the west, 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. Paragraph 6.25 of the supporting text to policy C5 of the OMWCS states that standard buffer zones are not specified, and that in line with National Planning Practice Guidance on the minerals the extent of any buffer zone should be decided on a case by case basis.

The site is an existing residential curtilage and already imposes some constraint on possible mineral working within the adjoining land to the west, but the extension of residential premises to the west would have a greater effect on the requirement to provide a buffer between the mineral working and the sensitive receptor, and lead to sterilisation of the mineral resource. The existing housing on the south west edge of Steeple Aston village, including The Crescent, Lawrence Fields, Harrisville, Jubilee Close and houses to the west of that road, would restrict the area of any possible future mineral working within the area of agricultural land to the south west of Steeple Aston, but the proposed development would increase that area of sterilisation.

In the absence of any justification that the need for the development outweighs the economic and sustainability considerations relating to the mineral resource, the proposed development is contrary to policy M8 of the Oxfordshire Minerals and Waste Local Plan Part 1 - Core Strategy. If such a justification is provided, I would be happy to reconsider the development against policy M8.

Response:

The County Council **objects** to this application on the grounds that it is contrary to policy M8 of the Oxfordshire Minerals and Waste Local Plan Part 1 - Core Strategy.

Kevin Broughton

Principal Minerals & Waste Policy Officer

01/05/2020