

OBJ33/10

Rec'd 6/1/11
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GOSFORD AND WATER EATON PARISH COUNCIL

132 Cromwell Way
Gosford
Kidlington
Oxon
OX5 2LJ

Tel/fax: 01865 374236

5 January 2011 Ref: OBJ/033

To : The Chiltern Railways PI Programme Officer
For the attn of The Inspector

Dear Helen Wilson/ Pam Perceval-Maxwell

PROPOSED BURIAL GROUND FOR KIDLINGTON PARISH COUNCIL
CHILTERN RAILWAYS TRANSPORT & WORKS ORDER ACT PUBLIC
INQUIRY : BICESTER TO OXFORD RAILWAY IMPROVEMENT

Further to my letters dated 20 November & 21 December 2010, I would record that up to this date of writing I have still not received any response back via Eversheds LLP, regarding the Council's responses (OBJ/033/3 to 7) to various Chiltern Railways representatives.

It is understood from the Oxford Green Belt Network, that the Inspector is considering and accepting evidence over the Planning Conditions for the above scheme. Particularly for this Council in CRCL/P/12/A & itemised in para. 14. 24.

Although still recording a strong objection to the proposed aggregate depot being located into the green belt, but without prejudice to this objection I enclose some extract pages from a copy of an Oxfordshire County Council Environmental Committee Report dated 29 November 1999. This is regarding a Tarmac proposal for an aggregate depot on the existing Water Eaton Railway sidings. The Council remind and request that regarding considering a scenario of Chiltern Railways Planning Conditions, that the Inspector accepts these Recommendations made and approved by Oxfordshire County Council's Environmental Committee in accordance with the Oxfordshire Minerals & Waste Local Plan and the following transport points are highlighted :-

Recommendation no. 4 : Where OCC expressly state the enforcement, that no aggregates shall be imported by road.

Recommendation no. 15 : About OCC enforcing heavy lorry routing. The Inspector is remind that the Committee Report para. 7 categorically enforces this through a Lorry Routeing Agreement to use the A34 via Kidlington & Peartree roundabouts.

I confirmation of receipt of this letter would be appreciated.

Yours sincerely 
Carl Smith (Clerk to the Council)

PS It is understood the North Gateway development under Oxford City Core Strategy is now recommended to go ahead by the Inspector, which will make traffic conditions worse than ever

Environmental Committee

PLANNING SUB-COMMITTEE - 29 NOVEMBER, 1999

IMPORTATION OF AGGREGATES BY RAIL, STORAGE OF AGGREGATES ON SITE AND
DISTRIBUTION OF AGGREGATES BY ROAD; KIDLINGTON RAILHEAD, BANBURY ROAD,
OXFORD (APPLIC. NO. 99/01055/CM)

Report by the Director of Environmental Services

Introduction

1. The application for this development was considered by the last meeting of this Sub-Committee. Members resolved to defer making a decision on the proposal pending further negotiations both with the applicant (Tarmac) to seek developer contributions towards improvements to the railway line and with the rail companies to secure weight and speed limits on rail traffic, and the strengthening of the wording of the schedule of conditions relating to any permission that might be given.
2. Further discussions have taken place with the applicant and rail companies on these issues and the outcome of these discussions are used as a basis for the recommendation at the end of this report. The recommendation also includes an amended schedule of planning conditions.
3. The description of the site, consultation responses and third party representations, and details of the proposal are all included in the original report on this application which was considered by this Sub-Committee last month. A copy of that report is attached as Annex 1.
4. Since the last meeting, a letter of objection has been received from the proprietor of Autumn Lodge, a residential home for the elderly on Woodstock Road, North Oxford. The letter repeats the objections already expressed by other residents in North Oxford living close to the railway line about the noise and vibration caused by heavy freight trains ten years or so ago and expresses concern that similar problems will arise if the aggregate sidings are brought back into use. Two earlier letters have also been received from Mr M. Bright of 33 Lakeside and Mr K. Dancey of 15 Quadrangle House, St. Peter's Road, repeating the serious objections they expressed in previous letters about this application. A letter has also been received from the Chairman of the Rail Freight Group who supports the application as both Chairman of RFG and a resident of Summertown. The letter is attached as Annex 3 to this report.

Views of the Director of Environmental Services

5. The application prompted a lengthy debate at the last Sub-Committee meeting, the main areas of concern being:
 - (i) the proposed 24 hour operation of the site and the possible noise nuisance this would generate, particularly at unsocial hours;
 - (ii) dust and the measures available to prevent a dust nuisance arising;
 - (iii) height of the stockpiles including the effect on the operation at the site if the height the applicant wanted (8 metres) was reduced to 5 metres;
 - (iv) speed and weight of freight trains and implications for damage to residential properties; and
 - (v) requirement for the applicant to make a contribution to future rail line improvements.

6. The applicants have been made aware of Members' grave misgivings over allowing a 24 hour operation of this site. The applicants say that it will seriously affect the operational flexibility that they need, particularly with regard to their reliance on train timetabling imposed by Railtrack, if they cannot run a 24 hour operation. However, the Minerals and Waste Local Plan (Code of Practice) clearly states that, except in special circumstances, mineral operations should take place only between 7.00 a.m. - 6.00 p.m. on weekdays and 7.00 a.m. - 1.00 p.m. on Saturdays. A condition can be attached to any permission which requires that there should be no unloading of trains before 7.00 a.m., even if the aggregate train arrives before that time. This would be similar to the condition that applies, for instance, to the unloading of trains at Appleford sidings. The current timetabling arrangement that the applicant has with Railtrack should fit well with such a condition. If the scheduling of trains changes, the applicant has the option of applying to vary the condition and justifying why a change is needed and that it will have no adverse environmental effect, or delaying unloading until 7.00 am.
7. The applicant also wishes to have the ability to allow aggregate laden lorries to leave the site prior to 7.00 a.m. in order, on occasion, to provide aggregate to customers for the start of the working day. I consider that normally the standard Local Plan hours should apply. However, in this case an earlier start time for lorry movements would help to avoid conflict with peak traffic on the A4165. I consider that 6.00 a.m. should be the earliest that lorries can be loaded and allowed to leave the site. These lorries should all use a route which avoids going into Oxford or Kidlington (i.e. turn right on leaving the site, and then drive onto the A34 via the Kidlington and Peartree roundabouts). (See plan attached to Annex 1 report). This can be secured by means of a lorry routeing agreement.
8. In order to control any potential noise nuisance by operations at this site, a condition should also be imposed on any permission given which requires the submission and agreement of a scheme which identifies appropriate noise limits for the site, monitoring measures and procedures to be followed if the agreed level is exceeded.
9. The imposition of the above conditions should deal satisfactorily with any noise concerns the development of the site might raise.
10. With regard to the question of dust emissions from the site, although the applicant has latterly expressed a preference for a sweeper I would propose that a standard dust suppression condition is included which covers, amongst other things, the damping down of haul roads and stockpiles during periods of dry weather. The applicant also indicates in the supporting documents with the application that when trains are loaded, the aggregates will be dampened with spray and the train wagons and lorries will be sheeted to prevent wind blown dust.
11. The applicants originally requested that the aggregate stockpiles should be kept to a height of 8 metres. In my previous report, I suggested that 5 metres would be more appropriate in visual terms. The applicants have been asked what impact such a reduction would have on site operations. They have confirmed that, in terms of the coverage of the site with stockpiles of aggregates, this should have little impact. It would mean that the applicants have less operational flexibility in that they will retain a smaller amount of material on site (e.g. they will have 10 weeks supply of material rather than, say, 16 weeks). A condition for a 5 metre height limit on stockpiles is appropriate.
12. Since the last meeting, correspondence has been received from English Welsh and Scottish Railway Ltd (EWS) relating to the weight and speed of trains, past and present, along this stretch of line. A copy of their letter is attached as annex 2 to this report. The letter confirms that the proposed Tarmac aggregate train will use similar bogie box wagons to those used in the Arney Roadstone trains in operation ten years ago. Bogie

Environmental Implications

18. These are outlined in the report.

Financial and Staff Implications

19. None other than those that would be incurred if the applicant were to appeal against any of the conditions proposed.

Implications for People Living in Poverty

20. None arising from this report.

RECOMMENDATIONS

21. It is RECOMMENDED that subject to agreements to secure:

- (a) appropriate routeing of heavy vehicles;
- (b) appropriate contributions/measures for transport infrastructure;
- (c) adequate provision to accommodate a future rail halt and E-W rail link in this locality;
- (d) a corridor for a link across the site for a future Guided Transit Express

planning permission be granted for the importation of aggregates by rail, the storage of aggregate and distribution of aggregates by road at Kidlington Sidings as described in application no. 99/01055/CM, subject to the following conditions:

1. The development must be begun not later than the expiration of 5 years beginning with the date hereof.
2. The development shall be carried out strictly in accordance with the particulars of development, plans and specifications contained therein.
3. No floodlighting shall be erected or used on site without the prior approval in writing of the mineral planning authority.
4. No aggregates shall be imported to the site by road.
5. Notwithstanding the provisions of Part 19 of Schedule 2 of the Town & Country Planning (General Permitted Development) Order 1995 (or any Order amending, replacing or re-enacting that Order), no additional fixed plant or machinery, buildings, structures or erections shall be erected without the prior approval in writing of the mineral planning authority.
6. Any oil/or fuel tanks shall be surrounded by bund walls of sufficient height and construction as to contain 110% of the total contents of the tanks and associated pipework in the event of a spillage. The floor and walls of the bunded area shall be impervious to both water and oil. All filling points, draw pipes, vents and sight gauges shall be located within the bunded area. The pipes shall vent downwards into the bund.
7. Prior to development commencing, details of the proposed office building, including construction materials, colours and finishes, shall be submitted to and approved in writing by the mineral planning authority.
8. The throughput of aggregate leaving the site shall not exceed a level of 200,000 tonnes in any calendar year starting from the date the development commences, unless otherwise agreed by the mineral planning authority in writing.
9. From the date of this permission, the applicant shall maintain records of their monthly output and shall make them available to the mineral planning authority at any time upon request.
10. The gross trailing weight of trains entering the site shall not exceed 1480 tonnes.
11. The number of trains entering the site shall not exceed a maximum of four per week.
12. Except with the prior agreement of the mineral planning authority no unloading of

trains shall be carried out other than during the following hours:

Between 07.00-18.00 hours Mondays to Fridays;

07.00-13.00 hours on Saturdays.

No such operations shall take place on Sundays or recognised public holidays or on Saturdays immediately following Bank Holiday Fridays.

13. Except with the prior agreement of the mineral planning authority no lorries shall leave or enter the site for the purposes of loading and aggregate distribution except between the following hours:
 - 06.00-18.00 hours Mondays to Fridays inclusive and 06.00-13.00 hours on Saturdays
 - No such operations shall take place on Sundays or recognised public holidays or on Saturdays immediately following Bank Holiday Fridays.
14. No export of aggregates shall commence until the junction of the access road with the A4165 has been improved to the specification agreed in writing by the mineral planning authority.
15. Prior to commencement of the development, a sign shall be erected (and thereafter maintained) at the site exit advising drivers of vehicle routes agreed with the mineral planning authority.
16. All reasonable steps shall be taken to ensure that all vehicles leaving the site are in such condition as not to emit dust or deposit mud, slurry or other debris on the highway.
17. No loaded lorries shall leave the site unsheeted.
18. The development shall not commence until a scheme to minimise the emission of dust from the site has been submitted to and approved in writing by the mineral planning authority. Such scheme shall include the water spraying of access roads, aggregate stockpiles and railway wagons whilst unloading is taking place, to suppress dust in periods of prolonged dry weather and shall be implemented in full and the suppression equipment thereafter properly maintained for the duration of the permission.
19. No operations shall be commenced unless and until details of the proposed arrangements for ensuring that reversing vehicles do not emit warning noise that would have an unacceptable adverse impact on residential amenity have been submitted to and approved in writing by the mineral planning authority.
20. No development shall take place until a detailed scheme has been submitted to and approved in writing by the mineral planning authority specifying:
 - (a) the maximum permissible noise levels at the site boundaries or such locations as may be approved by the mineral planning authority;
 - (b) noise monitoring and recording measures;
 - (c) noise suppression measures;
 - (d) procedures to be adopted in the event of the maximum permitted noise levels being exceeded.

The applicant shall implement the approved noise scheme.
21. No development shall take place until a detailed scheme for the landscaping of the site has been submitted to and approved in writing by the mineral planning authority. Such scheme shall include positions, species and sizes of any existing trees and shrubs to be retained and proposals for their protection throughout the operations; the positions, species, density and sizes of all new trees and shrubs; any hard landscaping proposed; the programme of implementation of the scheme and the arrangements for subsequent maintenance. The scheme as approved shall be carried out in full (unless with the prior approval of the mineral planning authority in writing to a variation).
22. The approved scheme of landscaping shall be carried out in the first planting season following occupation of the site and any trees or shrubs which within a period of five years from the occupation of the site die, are removed or become seriously damaged shall be replaced in the next planting season with others of similar size and species, unless the mineral planning authority gives written consent to any variations.

23. The height of any stockpiles of aggregate shall not exceed a maximum of 5 metres.
24. Details of any new boundary fencing shall be submitted to and approved by the mineral planning authority in writing prior to the commencement of the development and no fencing shall be erected that is not so approved.
25. That whilst aggregate unloading operations are being undertaken, the engine in the stationary locomotive on site shall be switched off and shall not be allowed to idle.

DAVID YOUNG
Director of Environmental Services

Background Papers: File 8.1/5011/1.1 - rail import, storage and road distribution of aggregates; loading for rail depot, held in Land Use Planning section of Environmental Services.

Contact Officer: John Hamilton Tel: Oxford 815584

November 1999