



OBJ/131/7

THE CHILTERN RAILWAYS  
(BICESTER TO OXFORD IMPROVEMENTS) ORDER  
PUBLIC INQUIRY

WRITTEN REPRESENTATION  
on behalf of  
OXFORDSHIRE COUNTY COUNCIL  
(Re Water Eaton Conditions)

January 2011

## 1. Introduction

- 1.1. The statement is primarily concerned with the conditions that should be imposed to control the proposed Aggregates Depot adjoining the Water Eaton Park and Ride. At the time of writing this statement, the relevant conditions are contained in the “Request for Direction under section 90(2A) of the Town and Country Planning Act 1990, conditions to be attached to the Direction and Statement of Reserved Matters” (CD/1.12/1 – Revised 29 October 2010).
- 1.2. It provides an OCC response to the queries raised by the Inspector in his Preliminary Notes for the Round Table Session on Conditions (X/10) in relation to conditions 18 and 21.
- 1.3. It also requests the imposition of an additional condition to cover both the existing Water Eaton Park and Ride Site and the proposed car parking associated with the proposed Water Eaton Parkway station. The condition would secure the return of the car parking to agricultural use should the site cease to be needed as a strategic transport facility.

## 2. Background

### The Aggregates Depot

- 2.1. The TWA application by Chiltern Rail includes the relocation of an existing Aggregates Rail Depot to a greenfield location just north of both its current location and the proposed rail car park. The new site is in agricultural use.
- 2.2. The aggregates depot is currently operating without planning permission, therefore there are no planning conditions controlling its effects on the local environment.
- 2.3. The relocation of the site has presented the opportunity of bringing the development under planning control. Both the applicants and the County Council agree that appropriate planning conditions should be imposed.
- 2.4. The conditions that Oxfordshire County Council initially sought are set out in **Annex 1**. Negotiations between the applicants and OCC have resulted in agreement on many of the conditions included in CD/1.12.1
- 2.5. Condition 18 refers to the throughput of the aggregates depot. The Inspector in Inquiry Document X/10 has asked about the evidence that the condition is necessary for the stated reason (i.e. “*To protect the amenity of the area and the integrity of the highway network*”). A

condition limiting throughput was suggested by OCC (see **Annex 1**, condition 8). Negotiations with CRCL have resulted in a higher throughput in the agreed condition than OCC originally proposed. However the throughput limitation is considered necessary because PPG2 says that land in the Green Belt has a positive purpose to play in fulfilling 6 objectives; one of which is to provide opportunities for access to the open countryside for the urban population. There are public rights of way in that area of the Green Belt, the nearest of which is Footpath 229/4 which runs along the east of the Water Eaton Park and Ride site and the proposed aggregates depot.

2.6. The aggregates depot is located in a location, suitable for supplying minerals to Oxford, Kidlington and the surrounding area. It could also import and export minerals to serve much wider markets which would not justify its location in the Green Belt. Therefore to protect the amenity of local residents who want to access the countryside in the green belt, there needs to be a restriction on the throughput of materials, so as not to have an unrestricted amount of activity in the Green Belt. In addition, the junction would come out on to a heavily used arterial road (A4166) to Oxford and its ring road. There is housing on the A4166 south of the site. The A4166 is heavily used, particularly during peak hours and any extra traffic at the site entrance would affect not only the A4166 but the surrounding road network as well. It is therefore necessary to have a limit on the traffic movements to and from the site. The limit on throughput would also limit the amount of traffic on the highway. Suggested wording for a change to this condition is contained in **Annex 5**.

2.7. There remain some conditions on which we have not been able to reach agreement.

*Water Eaton Parkway Station, its car park and the existing Park & Ride*

2.8. The Station and both car parks are within the Oxford Green Belt.

2.9. The Station and rail car park are proposed to be constructed on agricultural land.

2.10. The existing Park & Ride was constructed on agricultural land. When OCC granted itself permission in October 2000 to develop the site as a Park & Ride site, an undertaking was given that *“should the site eventually be no longer needed for strategic transport purposes it should be used for a purpose compatible with its green belt status”*.

*Height of stockpiles at the aggregates depot*

2.11. OCC considers that the height of aggregate stockpiles that would be permissible under CRCL's proposed condition 20 in

CD/1.12/1 is excessive in this greenbelt location on what is now open agricultural land.

### **3. Planning Policy**

3.1. The relevant Development Plan policies are:

South East Plan

SP5 Green Belts  
M5 Safeguarding of Mineral Reserves Wharves and Rail Depots.  
CO4 Oxford Green Belt

Oxfordshire Minerals and Waste Local Plan (adopted July 1996)  
Saved Policies<sup>1</sup>

SD7 Rail Depots  
SD9 Rail Depots  
PE18 Protecting the Environment  
The OMWLP is not at the time of writing a Core Document for the Inquiry, and so copies of the relevant extracts are at **Annex 2** to this Statement

Cherwell Local Plan (adopted November 1996) Saved Policies:

GB1 Development in the Green Belt  
C7 Landscape Conservation

3.2. Government Guidance

Planning Policy Guidance 2: Green Belts

3.3. Non Statutory Policies

Cherwell Non-Statutory Local Plan  
GB1 Development in the Green Belt  
EN1 Environmental  
EN34 Landscape Character

### **4. Specific Policy Considerations in Relation to the Water Eaton Site and the Green Belt**

*Aggregates policy*

4.1. Policy SD7 of the Oxfordshire Minerals and Waste Local Plan encourages rail head development for the import of aggregates at several locations in Oxfordshire, including the existing aggregates depot at Water Eaton. Policy SD9 seeks to safeguard its continued

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<sup>1</sup>

Saved by letter 25 September 2007

use as a rail aggregates depot. The relocation of the rail aggregates operation meets the spirit of this policy even though it is outside the boundary identified by policy SD7 and therefore pushes development into the Green Belt and the open countryside.

### *Green Belt*

- 4.2. Planning Policy Guidance Note 2 - Green Belt - (PPG2) states that there is a presumption against inappropriate development in the Green Belt, and that permission should only be granted for inappropriate development in 'very special circumstances.' Inappropriate development is by definition, harmful to the Green Belt and it is for the applicant to show why the permission should be granted. Very special circumstances to justify inappropriate development will not exist unless the harm by reason of inappropriateness, and any other harm is clearly outweighed by other considerations.
- 4.3. Policies GB1 of the Cherwell Local Plan and Non-Statutory Local Plan also require that very special circumstances are required for applications for inappropriate development in the Green Belt.
- 4.4. The Station and aggregates depot are inappropriate development as defined

## **5. Planning Conditions on Which Oxfordshire County Council and Chiltern Rail Have Not Reached Agreement**

### 5.1. Monitoring of Throughput

- 5.1.1. In essence we believe this has been agreed and included as condition 19 of CD1.12/1. There is a drafting error in the reason for the condition. It is to monitor condition 18 (throughput) and not condition 20 (height of stored aggregates) as written.
- 5.1.2. It is understood that an appropriate change to the condition will be submitted by CRCL in the final version of CD1.12. Pending sight of that, OCC's suggested condition to achieve this is in **Annex 5**, essentially amalgamating conditions 18 and 19 in CD/1.12/1.

### 5.2. Heights of Stored Aggregates

- 5.2.1. Policy GB1 of the Cherwell Local Plan seeks to protect the special character of Oxford and its Landscape setting and policy GB1 of the Cherwell non Statutory Local Plan states that developments that have a detrimental visual effect will not be permitted. Policy C7 of the Cherwell Local Plan and policy EN34

of the Cherwell Non-Statutory Local Plan seek to protect landscape character. Policy EN34 also seeks to protect the open countryside against visual intrusion.

- 5.2.2. Stockpiles of aggregates would certainly have a detrimental effect on the landscape and the open countryside. In addition, the site is in the Green Belt and the stockpiles would affect openness; the higher the stockpiles, the greater the effect on openness. These are impacts which we would seek to mitigate by means of controlling their height, and by ensuring they are screened by suitably planted bunds.
- 5.2.3. Controlling the impact of the aggregate stockpiles is particularly important since the proposed aggregates depot is on land which is currently open agricultural land.
- 5.2.4. As proposed in CD1.12/1, the stockpiles are *“not to exceed eight metres or the height of the earth bunds approved under condition 5.1 if higher”* (OCC emphasis).
- 5.2.5. The stockpiles currently on the site appear to be about 2 to 3m in height (see photographs **Annex 3**). OCC has been told that CRCL believes, for the reasons given in cross-examination of Ian Gilder by Dr Scargill (OBJ 122), that the earth bunds should be limited in height to perhaps 2 metres, as a basis for planting, rather than the higher earth bunds, routinely used for the temporary screening of sand and gravel extraction sites. CRCL believes that 2m bunds, suitably planted, would sufficiently screen 8m high stockpiles of aggregates
- 5.2.6. OCC does not accept this argument because the planting would need to be of native species so as not to appear incongruous. As a result the screen planting would take time to establish and even when it has done so, it would be far less effective for screening the site in winter months.
- 5.2.7. OCC accepts that the aggregate stockpiles could be up to the height of the bunds but does not accept that 8m is a reasonable height for a bund in such a location. The bunds themselves would impact upon the landscape and adversely affect the openness of the green belt. On most of our mineral extraction and waste disposal sites, bunds would be a maximum of 4m in height.
- 5.2.8. It is understood at the time of writing that CRCL is proposing to revise this condition to read as follows: *“The height of any stockpiles of stored aggregate shall not exceed 8 metres in height above rail level”*.

5.2.9. Whilst this improves on the CD1.12/1 version, in that there is an absolute height limit, 8 metres is still considered to be too high. Why CRCL are proposing a height limit of 8 metres is unclear.

5.2.10. There was a resolution by OCC's Planning Subcommittee on 29<sup>th</sup> November 1999, to grant planning permission for Importation of aggregates by rail, storage of aggregates on site and distribution of aggregates by Road on the existing site (**Annex 4**). The resolution included a condition that stockpiles of aggregates could be up to 5m high. The applicants had applied for up to 8m high stockpiles but it was felt that, even in the context of the site being next to a railway bridge and the grain silo, 5m was the acceptable height limit.

5.2.11. By contrast, in the case of the current proposal the context would be on a greenfield site in open countryside and so the height limits would need to be more restrictive. The current stockpiles on the site are no more than 3m high, so a restriction to 4m would more than adequately accommodate the existing capacity.

5.2.12. To put the proposed height of the stockpiles into context, the existing grain silo is about 24m in height, so an 8m stockpile would come about a third of the way up it.

## **6. Condition related to the Car Parking at the Water Eaton Site**

6.1. OCC acknowledges that very special circumstances exist to justify this development in the Green Belt.

6.2. The car parking for the site would be contiguous with the Water Eaton Park and Ride site, which was itself justified by very special circumstances.

6.3. After the North Oxford Park and Ride was permitted in October 2000, PPG 2 was amended to say that Park and Ride schemes may not be inappropriate development. PPG2 now states that Park and Ride developments in the green belt are not inappropriate development provided that certain criteria are met. However the amended paragraph (3.17) begins by saying that "the countryside immediately around urban areas will often be the preferred location for park and ride schemes."

6.4. The proposed parkway station is not primarily to serve Oxford, and therefore not a park and ride to serve the immediate urban area. The station and car park are a means of accessing the rail network and therefore not, in my view, a park and ride scheme as intended by the

guidance. It is nonetheless accepted that in this case very special circumstances have been demonstrated for the station and car park.

6.5. The car parking areas, are either appropriate because they are for park and ride purposes or inappropriate but justified by very special circumstances because of their strategic transport function.

6.6. In either case should they no longer be required they would potentially become a large developed but derelict area within a part of the Green Belt which is an important strategic gap. A condition should therefore be attached, such that should the car parking no longer be needed for a railway station, car parking associated with the railways station or as a park and ride site to serve Oxford City, it would be reinstated back to agriculture. A suggested draft of such a condition is contained in **Annex 5**.

## **7. Conclusion**

7.1. For the reasons given in this submission OCC request that the Inspector recommends the additional/revised conditions listed in **Annex 5**.