



To: Members of the Planning & Regulation Committee

***Notice of a Meeting of the Planning & Regulation
Committee***

Monday, 2 July 2018 at 2.00 pm

Committee Rooms 1 & 2, County Hall, New Road, Oxford

A handwritten signature in black ink that reads "PG Clark".

Peter G. Clark
Chief Executive

June 2018

Committee Officer: Graham Warrington
Tel: 07393 001211; E-Mail:
graham.warrington@oxfordshire.gov.uk

Members are asked to contact the case officers in advance of the committee meeting if they have any issues/questions of a technical nature on any agenda item. This will enable officers to carry out any necessary research and provide members with an informed response.

Membership

Chairman – Councillor Les Sibley
Deputy Chairman - Councillor Jeannette Matelot

Councillors

Mrs Anda Fitzgerald-
O'Connor
Mike Fox-Davies
Stefan Gawrysiak
Bob Johnston

Glynis Phillips
G.A. Reynolds
Judy Roberts
Dan Sames

John Sanders
Alan Thompson
Richard Webber

Notes:

- ***A site visit is required for Item 6***
- ***Date of next meeting: 10 September 2018***

Declarations of Interest

The duty to declare.....

Under the Localism Act 2011 it is a criminal offence to

- (a) fail to register a disclosable pecuniary interest within 28 days of election or co-option (or re-election or re-appointment), or
- (b) provide false or misleading information on registration, or
- (c) participate in discussion or voting in a meeting on a matter in which the member or co-opted member has a disclosable pecuniary interest.

Whose Interests must be included?

The Act provides that the interests which must be notified are those of a member or co-opted member of the authority, **or**

- those of a spouse or civil partner of the member or co-opted member;
- those of a person with whom the member or co-opted member is living as husband/wife
- those of a person with whom the member or co-opted member is living as if they were civil partners.

(in each case where the member or co-opted member is aware that the other person has the interest).

What if I remember that I have a Disclosable Pecuniary Interest during the Meeting?.

The Code requires that, at a meeting, where a member or co-opted member has a disclosable interest (of which they are aware) in any matter being considered, they disclose that interest to the meeting. The Council will continue to include an appropriate item on agendas for all meetings, to facilitate this.

Although not explicitly required by the legislation or by the code, it is recommended that in the interests of transparency and for the benefit of all in attendance at the meeting (including members of the public) the nature as well as the existence of the interest is disclosed.

A member or co-opted member who has disclosed a pecuniary interest at a meeting must not participate (or participate further) in any discussion of the matter; and must not participate in any vote or further vote taken; and must withdraw from the room.

Members are asked to continue to pay regard to the following provisions in the code that *"You must serve only the public interest and must never improperly confer an advantage or disadvantage on any person including yourself"* or *"You must not place yourself in situations where your honesty and integrity may be questioned....."*

Please seek advice from the Monitoring Officer prior to the meeting should you have any doubt about your approach.

List of Disclosable Pecuniary Interests:

Employment (includes *"any employment, office, trade, profession or vocation carried on for profit or gain"*.), **Sponsorship, Contracts, Land, Licences, Corporate Tenancies, Securities.**

For a full list of Disclosable Pecuniary Interests and further Guidance on this matter please see the Guide to the New Code of Conduct and Register of Interests at Members' conduct guidelines.

<http://intranet.oxfordshire.gov.uk/wps/wcm/connect/occ/Insite/Elected+members/> or contact Glenn Watson on **07776 997946** or glenn.watson@oxfordshire.gov.uk for a hard copy of the document.

If you have any special requirements (such as a large print version of these papers or special access facilities) please contact the officer named on the front page, but please give as much notice as possible before the meeting.

AGENDA

1. **Election of Chairman**
2. **Election of Deputy Chairman**
3. **Apologies for Absence and Temporary Appointments**
4. **Declarations of Interest - see guidance note opposite**
5. **Minutes (Pages 1 - 6)**

To approve the minutes of the meeting held on 14 May 2018 (**PN5**) and to receive information arising from them.

6. **Petitions and Public Address**
7. **Chairman's Updates**
8. **Section 73 application to vary conditions 1 and 13 of planning permission P15/V2384/CM (MW.0134/15) to allow for bunds to be retained on the site and to incorporate them into a revised restoration scheme at Wicklesham Quarry, Sandshill, Faringdon, Oxon, SN7 7PQ - Application number MW.0084/17. (Pages 7 - 20)**

Report by Director for Planning & Place (PN8).

This is a planning application to allow a change in the restoration of the quarry site. The changes are to retain some earth mounds, alter the contours of the final landform and make some alterations to the final ponds on the site.

The report outlines the relevant planning policies, along with the comments and recommendations of the Director for Planning and Place.

The main issues with the application are the effect on the local amenity, biodiversity and landscape. It is felt that the proposed changes would allow for an acceptable restoration and the recommendation is therefore to approve the application subject to there being no objection from the two consultants.

It is RECOMMENDED that planning permission for application no. MW.0084/17 be approved subject to conditions to be determined by the Director for Planning and Place but to include the following:

- 1) **The development shall be carried out strictly in accordance with the particulars of the development, plans and specifications contained in the application (and letters/e-mails of amendment) except as modified by conditions of this permission. The approved plans and particulars comprise:**
 - **Application form dated 30/08/2017**
 - **Letter dated 29/08/2017**
 - **Supplemental Letter dated 17/04/2017**
 - **Ecology Statement dated 29/08/2017**
 - **Enzygo Method Statement dated 16/04/2018**
 - **Site Restoration Plan - Drawing no. DG/QO/WIC/RES/01 Rev D**
 - **Cut and Fill balance to achieve restoration levels as per drawing no. DG/QO/WIC/RES/01 Rev D**
 - **Site Location Plan - Drawing No: DG/OO/WIC/TEMP/02.**
 - **Aftercare Scheme set out in paragraph 3.0 onwards in the approved Restoration and Aftercare Scheme dated December 2012.**
 - **Conservation of geological interest features of SSSI Plan - Restoration and aftercare scheme dated December 2012 subject to revised restoration plan - DG/QO/WIC/RES/01 Rev D.**
- 2) **The works relating to the restoration and aftercare of the site shall be carried out only between the following times: 0700 to 1800 hours Mondays to Fridays and 0700 to 1300 hours on Saturdays; no operations shall take place at any time on Sundays or recognised public holidays.**
- 3) **The site shall be completely restored by 30 September 2018 in accordance with the approved restoration scheme DG/QO/WIC/RES/01 Rev D.**
- 4) **No reversing beepers, other than those emitting white noise, shall be fixed to, or used on, any mobile plant.**

Informative

All bird nests, eggs and young are protected under the Wildlife & Countryside Act 1981 (as amended) which makes it illegal to intentionally take, damage or destroy the nest of any wild bird while it is use or being built. Therefore, no removal of [trees, scrub, hedgerows, and grassland] should take place between 1st March and 31st August inclusive to prevent committing an offence under the Wildlife & Countryside Act 1981 (as amended). If any protected species [e.g. bats, badgers, dormice, otters, water voles, reptiles, amphibians, and breeding birds] are found at any point, all work should cease immediately. Killing, injuring or disturbing any of these species could constitute a criminal offence. Before any further work takes place a suitably qualified ecological consultant should be consulted for advice on how to proceed. Work should not recommence until a full survey has been carried out, a mitigation strategy prepared and licence obtained (if necessary) in discussion and agreement with Natural England. It is recommended that the native trees and seeds to be used in the restoration scheme are of UK (or ideally more local) provenance. For example, the Flora Locale website gives contact details for suppliers of UK provenance seed and plants: <http://www.floralocale.org/HomePage> A Habitat Regulations licence from Natural England for great crested newts may be required to make this permission lawful.

9. Relevant Development Plan and other Policies (Pages 21 - 32)

Paper by Director for Planning & Place (PN9).

The paper sets out policies in relation to Item 8 and should be regarded as an Annex to the report.

Pre-Meeting Briefing

There will be a pre-meeting briefing at County Hall on **Monday 2 July 2018** at **12 midday** for the Chairman, Deputy Chairman and Opposition Group Spokesman.

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PLANNING & REGULATION COMMITTEE

MINUTES of the meeting held on Monday, 14 May 2018 commencing at 2.00 pm and finishing at 2.47 pm

Present:

Voting Members: Councillor Les Sibley – in the Chair

Councillor Jeannette Matelot (Deputy Chairman)
Councillor Mrs Anda Fitzgerald-O'Connor
Councillor Mike Fox-Davies
Councillor Glynis Phillips
Councillor G.A. Reynolds
Councillor Judy Roberts
Councillor Dan Sames
Councillor Alan Thompson
Councillor Richard Webber

Other Members in Attendance: Councillor Charles Mathew (for Agenda Item 7)

Whole of meeting G. Warrington & D. Mytton (Law & Governance); C. Kenneford and D. Periam (Planning & Place)

Part of meeting

Agenda Item 8. **Officer Attending**
C. Hodgkinson (Planning & Place)

The Committee considered the matters, reports and recommendations contained or referred to in the agenda for the meeting, and decided as set out below. Except as insofar as otherwise specified, the reasons for the decisions are contained in the agenda and reports, copies of which are attached to the signed Minutes.

20/18 APOLOGIES FOR ABSENCE AND TEMPORARY APPOINTMENTS

(Agenda No. 1)

<i>Apology for absence</i>	<i>Temporary Appointment</i>
Councillor Stefan Gawrysiak (-)	(-)
Councillor Mark Lygo (-)	(-)
Councillor Bob Johnston (-)	(-)

21/18 MINUTES
(Agenda No. 3)

The minutes of the meeting held on 26 March 2018 were approved and signed.

22/18 PETITIONS AND PUBLIC ADDRESS
(Agenda No. 4)

<i>Speaker</i>	<i>Item</i>
John Salmon (Agent for the Applicant) Councillor Charles Mathew (Local Member))) Item 7 – Dix Pit Recycled) Aggregate Facility)

23/18 ROUTEING AGREEMENTS PROTOCOL
(Agenda No. 6)

On 27 March 2018 the County Council approved a motion by Councillor Fox-Davies in the following terms:

“Many approvals for planning permission are granted, subject to routeing agreements, (normally for HGV traffic). These form a contract with the applicant. If these agreements are not followed, there is limited power of enforcement. Once granted the permission cannot be removed, the only enforcement process is for the applicant to be pursued through the civil court.

This is currently embedded in planning law. Whilst many applicants will abide by the legal agreements, there is no easy deterrent for applicants who flout them.

As a rural Council with many villages affected by HGV movements, we feel strongly that the law in this area needs to be amended. This Council requests that the Planning & Regulation Committee strengthen the existing OCC planning protocols to include measures to enable easy redress following persistent breaches such as the retention of a financial performance bond, with the necessary mechanism for any persistent breaches of the routeing agreements.

Additionally, this Council asks that the Leader of the Council Lobby every MP in Oxfordshire to support this change and raise a back-bench motion in Parliament, to strengthen the UK planning law to allow local authorities more redress when conditions or legal agreements entered by contractors are persistently breached.”

In the light of that approved motion the Committee considered (PN6) a revised routeing agreements protocol based on the terms of the six options which comprised

the existing routeing protocol as agreed in September 2016 and which applied only to applications which the County Council itself determined as Minerals and Waste Planning Authority together with an additional option to meet the terms of Councillor Fox-Davies' motion as follows:

"7) If an application is received:

- a) and there is a history of substantiated, persistent or flagrant breaches by an applicant of the terms of an existing routeing agreement, a security deposit will be required from the applicant at the outset when entering into the new routeing agreement.
- b) for a site in a part of the county where there has been an ongoing concern with regard to existing vehicle movements but there has been no history of non-compliance on the part of the applicant, the routeing agreement will include a provision that if the Council reasonably determines later that there have been substantiated, persistent or flagrant breaches of that agreement then operations will cease until a security deposit has been paid to the County Council

In either case, the security deposit would be used to fund the council's costs incurred in monitoring the agreement, investigating suspected breaches of the agreement and securing compliance with the agreement, as necessary. The security deposit would not normally exceed an amount of £1,000 per year for the number of years the development is permitted."

Councillor Fox-Davies agreed in principle with the terms of the additional option but considered a more appropriate figure for a security deposit would be £5,000 per year or a minimum of £25,000 in order to encourage operators not to break the terms of a routeing agreement and he so moved. Councillor Webber seconded the motion which was then put to the Committee and –

RESOLVED: (by 9 votes to 0 with one abstention) that the revised Routeing Agreements Protocol set out in Annex 2 to the officer's report PN6 be adopted subject to amending the final sentence in paragraph 7) of that protocol to read as follows:

"The security deposit would not normally exceed an amount of £5,000 per year for the number of years the development is permitted or a minimum of £25,000."

24/18 SECTION 73 APPLICATION TO CONTINUE THE OPERATION OF DIX PIT RECYCLED AGGREGATE FACILITY PERMITTED BY PLANNING PERMISSION NO. 16/04166/CM (MW.0140/16) WITHOUT COMPLYING WITH CONDITION 6 THEREBY ALLOWING AN INCREASE IN THE MAXIMUM TONNAGE OF WASTE MATERIAL IMPORTED TO SITE TO 175,000 TONNES PER ANNUM - SECTION 73 APPLICATION TO CONTINUE THE OPERATION OF DIX PIT RECYCLED AGGREGATE FACILITY PERMITTED BY PLANNING PERMISSION NO. 16/04166/CM

(MW.0140/16) WITHOUT COMPLYING WITH CONDITION 6 THEREBY ALLOWING AN INCREASE IN THE MAXIMUM TONNAGE OF WASTE MATERIAL IMPORTED TO SITE TO 175,000 TONNES PER ANNUM - SECTION 73 APPLICATION TO CONTINUE THE OPERATION OF DIX PIT RECYCLED AGGREGATE FACILITY PERMITTED BY PLANNING PERMISSION NO. 16/04166/CM (MW.0140/16) WITHOUT COMPLYING WITH CONDITION 6 THEREBY ALLOWING AN INCREASE IN THE MAXIMUM TONNAGE OF WASTE MATERIAL IMPORTED TO SITE TO 175,000 TONNES PER ANNUM - APPLICATION NO. MW.0015/18

(Agenda No. 7)

The Committee considered an application to increase the amount of waste imported to the existing Dix Pit Recycled Aggregates Facility from 100,000 to 175,000 tonnes per calendar year through a variation of condition 6 of planning permission no. 16/04166/CM (MW.0140/16). No other changes to the existing conditions were proposed. The application was being reported to the Planning & Regulation Committee as a resubmission of a previous application no. MW.0073/17 for the same development which had been refused planning permission and was now the subject of an undetermined appeal.

Presenting the report Mr Periam updated members on recent contraventions of the routing agreement. Although no complaints had been received from members of the public since the last meeting officers had carried out two separate monitoring visits which had culminated in one vehicle being observed on the previous Thursday contravening the terms of the agreement, which, on investigation, it had been established that the vehicle was not in fact owned by the applicant but in the ownership of a third-party contractor. The applicant had subsequently responded and dealt with the report immediately in line with agreed procedures.

Mr Periam then responded to questions from:

Councillor Matelot – officers continued to use their best endeavours to ensure compliance.

Councillor Sames – the site had wheel-washing facilities but vehicles from this site weren't the only vehicles which used this road.

John Salmon on behalf of the applicants stated that a lot of information put before members had been incorrect and misleading and confirmed the applicant's view that the agreement was not frequently or flagrantly violated. This was a sound application which met the county council's guidelines and lorry route policies as well as government aspirations for recycling and daily traffic fluctuations resulting from this application would be imperceptible. The applicants were proud of their operation, which was the only one at the Dix Pit site which had signed up to a routing agreement and it was important to note that the company owned 18 lorries yet 180 used the site. They considered they had been unfairly treated and delays with this application had cost them £1m. Today's application had been made on Counsel's advice to try and reach a compromise and to do that the company had tried to be honest and objective.

Councillor Charles Mathew reminded the Committee that at the 8 January 2018 meeting he had proposed a staggered approach to the increased tonnage with a reduced amount of traffic on the B4449. That approach had been rejected by the applicants and the application subsequently refused on the grounds of adverse impact on amenity of residents in Sutton village so he was not happy to now see a reapplication based merely on an increased offer towards highway maintenance and provision of a road sign. He understood an email had been sent to all members by the applicants stating their intention to sue him and the County Council for defamation which he considered had been based on a false interpretation of what he had said. He had every respect for the recycling industry but felt this site was quite simply in the wrong place. He referred to an abusive email he had received from Chris Sheehan and hoped that members would not submit to pressure and reaffirm their decision to reject the application. The B4449 was not capable of taking extra traffic and any further increase would be unacceptable and continue to make life uncomfortable for residents.

Mr Mytton confirmed that this was a largely repeat application of the one refused in January 2018 but there was an opportunity for the Committee to reconsider it in the light of the revised offer by the applicants for an increased highway maintenance contribution and improved signage. It would be difficult to justify refusal on grounds other than those specified in the January refusal unless there was evidence for that.

Councillor Fox-Davies asked whether or not the Committee could justifiably reconsider this application in the light of the revised routeing agreements protocol previously agreed by the Committee at this meeting.

Mr Periam and Mr Mytton advised that in general fairness if the Committee wished to do that then the application should be deferred to enable the applicants to consider their position in the light of the terms of the revised protocol. However, it was still open for the Committee to refuse the application if it remained of a view that it was still unacceptable but if the Committee were minded to approve the application now then it needed to do so under the old protocol.

RESOLVED: (on a motion by Councillor Fox-Davies, seconded by Councillor Webber and carried by 9 votes to 0, with one abstention recorded) that the Section 73 application to continue the operation of Dix Pit Recycled Aggregate Facility permitted by planning permission no. 16/04166/CM be deferred to enable the application to be considered under the terms of the revised Routeing Agreements Protocol and to seek the views of the applicant on this.

25/18 PROGRESS REPORT ON MINERALS AND WASTE SITE MONITORING AND ENFORCEMENT

(Agenda No. 8)

The Committee considered (PN8) a report updating members on the regular monitoring of minerals and waste planning permission for the financial year 1 April 2017 to 31 March 2018 and progress of enforcement cases.

Councillor Fox-Davies suggested it would be useful to have some brief comment against monitoring to give members more guidance on the current state of operations

rather than just a figure stating the number of visits. Councillor Phillips noted this but stated that she preferred officers to devote their time going out and monitoring sites and investigating breaches of planning control.

RESOLVED: that the schedule of compliance monitoring visits set out in Annex 1 and the schedule of enforcement cases in Annex 2 to the report PN8 be noted.

..... in the Chair

Date of signing

For: PLANNING AND REGULATION COMMITTEE – 2 July 2018

By: DIRECTOR FOR PLANNING AND PLACE

Development Proposed:

Section 73 application to vary conditions 1 and 13 of planning permission P15/V2384/CM (MW.0134/15) to allow for bunds to be retained on the site and to incorporate them into a revised restoration scheme

Division Affected: Faringdon

Contact Officer: Kevin Broughton **Tel:** 01865 815272

Location: Wicklesham Quarry, Sandshill, Faringdon, Oxon, SN7 7PQ.

Applicant: Grundon Sand & Gravel Ltd.

Application No: MW.0084/17 **District Ref:** P17/V2812/CM
District Council Area: Vale of White Horse District Council

Date Received: 27 September 2017

Consultation Period: 12 October – 2 November 2017

Recommendation:

The report recommends that the applications be approved.

Contents:

- Part 1 – Facts and Background
- Part 2 – Other Viewpoints
- Part 3 – Relevant Planning Documents
- Part 4 – Analysis and Conclusions

• **Part 1 – Facts and Background**

Site and Setting (see site plan Annex 1)

1. Wicklesham Quarry is immediately south of the A420, approximately 1km (0.6 miles) south of Faringdon.
2. The site is within the area designated as the Great Western Community Forest.
3. The site is within and surrounded by open countryside, and is within the landscape character area of 'North Vale Corallian Ridge'. The specific landscape character type of the site and its immediate surrounding area is defined as Rolling Farmland.
4. The nearest properties to the site (the Gardens and Wicklesham Lodge Farm) are immediately adjacent to the quarry at its furthestmost south-east corner.
5. The entire site lies within the Wicklesham and Coxwell Pits Site of Special Scientific Interest (SSSI). This SSSI has been designated for its geological interest due to the geological exposures on its perimeter. A public footpath crosses the access road to the quarry. Public bridleways run along its southern boundary and link to further bridleways to the south and east.
6. Two ponds created by the quarry support a small Great Crested Newt population.
7. The main vehicle access into the site is from a slip road immediately to the west of the junction of the A417 (Park Road) and the A420.
8. The quarrying activities have lowered the landform by some 8 metres over an area of approximately 8 hectares.

Planning History

9. Planning permission was granted in 1986 for the extraction of sand and gravel from the quarry.
10. Since then the County Council has granted several permissions for the site mainly to extend the time period to complete extraction of minerals and then restore the site but also for the importation of materials to be used in connection with construction of golf courses together with operations for the blending of imported and indigenous quarried materials. The current permission for the quarry (MW.0134/15) required the restoration of the quarry by 30 September 2016.

11. Mineral extraction has ceased and all buildings, machinery and hard standings have been removed. The site is required to be restored to agriculture.
12. The site was not restored within the timeframe, and the County Council served a breach of condition notice on 9 November 2016 requiring the site's restoration to be completed in accordance with the approved plans by 30 June 2017. Soil placement has taken place on the site, but not in accordance with the approved plans. The site failed to achieve a natural slope from the north-west to the south-east and instead was restored too flat in places, which led to some water logging issues in some areas and low water levels in the ponds. However, the two ponds on the site have been retained, and the SSSI conservation faces have been established.
13. The applicant sought to regularise the development by submitting the current planning application which was validated on 27 September 2017.
14. During the processing of the application, and following monitoring visits, it became clear that the proposed development would still not regularise the restoration on the site. Further discussions were held with the applicant and further information was sought. This additional information has led to the application now before the committee.

Details of the Development

15. The application seeks to vary conditions 1 and 13 of permission P15/V2384/CM (MW.0134/15). Condition 1 sets out the particulars, including the approved plans, and condition 13 states that 'No bunds of overburden, quarry waste or soil shall be left on the site after 30 September 2016.'
16. Some soils on the southern site perimeter have not been brought back to the quarry floor for use in restoration. The applicants have sought ecological advice which has stated that the removal of the bunds would disturb important ecological features, and should therefore be retained. The species likely to be affected are: badgers, sand martins and Great Crested Newts (GCN).
17. In determining the application and following site visits it became clear that the proposed changes would not address all the issues on the site and further information was submitted that included changes to the final restoration levels which would be achieved using the existing materials on the site.
18. The proposed changes would include the following works:-

- Re-contouring of ground levels using a cut and fill method cutting down to as much as 2.5m and filling by as much as 2m. The levels would all be on the quarry floor which is set down well below the surrounding levels;
- The shape of the ponds would reflect what is on the ground, and would be different in shape to the permitted plans, and the buffer zone around them would be smaller.
- Removal of newt fencing by hand;
- Erection of stock proof fencing to create and protect buffers around the ponds.
- Topsoils would be pushed into windrows and spread back onto the site. Where the subsoil and topsoil have become mixed this phase of the operations would not be carried out.
- The SSSI collection resources would need to be moved for a temporary period.
- A slight alteration to the location of the ditch running along the southern side of the site.

• **Part 2 – Other Viewpoints**

Representations

19. There are eight third party objections to the application. The points raised are set out below with the number of representations on that issue in brackets.
20. A new survey of the ponds should be carried out. (8)
21. OCC should be more vigilant in its defence of Wicklesham Quarry, and that significant damage has already been done to the ponds in contravention of planning conditions. (2)
22. The damage done to the ponds is a breach of the Conservation of Species and Habitats Regulation (2010). (1)
23. The County Council has a duty to commission a new survey of the ponds, to assess their current state, and to re-measure their depth. (1)
24. The applicant has a history of not following the requirements on the site, and an independent study is needed to check that work has been done satisfactorily. (1)
25. No alteration should be permitted until recommendations by Enzygo are made. (1)
26. The County Council has a legal duty under the NERC Act 2006 to ensure the protection of S41 Priority Habitat and Protected Species. (1)
27. Conditions 1 and 20 of the current permission have not been carried out for the following reasons:

- the applicant failed to apply for a licence from Natural England
- OCC's Monitoring Officer took photographs of Pond 1, which show that trees and vegetation which form an integral part of these habitats had been cut down and removed during this time.
- the damage to the pond demonstrated in these photographs is a breach of planning conditions cited above, results in loss of biodiversity, and threatens the ecology of the water bodies, including the European Protected Species that they support. It is also a breach of the Conservation of Species & Habitats Regulations 2010.
- OCC subsequently served a Breach of Conditions Notice. The damage shown above had already been carried out. (1)

Consultations

28. Vale of White Horse District Council (Planning) – no objection
29. Vale of White Horse District Council (EHO) – no objection
30. Faringdon Town Council – no objection
31. Environment Agency – no objection
32. Natural England – no comment
33. OCC (Highway Authority) – no objection
34. OCC (Lead Flood Authority) – no objection
35. OCC (County Ecology Team) – had no objection to the proposal. There was however a site meeting to examine alternatives to the proposed restoration, when it became clear that the site did not currently have the correct permitted contours, and that it would not be able to achieve them with the soils left on site, and made the following comments:
 - The drying of the ponds is not helped by poor land-forming, meaning that most of the site drains away from the ponds. The newt fence and soil mound may also deflect drainage away from ponds.
 - Reluctant to accept an altered restoration plan with less habitat, in terms of habitat quality or area. The current situation left as it is would present a loss of habitat from the expected area because the poor scrub / tall herb vegetation is not of a comparable quality with properly restored pond.
 - There needs to be open water on site to maintain the GCN population and to provide suitable conditions for breeding. Retrofitting a lining to either of the existing ponds would be difficult and likely to cause damage to any newts or other species present. Creating an additional pond would probably be the cheapest way of achieving open water.
 - The lack of buffer fencing also means that the area of habitat is smaller than expected.

- Tree planting to the south west of the entrance will fail due to prolonged waterlogging and should be replaced elsewhere.
- Currently water drains to the low point and pools there. The site owner's view is that this will eventually find its way out through bedrock. Given that the natural drainage of the site is in this direction, it would make sense to retain this as a (probably lined) pond and provide a small connecting habitat link to the existing pond area.

The following is recommended:

- Remove newt fencing under supervision of an ecologist and lower soil where this is deflecting water from pond areas.
- Control buddleia and replace with other scrub species.
- Create a lined pond at the low point, with habitat link to nearby pond area.
- Fence all pond areas to provide buffer of rough grassland to trap silt and fertiliser.

Further information was submitted by the applicant relating to the pond areas, which increased the size of the buffers around the ponds. The County's Ecology Team have confirmed that they are now happy with the proposed scheme.

Part 3 – Relevant Planning Documents

Relevant planning policies (see Policy Annex to the committee papers)

36. Planning applications should be decided in accordance with the Development Plan unless material considerations indicate otherwise.

The relevant development plan documents are:

- Oxfordshire Minerals and Waste Local Plan Part 1 – Core Strategy 2017
 - Vale of White Horse Local Plan 2031.
 - Saved policies of the Vale of White Horse Local Plan 2011.
37. The Vale of White Horse Local Plan 2031 Part 2: Detailed Policies and Additional Sites (VoWHLP 2031 Part 2) was subject to a period of consultation which closed on 4th May 2017. Whilst a material consideration, in accordance with paragraph 216 of the NPPF, these policies are at an early stage and should be given limited weight in any decision made.
38. The Government's National Planning Policy Framework (NPPF) is also a material consideration.

Relevant Policies

39. Oxfordshire Minerals and Waste Local Plan Part 1 – Core Strategy (OMWCS)

Policy M10: Restoration of mineral workings
Policy C1: Sustainable development
Policy C2: Climate change
Policy C4: Water environment
Policy C5: Local environment, amenity and economy
Policy C6: Agricultural land and soils
Policy C7: Biodiversity and geodiversity
Policy C8: Landscape

40. Vale of White Horse Local Plan 2031 Part 1: Strategic Sites and Policies (VLP1)

Core Policy 1: Presumption in Favour of Sustainable Development
Core Policy 44: Landscape
Core Policy 46: Conservation and Improvement of Biodiversity

41. Saved Policies of the Vale of White Horse Local Plan 2011 (VLP2011)

Policy DC6: Landscaping
Policy DC9: Impact of development on neighbouring uses
Policy DC12: Water quality and resources
Policy NE7: North Vale Corallian Ridge
Policy NE12: Great Western Community Forest
Policy L10: Safeguarding and improving rights of way

42. The Vale of White Horse Local Plan 2031 Part 2: Detailed Policies and Additional Sites (VLP2)

Development Policy 23: Impact of Development on Amenity
Development Policy 31: Protection of Public Rights of Way, National Trails and Open Access Areas

• Part 4 – Analysis and Conclusions

Comments of the Director for Planning and Place

43. Policy C1 of the OMWCS states that a positive approach will be taken to minerals and waste development in Oxfordshire, reflecting the presumption in favour of sustainable development contained in the National Planning Policy Framework. This presumption in favour of sustainable development, is also set out in Core Policy 1 of the VLP1.
44. Policy M10 of the OMWCS states that mineral workings shall be restored to a high standard in a timely manner to an after-use that is appropriate to the location. The proposed development seeks a change to the approved restoration scheme that would see some soil mounds remain

in place, and some alterations to the permitted contours. The site would still be restored to agriculture with the two permitted ponds remaining.

45. The proposed development should therefore be approved unless there are policy reasons or material considerations arising from the proposed changes. The main issues for this development are local environment, amenity and landscape, and biodiversity.

Local Environment, Amenity and Landscape

46. Policy C5 of the OMWCS states that proposals for mineral development shall demonstrate that they will not have an unacceptable adverse impact on the local environment, human health and safety, residential amenity and other sensitive receptors, and the local economy. Policy DC9 of the VLP2011 and Development Policy 23 of the VLP2 also seek to protect the amenities of neighbouring uses and the wider environment.
47. The proposed changes would not significantly alter the local environment in that there would be relatively minor changes to the contours of the site, there would be some cut and fill to achieve the proposed levels but this would have a limited short-term effect on the nearest houses, and a negligible effect to receptors beyond that, and there would be no effect on the local economy.
48. Policy C8 of the OMWCS seeks to protect the local landscape character from the adverse effects of minerals development. Core Policy 44 of the VLP1 also seeks to protect the landscape of the Vale of White Horse, as does policy DC6 of the VLP2011. Policy NE7 of the VLP2011 states that development that harms the character and appearance of the North Corallian Ridge will not be permitted. Policy NE12 states that developments that would prejudice the aims and objectives of the Great Western Community Forest will not be permitted.
49. The proposed development is within the area of worked out quarry, which is set well below the surrounding ground level. It would result in changes to the former quarry floor and along some edges of the former quarry, but there would be no wider effect on the landscape. There would specifically be no harm to the character and appearance of the North Corallian Ridge, and the aims and objectives of the Great Western Community Forest would not be prejudiced.

Biodiversity

50. Policy C7 of the OMWCS seeks a net gain in biodiversity from mineral developments. It also states that proposals shall make an appropriate contribution to the maintenance and enhancement of local habitats and biodiversity. Core Policy 46 of the VLP1 also seeks to conserve and enhance biodiversity, as does policy DC6 of the VLP 2011.

51. The proposed changes have been put forward partly because of the biodiversity value of the soil mounds that have since become wildlife habitats. The proposed change would therefore lead to an increase in biodiversity.
52. Consultation responses were received that stressed that damage had been caused to the ponds and so the habitat of a protected species and the need for a resurvey of the pond prior to the determining of this application. This is related to the issue of biodiversity and particularly the protected species on the site.
53. The proposed changes to the ponds would reflect the situation on site. Although there would be some changes to the ponds as currently permitted, the ponds, and their buffer zones would continue to provide suitable biodiversity habitats, including those for Great Crested Newts. Changes to the landform have been proposed to achieve a landform as close to the existing permitted contours, but taking into account the material on site.
54. Of the four recommendations by the County Ecologist, three (removal of newt fence, control of buddleia, and fencing of pond areas) have been included in the method statement and supplementary letter. There has been no proposal to create a new lined pond. It is though proposed to realign the ditch slightly which, along with the changes in the contours, might aid drainage into the existing ponds.
55. The proposed method statement has been submitted by the applicant's ecological consultants and it contains details as to how the disturbance to protected species would be avoided.
56. Although not all the recommendations of the County Ecology team were included in the final details of the application, the proposed scheme does now satisfy the concerns of the County Ecology team. The proposed development would, taking into account the habitats saved by not removing the soil mounds, not lead to an overall loss of biodiversity.
57. On the particular need to resurvey the sites, this was not raised as an issue by the County Ecology team, nor Natural England. The County Ecology team was involved in discussions leading up to the revised restoration scheme, and have indicated that they are satisfied with the resulting revised scheme as submitted.
58. The applicant's ecological consultant has advised on the management around the ponds in drawing up the method statement for the site. In particular, the removal of newt fencing by hand under the supervision of an ecologist, and its replacement with stock proof fencing to form a buffer zone.
59. Any damage wilfully caused to a protected species or its habitat could be an offence. The potential impact of the application as now proposed on

protected species has been assessed by officers as set out below and it is concluded that it is not considered to have an adverse impact upon protected species provided that the stated mitigation measures are implemented.

60. Concerns with regard to the alleged previous damage to the ponds and so potentially the GCN and their habitat were raised with the Wildlife Crime Officer within Thames Valley Police but it is understood that no prosecution has been brought.

Other Issues

61. Policy C2 of the OMWCS states that proposals for minerals restoration should take account of climate change. The proposed development would result in a restoration for the site which might otherwise require further import of material, and resultant additional carbon emissions. The proposal would not involve any issues related to climate change adaptation.
62. Policy C4 of the OMWCS states that there should be no unacceptable adverse impacts on the quantity or quality of surface or groundwater resources required for wildlife. Policy DC12 of the VLP2011 also seeks to protect water quality. The proposals would result in little change to the water environment. There would be some change in the way the water flows on the site, but this would be marginal, and the proposal largely follows the existing permitted scheme.
63. Policy C6 of the OMWCS states that among other things mineral developments should make provision for the management and use of soils in order to maintain agricultural land quality. The proposed scheme includes a method statement for the management of soils on the site which would make the best use of the available material, and would lead to a satisfactory agricultural restoration.
64. Policy C7 of the OMWCS states that development that would be likely to have an adverse effect on a Site of Special Scientific Interest will not be permitted except where the benefits of the development clearly outweigh the impacts. It also states that all proposals for mineral working shall demonstrate how the development will make an appropriate contribution to the maintenance and enhancement of geodiversity, including fossil remains. The proposed scheme respects the need to expose geological faces and to have collection resources from the mineral working, which may contain fossils, on the site. Some of the SSSI collection resources would need to be moved within the site temporarily while soil 'cut or fill' is carried out. This would be for a very short period of time and then they would be moved back to the approved location.
65. Policy L10 of the VLP2011 and Development Policy 31 of the VLP2 seek to safeguard and improve rights of way. There is a condition on the current permission to safeguard the right of way crossing the entrance to

the site. This had been necessary to protect the users from quarry traffic, but would not be needed now that the quarry has ceased operating. This proposal seeks only to alter the final restoration and would not involve the import or export of materials from the site. The proposal would then pass back into agricultural use and have no further effect on the rights of way network.

Conclusion

66. The proposed changes to the existing permission would allow for a satisfactory restoration of the site using the material available on the site, while at the same time allowing the retention of soil mounds that are of ecological value thus enhancing the site's overall biodiversity. There would be no significant harm caused by the proposed changes which would warrant refusal of the application, and the proposal should therefore be permitted in accordance with the presumption in favour of sustainable development.

RECOMMENDATION

67. It is **RECOMMENDED** that planning permission for application no. MW.0084/17 be approved subject to conditions to be determined by the Director for Planning and Place but to include the following:
 - 1) The development shall be carried out strictly in accordance with the particulars of the development, plans and specifications contained in the application (and letters/e-mails of amendment) except as modified by conditions of this permission. The approved plans and particulars comprise:
 - Application form dated 30/08/2017
 - Letter dated 29/08/2017
 - Supplemental Letter dated 17/04/2017
 - Ecology Statement dated 29/08/2017
 - Enzygo Method Statement dated 16/04/2018
 - Site Restoration Plan - Drawing no. DG/QO/WIC/RES/01 Rev D
 - Cut and Fill balance to achieve restoration levels as per drawing no. DG/QO/WIC/RES/01 Rev D
 - Site Location Plan - Drawing No: DG/OO/WIC/TEMP/02.
 - Aftercare Scheme set out in paragraph 3.0 onwards in the approved Restoration and Aftercare Scheme dated December 2012.
 - Conservation of geological interest features of SSSI Plan - Restoration and aftercare scheme dated December 2012 subject to revised restoration plan - DG/QO/WIC/RES/01 Rev D.
 - 2) The works relating to the restoration and aftercare of the site shall be carried out only between the following times: 0700 to

1800 hours Mondays to Fridays and 0700 to 1300 hours on Saturdays; no operations shall take place at any time on Sundays or recognised public holidays.

- 3) The site shall be completely restored by 30 September 2018 in accordance with the approved restoration scheme DG/QO/WIC/RES/01 Rev D.**
- 4) No reversing beepers, other than those emitting white noise, shall be fixed to, or used on, any mobile plant.**

Informative

All bird nests, eggs and young are protected under the Wildlife & Countryside Act 1981 (as amended) which makes it illegal to intentionally take, damage or destroy the nest of any wild bird while it is use or being built. Therefore, no removal of [trees, scrub, hedgerows, and grassland] should take place between 1st March and 31st August inclusive to prevent committing an offence under the Wildlife & Countryside Act 1981 (as amended). If any protected species [e.g. bats, badgers, dormice, otters, water voles, reptiles, amphibians, and breeding birds] are found at any point, all work should cease immediately. Killing, injuring or disturbing any of these species could constitute a criminal offence. Before any further work takes place a suitably qualified ecological consultant should be consulted for advice on how to proceed. Work should not recommence until a full survey has been carried out, a mitigation strategy prepared and licence obtained (if necessary) in discussion and agreement with Natural England. It is recommended that the native trees and seeds to be used in the restoration scheme are of UK (or ideally more local) provenance. For example, the Flora Locale website gives contact details for suppliers of UK provenance seed and plants: <http://www.floralocale.org/HomePage> A Habitat Regulations licence from Natural England for great crested newts may be required to make this permission lawful.

SUSAN HALLIWELL
Director of Planning and Place

June 2018

Compliance with National Planning Policy Framework

In accordance with paragraphs 186 and 187 of the NPPF Oxfordshire County Council take a positive and proactive approach to decision making focused on solutions and fostering the delivery of sustainable development. We work with

applicants in a positive and proactive manner by; offering a pre-application advice service. In this case the applicant did not take advantage of the opportunity. Any issues that occurred during the processing of the applications were raised with the applicant and this led to improvements rendering the developments acceptable.

The initial application would not have resulted in the satisfactory restoration of the site. The applicant was informed of this and amendments were made to the application to produce a scheme that was very close to the original proposal, but that could be achieved with the material on site.

European Protected Species

The Local Planning Authority in exercising any of their functions, have a legal duty to have regard to the requirements of the Conservation of Species & Habitats Regulations 2010 which identifies 4 main offences for development affecting European Protected Species (EPS).

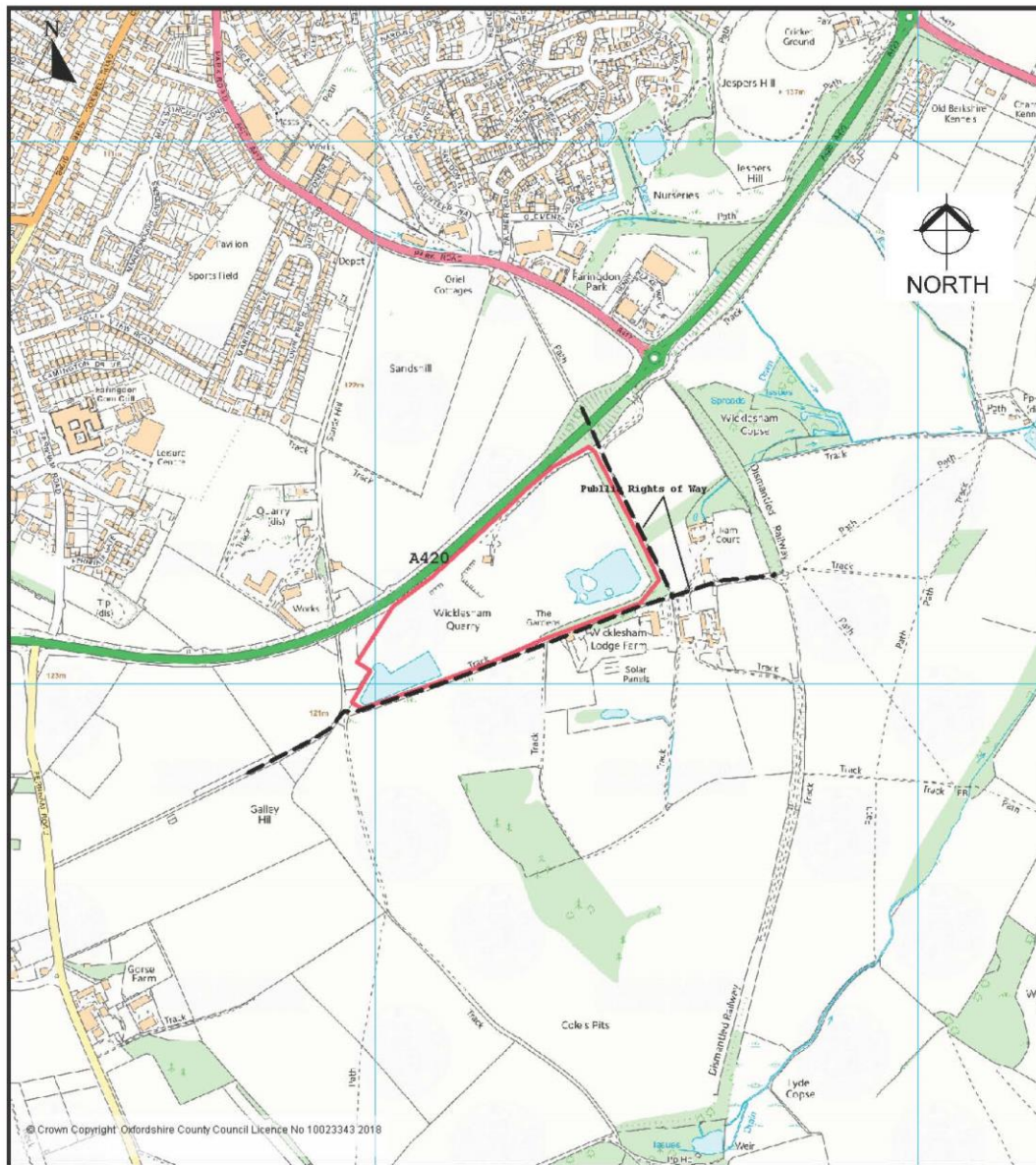
1. Deliberate capture or killing or injuring of an EPS
2. Deliberate taking or destroying of EPS eggs
3. Deliberate disturbance of a EPS including in particular any disturbance which is likely
 - a. to impair their ability –
 - i. to survive, to breed or reproduce, or to rear or nurture their young, or
 - ii. in the case of animals of a hibernating or migratory species, to hibernate or migrate; or
 - b. to affect significantly the local distribution or abundance of the species to which they belong.
4. Damage or destruction of an EPS breeding site or resting place.

Our records, the habitat on and around the proposed development site and ecological survey results indicate that a European Protected Species is likely to be present.

The mitigation measures detailed within this application and previous applications are considered to be convincing and in your officer's opinion will secure "offence avoidance" measures.

The recommendation:

Your officers consider that sufficient information has been submitted which demonstrates that measures can be introduced which would ensure that an offence is avoided. The application is therefore not considered to have an adverse impact upon protected species provided that the stated mitigation measures are implemented.



Map Legend
No overlays selected

30 April 2018

0 m 250 m 500 m

Scale 1: 10000

PLANNING & REGULATION COMMITTEE -2 JULY 2018

Policy Annex (Relevant Development Plan and other Policies)

Oxfordshire Minerals and Waste Core Strategy

POLICY M10: RESTORATION OF MINERAL WORKINGS

Mineral workings shall be restored to a high standard and in a timely and phased manner to an after-use that is appropriate to the location and delivers a net gain in biodiversity. The restoration and after-use of mineral workings must take into account:

- the characteristics of the site prior to mineral working;
- the character of the surrounding landscape and the enhancement of local landscape character;
- the amenity of local communities, including opportunities to enhance green infrastructure provision and provide for local amenity uses and recreation;
- the capacity of the local transport network;
- the quality of any agricultural land affected, including the restoration of best and most versatile agricultural land;
- the conservation of soil resources
- flood risk and opportunities for increased flood storage capacity;
- the impacts on flooding and water quality of any use of imported material in the proposed restoration;
- bird strike risk and aviation safety;
- any environmental enhancement objectives for the area;
- the conservation and enhancement of biodiversity appropriate to the local area, supporting the establishment of a coherent and resilient ecological network through the landscape-scale creation of priority habitat;
- the conservation and enhancement of geodiversity;
- the conservation and enhancement of the historic environment; and
- consultation with local communities on options for after-use.

Planning permission will not be granted for mineral working unless satisfactory proposals have been made for the restoration, aftercare and after-use of the site, including where necessary the means of securing them in the longer term.

Proposals for restoration must not be likely to lead to any increase in recreational pressure on a Special Area of Conservation.

POLICY C1: SUSTAINABLE DEVELOPMENT

A positive approach will be taken to minerals and waste development in Oxfordshire, reflecting the presumption in favour of sustainable development contained in the National Planning Policy Framework and the aim to improve economic, social and environmental conditions of the area.

Planning applications that accord with the policies in this plan will be approved, unless material considerations indicate otherwise. Where there are no policies

relevant to the application, or relevant plan policies are out of date, planning permission will be granted unless material considerations indicate otherwise, taking into account whether:

- any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits of the proposed development when assessed against the National Planning Policy Framework; or
- specific policies in the National Planning Policy Framework indicate that the development should be restricted.

POLICY C2: CLIMATE CHANGE

Proposals for minerals or waste development, including restoration proposals, should take account of climate change for the lifetime of the development from construction through operation and decommissioning. Applications for development should adopt a low carbon approach and measures should be considered to minimise greenhouse gas emissions and provide flexibility for future adaptation to the impacts of climate change.

POLICY C4: WATER ENVIRONMENT

Proposals for minerals and waste development will need to demonstrate that there would be no unacceptable adverse impact on or risk to:

- The quantity or quality of surface or groundwater resources required for habitats, wildlife and human activities;
- The quantity or quality of water obtained through abstraction unless acceptable provision can be made;
- The flow of groundwater at or in the vicinity of the site; and
- Waterlogged archaeological remains.

Proposals for minerals and waste development should ensure that the River Thames and other watercourses and canals of significant landscape, nature conservation, or amenity value are adequately protected from unacceptable adverse impacts.

POLICY C5: LOCAL ENVIRONMENT, AMENITY AND ECONOMY

Proposals for minerals and waste development shall demonstrate that they will not have an unacceptable adverse impact on:

- the local environment;
- human health and safety;
- residential amenity and other sensitive receptors; and
- the local economy;
including from:
 - noise;
 - dust;
 - visual intrusion;
 - light pollution;
 - traffic;
 - air quality;
 - odour;

- vermin;
- birds;
- litter;
- mud on the road;
- vibration;
- surface or ground contamination;
- tip and quarry-slope stability;
- differential settlement of quarry backfill;
- subsidence; and
- the cumulative impact of development.

Where necessary, appropriate separation distances or buffer zones between minerals and waste developments and occupied residential property or other sensitive receptors and/or other mitigation measures will be required, as determined on a site-specific, case-by-case basis.

POLICY C6: AGRICULTURAL LAND AND SOILS

Proposals for minerals and waste development shall demonstrate that they take into account the presence of any best and most versatile agricultural land.

Significant development leading to the permanent loss of best and most versatile agricultural land will only be permitted where it can be shown that there is a need for the development which cannot reasonably be met using lower grade land and where all options for reinstatement without loss of quality have been considered taking into account other relevant considerations.

Development proposals should make provision for the management and use of soils in order to maintain agricultural land quality (where appropriate) and soil quality, including making a positive contribution to the long-term conservation of soils in any restoration.

POLICY C7: BIODIVERSITY AND GEODIVERSITY

Minerals and waste development should conserve and, where possible, deliver a net gain in biodiversity.

The highest level of protection will be given to sites and species of international nature conservation importance (e.g. Special Areas of Conservation and European Protected Species) and development that would be likely to adversely affect them will not be permitted.

In all other cases, development that would result in significant harm will not be permitted unless the harm can be avoided, adequately mitigated or, as a last resort, compensated for to result in a net gain in biodiversity (or geodiversity). In addition:

- (i) Development that would be likely to have an adverse effect on a Site of Special Scientific Interest (either individually or in combination with other development) will not be permitted except where the benefits of the development at this site

clearly outweigh both the impacts that it is likely to have on the Site of Special Scientific Interest and any broader impacts on the national network of Sites of Special Scientific Interest.

- (ii) Development that would result in the loss or deterioration of irreplaceable habitats, including ancient woodland and aged or veteran trees, will not be permitted except where the need for and benefits of the development in that location clearly outweigh the loss.
- (iii) Development shall ensure that no significant harm would be caused to:
 - Local Nature Reserves;
 - Local Wildlife Sites;
 - Local Geology Sites;
 - Sites of Local Importance for Nature Conservation;
 - Protected, priority or notable species and habitats,
 except where the need for and benefits of the development in that location clearly outweigh the harm.

All proposals for mineral working and landfill shall demonstrate how the development will make an appropriate contribution to the maintenance and enhancement of local habitats, biodiversity or geodiversity (including fossil remains and trace fossils), including contributing to the objectives of the Conservation Target Areas wherever possible. Satisfactory long-term management arrangements for restored sites shall be clearly set out and included in proposals. These should include a commitment to ecological monitoring and remediation (should habitat creation and/or mitigation prove unsuccessful).

POLICY C8: LANDSCAPE

Proposals for minerals and waste development shall demonstrate that they respect and where possible enhance local landscape character, and are informed by landscape character assessment. Proposals shall include adequate and appropriate measures to mitigate adverse impacts on landscape, including careful siting, design and landscaping. Where significant adverse impacts cannot be avoided or adequately mitigated, compensatory environmental enhancements shall be made to offset the residual landscape and visual impacts.

Great weight will be given to conserving the landscape and scenic beauty of Areas of Outstanding Natural Beauty (AONB) and high priority will be given to the enhancement of their natural beauty. Proposals for minerals and waste development within an AONB or that would significantly affect an AONB shall demonstrate that they take this into account and that they have regard to the relevant AONB Management Plan. Major developments within AONBs will not be permitted except in exceptional circumstances and where it can be demonstrated they are in the public interest, in accordance with the 'major developments test' in the NPPF (paragraph 116). Development within AONBs shall normally only be small-scale, to meet local needs and should be sensitively located and designed.

Vale of White Horse Local Plan 2031 Part 1 (VLP1)

CORE POLICY 1: PRESUMPTION IN FAVOUR OF SUSTAINABLE DEVELOPMENT

Planning applications that accord with this Local Plan 2031 (and where relevant, with any subsequent Development Plan Documents or Neighbourhood Plans) will be approved, unless material considerations indicate otherwise.

Where there are no policies relevant to the application or relevant policies are out of date at the time of making the decision then the Council will grant planning permission unless material considerations indicate otherwise, and unless:

- i. any adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the National Planning Policy Framework taken as a whole, or
- ii. specific policies in the Framework indicate that development should be restricted.

CORE POLICY 44: LANDSCAPE

The key features that contribute to the nature and quality of the Vale of White Horse District's landscape will be protected from harmful development and where possible enhanced, in particular:

- i. features such as trees, hedgerows, woodland, field boundaries, watercourses and water bodies
- ii. important landscape settings of settlements
- iii. topographical features
- iv. areas or features of cultural and historic value
- v. important views and visually sensitive skylines, and
- vi. tranquillity and the need to protect against intrusion from light pollution, noise, and motion.

Where development is acceptable in principle, measures will be sought to integrate it into the landscape character and/or the townscape of the area. Proposals will need to demonstrate how they have responded to the above aspects of landscape character and will be expected to:

- vii. incorporate appropriate landscape proposals that reflect the character of the area through appropriate design and management
- viii. preserve and promote local distinctiveness and diversity and, where practical, enhance damaged landscape areas.

High priority will be given to conservation and enhancement of the natural beauty of the North Wessex Downs AONB and planning decisions will have regard to its setting. Proposals that support the economy and social wellbeing of communities located in the AONB, including affordable housing schemes, will be encouraged, provided they do not conflict with the aims of conservation and enhancement

CORE POLICY 46: CONSERVATION AND IMPROVEMENT OF BIODIVERSITY

Development that will conserve, restore and enhance biodiversity in the district will be permitted. Opportunities for biodiversity gain, including the connection of sites, large-scale habitat restoration, enhancement and habitat re-creation will be actively sought, with a primary focus on delivery in the Conservation Area Target Areas. A net loss of biodiversity will be avoided.

The highest level of protection will be given to sites and species of international nature conservation importance (Special Areas of Conservation and European Protected Species). Development that is likely to result in a significant effect, either alone or in combination, on such sites and species will need to satisfy the requirements of the Habitat Regulations*.

Development likely to result in the loss, deterioration or harm to habitats or species of importance to biodiversity or of importance for geological conservation interests, either directly or indirectly, will not be permitted unless:

- i. the need for, and benefits of, the development in the proposed location outweighs the adverse effect on the relevant biodiversity interest;
- ii. it can be demonstrated that it could not reasonably be located on an alternative site that would result in less or no harm to the biodiversity interests; and
- iii. measures can be provided (and are secured through planning conditions or legal agreements), that would avoid, mitigate against or, as a last resort, compensate for, the adverse effects likely to result from development.

The habitats and species of importance to biodiversity and sites of geological interest considered in relation to points i) and iii) comprise:

- Sites of Special Scientific Interest (SSSI)
- Local Wildlife Sites
- Local Nature Reserves
- Priority Habitats and species listed in the national and local Biodiversity Action Plan
- Ancient Woodland and veteran trees
- Legally Protected Species
- Local Important Geological Sites

The level of protection and mitigation should be proportionate to the status of the habitat or species and its importance individually and as part of a wider network.

It is recognised that habitats/areas not considered above (*i.e. Nationally or Locally designated and not priority habitats*) can still have a significant biodiversity value within their local context, particularly where they are situated within a Conservation Target Area and/or they have good potential to be restored to priority habitat status or form/have good potential to form links between priority habitats or act as corridors for priority species.

These habitats will be given due weight in the consideration of planning applications. If significant harm to these sites cannot be avoided (through locating on an

alternative site with less harmful impacts) it will be expected that mitigation will be provided to avoid a net loss in biodiversity or, as a last resort, compensation will be required to offset the impacts and achieve a net gain in biodiversity.

*Habitats Directive 92/43/EEC of 21 May 1992.

Vale of White Horse Local Plan (VLP 2011)

POLICY DC6: LANDSCAPING

All proposals for development will be required to include hard and soft landscaping measures designed to:

- i) Protect and enhance the visual amenities of the site and its surroundings including, where appropriate, existing important landscape features and
- ii) Maximise the opportunities for nature conservation and wildlife habitat creation.

Waste Collection and Recycling

It is widely recognised that the way in which society manages the waste products it produces needs to change if the environment is to be protected now and in the future. Government advice in Planning Policy Statement 10: *Planning for Sustainable Waste Management* (PPS10) provides advice about how the land-use planning system should contribute to sustainable waste management.

The County Council is responsible for the planning and provision of waste disposal sites in Oxfordshire and district councils are responsible for collecting the waste. The Oxfordshire Structure Plan has policies to minimise waste generation and increase the re-use and recycling of materials so as to reduce the amount of waste which has to be disposed of by landfill.

The County Council's *Minerals and Waste Local Plan* (1996) is currently being reviewed and the district councils in Oxfordshire are working with the County Council to develop sustainable waste management practices. The key role of this Local Plan in the process is to ensure that opportunities are taken for incorporating re-use and recycling facilities in new developments. This may involve ensuring that, for example, new housing developments make provision for such facilities as wheel bins, adequate space to sort recyclable waste in the home, home composting, water butts and grey water schemes. Policy DC7 below establishes this principle.

POLICY DC9: IMPACT OF DEVELOPMENT ON NEIGHBOURING USES

Development will not be permitted if it would unacceptably harm the amenities of neighbouring properties and the wider environment in terms of:

- i) loss of privacy, daylight or sunlight;
- ii) dominance or visual intrusion;
- iii) noise or vibration;
- iv) smell, dust, heat, gases or other emissions;

- v) pollution, contamination or the use of or storage of hazardous substances;
and
- vi) external lighting.

POLICY DC12: WATER QUALITY AND RESOURCES

Development will not be permitted if it would adversely affect the quality of water resources, including groundwater, rivers and lakes, as a result of abstraction or the nature or related surface or waste water discharge, or the disturbance of contaminated land.

Flood Risk and Water Run-Off

The Vale has a long frontage to the River Thames as well as much of the valley of the River Ock and its tributaries including the Letcombe Brook. It is important that the floodplains of these rivers are protected from the effects of development.

Developers are advised to check with the Council for the most up-to-date information on floodplains. To assist members of the public, the Council has prepared Supplementary Planning Guidance to show those areas which the Environment Agency has identified as indicative floodplain. The Environment Agency should be consulted by developers before submitting an application to establish whether the development is likely to be affected by flooding or whether it could contribute to flooding problems elsewhere. In such instances, applications must be accompanied by an appropriate flood risk assessment.

The Council will only permit development where it is satisfied that, amongst other things, the development itself will not be at risk from flooding and any increased risk of flooding arising from the development will be successfully managed with the minimum environmental effect to ensure the site can be developed and occupied safely. Provision must be made for the long-term maintenance and management of any mitigation measures required, such as balancing ponds, for example.

Government guidance on flooding in Planning Policy Guidance Note 25: Development and Flood Risk (PPG25) explains the sequential test for development in various categories of flood risk and sets out the appropriate planning response. Development will be heavily restricted in high risk areas, particularly in functional floodplains and in undeveloped or sparsely developed areas. In high risk areas which are already developed, there may be more scope for new development provided the minimum standard of flood defence can be maintained for the lifetime of the development.

In areas of lower risk, the opportunities for development are greater but may still require measures to mitigate potential flood risk problems, including the use of suitable drainage systems.

The ecological, geomorphological, archaeological, landscape and recreational value of water courses and floodplains can be significant and the effect of increased flood risk or flood defence engineering on such features of interest should be taken into account. For example, certain mitigation measures could adversely affect the natural or current hydrological regime of a water course, remove waterside

habitats or alter the water flow.

It is important for developers to discuss their proposals with both the Council and the Environment Agency at the earliest practical opportunity to identify flood risks and, in appropriate cases, to establish appropriate measures to mitigate these risks. Ideally, these discussions should take place before any planning application is made in order that the relevant matters can be resolved provisionally so that once the application is submitted any delay in finalising these matters can be kept to a minimum.

Where technical assessments, additional flood defences, other mitigation measures or warning measures are required in connection with new development, developers cannot rely on public resources to provide them. These will normally be fully funded by the developer, including adequate provision for on-going maintenance over a number of years.

Failure to submit a flood risk assessment, or to demonstrate that the development is acceptable in relation to flood risk, could result in the precautionary principle being used as a reason to refuse planning permission.

POLICY NE7: NORTH VAL CORALLIAN RIDGE

Development which will harm the prevailing character and appearance of the north vale corallian ridge, as shown on the proposals map, will not be permitted unless there is an overriding need for the development and all steps will be taken to minimise the impact on the landscape

The Landscape Setting of Oxford

The need to protect Oxford and its setting in its natural environment is a key consideration in the Oxfordshire Structure Plan. Policy EN9 of that plan (EN5 of the plan to 2016) state that 'the conservation of Oxford's architectural and historic heritage and its landscape setting will take priority in considering proposals for development in and around the city'.

The District Council has local planning responsibility for an important part of the countryside setting of Oxford, notably the slopes of Wytham Hill, Hinksey Hill, Harcourt Hill and Bagley Wood, along with the water meadows of the Hinksey and Seacourt Streams. The wooded hills in the Vale form backdrops to famous panoramas of Oxford's towers and spires.

The views towards collegiate Oxford from viewpoints in the Vale are unique and precious. They could be vulnerable to intrusive new development. The City Council's report on 'High Buildings in Oxford' (1962) described six key viewpoints of Oxford: two of them, Boars Hill and Raleigh Park, are located within this Local Plan area. The City Council has subsequently drawn attention to other viewpoints, including the A34 interchange at Hinksey Hill, and has emphasised that the absence of specific reference to other viewpoints does not diminish their importance. The District Council recognises that the protection of such world-famous views and panoramas requires policy consistency across Local Plan areas. The Council intends

to take these vistas into account and make the conservation of Oxford's landscape setting a priority when considering applications for development or associated proposals for landscaping or tree planting in areas within view of the city. The Green Belt status of the area should protect it from inappropriate large-scale development but the following policy will apply. The Council will join with Oxford City Council in seeking that electricity cables be put underground and pylons removed where these have a significant impact on the landscape setting of Oxford in this area.

POLICY NE12: GREAT WESTERN COMMUNITY FOREST

Development within the community forest, as shown on the proposals map, must wherever possible make a positive contribution towards the creation of a diverse woodland environment appropriate to the landscape character of the area. Proposals which would prejudice the aims and objectives of the Great Western Community Forest will not be permitted.

POLICY L10: SAFEGUARDING AND IMPROVING RIGHTS OF WAY

Development over public rights of way will not be permitted unless alternative provision can be made that is equally or more attractive, safe and convenient to rights of way users.

Safeguarding Long-Distance Recreational Footpaths

There is an increasing interest in improving the national network of long distance paths because of the recreational opportunities they offer local people and the benefits they can bring to an area by attracting visitors. Three such long distance routes pass through the Vale, the Ridgeway and the Thames Path, both of which are National Trails, and the d'Arcy Dalton Way.

The Ridgeway

With its origins in the Stone Age, the Ridgeway can claim to be one of the oldest roads in Europe. It follows the highest part of the chalk escarpment, offering attractive views and in places a superb sense of remoteness.

The Vale's section of the Ridgeway forms part of the national trail from Overton Hill, near Avebury, Wiltshire, to Ivinghoe Beacon in Buckinghamshire. The route was designated a national trail in 1972; it runs for some 137 km (85 miles).

Management of the Ridgeway national trail is undertaken by a management group consisting of representatives of the Countryside Agency and of local highway authorities. A national trails officer and team carry out the day-to-day management of the trail, along with the management of the Thames Path national trail.

The Management Strategy for the Ridgeway national trail covers the period 1999 - 2004. The management remit is to:

- provide and secure a high-quality experience of the Ridgeway for all walkers and, where appropriate, cyclists and horse riders to include:
 - i) quality in the information provision and service before a visit

- ii) quality in the variety of opportunities for enjoying the trail from just a short visit to an extended journey and, for walkers, the completion of the whole trail
 - iii) quality in the experience of the visit;
- encourage and assist people into the countryside and to give them confidence and respect for it;
 - attract local, national and international visitors and to support the local economy;
 - encourage an appreciation, awareness and understanding of the Ridgeway, its surroundings, the people who live and work in the area and the variety of people who visit;
 - adopt a sustainable approach to the management of the Ridgeway;
 - encourage and assist the conservation and enhancement of the heritage and ecological landscape within the trail corridor.

Concern with the surface condition of the trail and the damage caused by the inappropriate use by motorised vehicles remains a major issue. Standards for the surface of the Ridgeway were established in 2001 and an audit against these new standards undertaken in March/April 2002. Over 22 miles of The Ridgeway through Oxfordshire and West Berkshire have become 'restricted byways' a new category of public rights of way introduced under the Countryside & Rights of Way Act 2000. Restricted byways can be used by walkers, cyclists, horse riders and drivers of horse-drawn carriages, but not by recreational vehicles such as motorcycles and '4 by 4' vehicles.

The District Council clearly recognises the tourism, recreational, ecological and historic significance and potential of the Ridgeway. It supports in principle the management aims set out above. As the Ridgeway passes through the Area of Outstanding Natural Beauty, the stringent controls set out elsewhere in the Local Plan will be used to prevent any development which might harm its special character or its surroundings. The District Council will also exercise its planning powers to ensure trees and hedgerows are protected and that new agricultural buildings are not erected which would harm the enjoyment of the trail. Existing buildings on or close to the Ridgeway may be considered suitable for conversion to provide accommodation or other services for walkers, horse riders and cyclists, subject to the general policies for development and tourism set out elsewhere in the Local Plan.

The Vale of White Horse Local Plan 2031 Part 2: Detailed Policies and Additional Sites (VLP2)

DEVELOPMENT POLICY 23: IMPACT OF DEVELOPMENT ON AMENITY

Development proposals should demonstrate that they will not result in significant adverse impacts on the amenity of neighbouring uses when considering both individual and cumulative impacts in relation to the following factors:

- i. loss of privacy, daylight or sunlight
- ii. dominance or visual intrusion
- iii. noise or vibration

- iv. dust, heat, odour, gases or other emissions
- v. pollution, contamination or the use of/or storage of hazardous substances;
and
- vi. external lighting.

DEVELOPMENT POLICY 31: PROTECTION OF PUBLIC RIGHTS OF WAY, NATIONAL TRAILS AND OPEN ACCESS AREAS

Development on and/or over public rights of way will be permitted where the development can be designed to accommodate satisfactorily the existing route, or where the right of way is incorporated into the development site as an attractive, safe and continuous route. Alternative routes will need to be made equally or more attractive, safe and convenient to rights of way users.

The Council will actively seek opportunities to improve the accessibility and the addition of new connections and status upgrades to the existing rights of way network, including National Trails. Proposals of this nature will be supported where they would not lead to increased pressure on sensitive sites, such as those of important ecological value.

Development will not be permitted where proposals remove, narrow or materially impair the approved line of the Thames Path or Ridgeway National Trails, key connecting routes, and/or public access to them.