

**For: PLANNING AND REGULATION COMMITTEE – 13 JANUARY 2014**

**By: DEPUTY DIRECTOR (STRATEGY AND INFRASTRUCTURE PLANNING)**

**Development Proposed:**

The extraction of sand, gravel and clay as an extension to the existing Gill Mill site with the retention of processing plant, offices with welfare accommodation, weighbridge, sheeting bay, maintenance and storage facilities, vehicle parking areas, fuel storage, conveyor and haul road system, and existing site access, with the crushing, screening, washing, grading and blending of products for sale, retention and extension of existing water management provision including clean water lagoons and silt ponds, retention and extension of stockpiling areas, merchanting of imported aggregates, a concrete products factory, aggregate bagging plant, installation of wheel wash, erection of concrete batching plant and erection of recycled aggregate plant and the import of inert materials for recycling and non-recyclable waste materials for restoration of worked out mineral voids and the manufacture and sale of soils from site and imported materials. Restoration to a combination of nature conservation, including reed bed, meadows and woodland areas, with ecotourism development and recreational uses including retention of existing office complex building and new footpath and bridleway links with the retention and adaptation of the farm buildings of the Beef Unit Farmstead to provide ancillary development for the management of the restored land as a management centre including offices, stores, educational facilities and provision for a small scale bio mass energy plant primarily for biomass arising on site

**Division Affected:** Eynsham  
Bampton

**Contact Officer:** Mary Thompson                      **Tel:** 01865 815901

**Location:** Gill Mill Quarry, Ducklington

**Application No:** MW.0050/13  
13/0530/P/CM

**District Council Area:** West Oxfordshire

**Applicant:** Smiths (Bletchington) Ltd.

**Application Received:** 26 March 2013

**Consultation Periods:** 18 April – 16 May 2013  
17 October – 7 November 2013

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Recommendation: The report recommends that the application be approved subject to conditions and a legal agreement.

## **Part 1- Facts and Background**

### **Location (see plan 1)**

1. Gill Mill Quarry is located in the west of the county to the south east of Witney in the Lower Windrush Valley. The application boundary for this development comes within 0.75 miles (1.2 km) of the centre of Witney, which lies on the other side of the A40.

### **Site and Setting (see Plan 2)**

2. There have been extensive sand and gravel workings in the Lower Windrush Valley to the south east of the proposed working. The proposed new extraction site lies to the north and east of a currently permitted area. This would extend the extraction area north towards the A40. The edge of the village of Ducklington lies 400 metres<sup>1</sup> to the west of the site boundary, Hardwick lies 900 metres to the south, Cogges 200 metres to the north on the other side of the A40 and South Leigh 1.5 kilometres (0.9 miles) to the east.
3. The application site area is approximately 184 hectares, containing an extraction area of 108 hectares. Of this 97 hectares of the total site area and 73 hectares of the extraction area would be a new extension. The remainder already has planning permission for sand and gravel extraction and associated uses. In addition to the extraction area the application covers an existing plant area in the centre of the site including processing plant, stockpiling areas, concrete block works, aggregate recycling and silting lagoons.
4. 36 hectares of the site area comprises land classified as 'best and most versatile agricultural land.'
5. The proposed extraction area is bounded to the west by the eastern branch of the River Windrush. Hardwick Brook flows through the site and there are also some drainage ditches. The western branch of the Windrush lies between the site boundary and Ducklington village.
6. The site is relatively flat but slopes up to the north and east. The site is agricultural and contains lengths of mature hedgerow. Vegetation generally follows the line of watercourses.
7. The closest properties are identified on Plan 2. These include Cogges Bridge Cottage which is 20 metres from the application boundary. Gill Mill is 50 metres from the application boundary, but next to a part of the site which has already been worked. Springhill Farm is 250 metres from the application. The next closest properties are in Ducklington village, over 400 metres from the site.
8. Ducklington Mead Site of Special Scientific Interest (SSSI) lies just over 50 metres from the western site boundary on the other side of a branch of the River Windrush. This is a meadow with diverse grassland and a wide range of

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<sup>1</sup> All distances are approximate.

wild flowers including a large population of the rare snake's head fritillary. There are a total of 8 Local Wildlife Sites within 2km (1.2 miles) of the application boundary. The site contains a number of locally important habitats and ecological features including mature trees, hedgerows, watercourses, ponds, scrub, woodlands and rough grassland.

9. Ducklington village contains a Conservation Area. The application site is within the Lower Windrush Valley Project area.
10. The application area includes land in flood zone 3, including some land within zone 3b (the functional flood plain.) The area within 3b is within the part of the application boundary which already has permission for extraction. The part of the application site which does not already have permission lies primarily within flood zone 1 and none of it is within 3b.
11. The quarry is accessed via a 700 metre long access road from the A415.
12. There are no public rights of way crossing the extraction site. However, there is a public bridleway adjacent to the southern boundary, a roadside verge bridleway crosses the access road and the Windrush Path runs adjacent to the western boundary and crosses the haul road.
13. The site is located approximately 8km from RAF Brize Norton, and it is therefore within the statutory safeguarding zone for managing bird strike risk.

### **Planning Background**

14. Gill Mill Quarry was first granted permission for sand and gravel extraction (W.732/87 and W.1323/87) in 1989. In 2001 planning permission was granted for an extension (0109/94), including a consolidation of the permissions for existing workings. The most recent permission (04/2204/P/CM) was issued in 2008 amending the 2001 permission to address changes to phasing and working hours. The quarry is currently being worked under that 2008 consent which allows until 2020 for the completion of extraction and 2022 for restoration. The current permission is subject to a routeing agreement and Section 106 agreement.
15. In 2009 a separate permission (09/0047/P/CM) was granted for the use of fixed and mobile recycling plant to process inert construction, demolition and excavation wastes into clean high quality secondary aggregates. This involves plant to crush and dry screen, producing a graded hardcore and then a washing operation.

### **Details of the Development**

#### ***Mineral Extraction and Backfill***

16. The proposal is to remove approximately 7.8 million tonnes of sand and gravel from the ground and import approximately 1.25 million cubic metres of inert waste material to use in restoration. Underlying clay would also be extracted for

use in restoration and for sale. Clay sales vary significantly depending on contracts but the maximum annual sales in the past has been 100 000. It is therefore difficult to give an average figure but in a typical year the site might sell around 20 000 tonnes of clay. The maximum depth of working of sand and gravel would be 6 metres and the maximum depth of working of clay would be a further 10 metres. 87 hectares of the site area and 2.8 million tonnes of reserves already have permission under the 2008 consent. These areas are included again under this submission so that there would be one comprehensive permission for this quarry including all working and associated development. It is also proposed to amend the phasing, working scheme and restoration on the previously consented areas.

17. Extraction would take place at a rate of up to 400 000 tonnes per annum over a 23 year period. The completion of restoration would take a further four years. The quarry currently operates under a permission granted in 2008 that allows extraction until 2020. Therefore, this development would extend operations for approximately a further 16 years. Although the anticipated extraction duration is 23 years, the application has been made for a 30 year period to include all working and restoration. This is to provide contingency in case of delays in commencing the development or future downturns in the economy.
18. It is proposed to work the site in 14 phases and land would be progressively restored after the mineral has been removed from each phase. Seven of those phases are already permitted, but the working scheme and phase numbering would alter under the current proposals. There would not be any substantive changes to the working proposals for those areas with existing consent, but the phase numbering and timings would alter to allow the whole site to be worked in an efficient and logical manner.
19. Approximately 1.25 million cubic metres of inert waste would be imported for restoration during eight of the 14 phases. A small area of the site would be restored to a grassland agricultural afteruse. The rest of the site would be restored to reed bed, reed marsh, wet woodland and open water lakes.
20. Full details for working and restoration of each phase would be submitted to the Minerals Planning Authority for approval, prior to the commencement of operations in that phase.
21. Extraction areas would be dewatered to allow the site to be worked dry, with the exception of Phase 9 which would be worked wet in order to protect Ducklington Mead.
22. Sand and gravel would be processed at the existing plant site complex on site.
23. The proposed operating hours are the standard hours as currently in place for the existing quarry. These are 7am - 6pm Monday to Friday and 7am- 1pm on Saturdays with no working on Sundays or Bank Holidays.

### ***Restoration***

24. The restoration includes a mixture of grassland, nature conservation and recreational uses. There would be areas of private water based restoration, lowland meadow, reedbeds, reedmarsh, wet woodland, public water based recreation. The recreational uses would include areas of open water, associated car parking, and eco-tourism lodges.
25. Phases 2b and 3 would be restored to a grassland agricultural afteruse.
26. Clays from within the site and imported inert waste would be used to aid the restoration of the site. Imported inert waste would be used in phases 1a, 1b, 1c, 5a, 5b, 5c, 5d, 8, 10, 11, 12, 13 and 14.
27. The applicant has confirmed that they would be prepared to enter into a legal agreement to secure 20 years of long term management, in addition to the standard 5 years aftercare, of the areas to be restored to reedbed, reedmarsh and wet woodland.
28. The main changes to the area which already has planning consent under the 2004 permission relate to restoration. The new proposals have an increased emphasis on increasing biodiversity and managing bird strike risk. The revised restoration scheme includes the redesign of some of the approved restoration to lakes to alternative wet restoration such as reedbeds to limit the amount of open water. For example the central area (phase 1a in current application) is currently approved to be restored to lakes, however under the new proposals there would be more backfilling to restore this area to woodland with eco-lodges with some smaller lake areas. Overall on the area which already has permission the proposed changes to the restoration would result in a reduction in the total open water coverage in the restoration from 45% to 23%.

### ***Rights of Way***

29. It is proposed to provide a network of new rights of way across the site. It is proposed that new bridleways going through the northern part of the site creating a link between the Windrush Valley Path and existing rights of way on the other side of the valley (Northern Cross Valley Way) and running along the eastern site boundary (Down Valley Way) would be put in place within a year of the implementation of the development as permissive rights of way. They would be confirmed as statutory rights of way once working in adjacent areas had been completed, to avoid any need for diversions. A number of other permissive footpath routes across the site are proposed to be put in place as the phased restoration progresses. Exact details of routes would be provided with the restoration plans for each phase.

### ***Afteruse***

30. It is proposed to construct eco-tourism lodges on part of the site following restoration. These would offer self-catering holiday accommodation. Details submitted with the application show these to be one storey, three bedroom

timber lodges with a curved roofline made from laminate timbers with a decking walkway around the perimeter and a grass or sedum roof. They measure 14 metres by 9 metres, excluding the decking walkway and 4.15 metres high. The restoration masterplan shows 20 such lodges on the western shore of the reedbed area and overlooking a small lake in the central part of the restored site.

31. It is proposed to use the existing office building as a visitors' centre and construct car parking on the site of the plant site once it is restored. This would overlook one of the lakes. The restored site would contain a number of new footpaths and bridleway links providing access across the restored site.
32. It is also proposed that following restoration, the existing farm buildings in the 'beef unit' on the eastern edge of the site adjoining Cogges Lane would be converted to a complex incorporating a teaching and accommodation unit, estate office, kitchen and stores and site management stores.
33. Following restoration and the redevelopment of the beef unit farm buildings, it is proposed to construct a biomass energy plant to provide a renewable energy source to provide power to the farmstead complex. This would be housed in a small purpose built building measuring 9 metres by 6.3 metres with a ridge height of 3 metres and a chimney of 6.5 metres. Biomass materials would come from the management of the restored landscape and stored in the existing silage clamp area. Any surplus power would be sold to the grid.
34. The afteruses would utilise the existing access onto the A415, rather than access from Cogges Lane.

### ***Minerals Processing and other Associated Development***

35. The application also includes the processing plant complex and the various operations contained there. Most of the area and activities already have permission, although the application does include an extension of the processing plant area to the north for further stockpiling and silt lagoon areas, which would be required as new extraction areas were worked.
36. The processing site operations have been included in this submission although they already have permission so that, should it be approved, there would be one comprehensive permission covering all activities on site.
37. This area includes offices and welfare facilities, mobile plant workshop, estates management compound, haul roads, parking areas, sheeting bay, fuel storage and filling areas, weighbridge, concrete products manufacturing factory, aggregates bagging plant, merchant sales of imported construction materials, sand and gravel processing plant (including crushing, screening, washing, grading), stockpiling, mobile screening and crushing plant, water and silt management areas including lagoons, concrete batching plant and recycled aggregate washing plant.

38. As per existing operations there would be continued importation of construction, demolition and excavation waste for recycling, building, materials and decorative aggregates for merchant sales and bagging and cement and other additives for the concrete batching plant.

Traffic and Access

39. Vehicles would enter the site from the existing access off the A415. There is no change proposed to the existing access arrangements. Vehicles would enter and exit from the north towards the A40 and the applicant has confirmed that they would be willing to enter into a routeing agreement to ensure this as for the existing permission. This routeing ensures that HGVs associated with the development do not travel on the A415 south which passes through the village of Brighthampton and over the Thames at Newbridge. This route would apply to all HGVs associated with the development, whether exporting minerals or importing waste, subject to the standard exemptions for local deliveries.
40. The quarry and concrete works together currently generate an average of 172 daily loads (344 movements). The development proposes to continue operations at the quarry at the same rate as is currently taking place and therefore there would be no increase in traffic as a result of this development.

Hours of Operation

41. Current and proposed hours are as set out in the table below.
42. The change to existing hours is the proposal to allow vehicle movements to begin half an hour earlier in the mornings, at 06.30. This is proposed to reduce the peak hour traffic flows generated by the site and reduce the number of vehicles being delayed in peak hour traffic.

	Existing	Proposed
<b>Plant Site</b>		
Mondays to Fridays	06.00-19.00	06.00 – 19.00
Saturdays	06.00 – 16.00	06.00 – 16.00
Sundays/Bank Holidays	No working	No working
<b>Traffic Movements</b>		
Mondays to Fridays	07.00-18.00	06.30 – 18.00
Saturdays	07.00-13.00	06.30 – 13.00
Sundays/Bank Holidays	No working	No working
<b>Remainder of Site</b>		
Mondays to Fridays	07.00 – 18.00	07.00 – 18.00
Saturdays	07.00 – 13.00 No working on Saturdays immediately following bank holidays	07.00 – 13.00 No working on Saturdays immediately following bank holidays
Sundays/Bank Holidays	No working	No working

### Environmental Impact Assessment

43. The application is supported by an Environmental Impact Assessment (EIA) and an Environmental Statement (ES) was submitted along with the application. This covers the key environmental impacts of the proposal. Details can be found in Annex 3.

### **Part 2 – Other Viewpoints**

44. There were two consultation periods. Following the first consultation period the applicant was asked to submit further information about the proposals. This information was the subject of the second consultation period.
45. The full text of the consultation responses can be seen on the eplanning website. They are also summarised in Annex 4 to this report.
46. The application is being reported to this Committee as an objection has been received from the District Council. No other objections have been received to this application either from consultees or neighbours. The applicant provided further information to address the District Council's concerns, however the District Council did not respond to this during the second consultation period. The District Council's response stated that they may support a scheme incorporating a significantly reduced extension to the existing site.
47. WODC's concerns are set out in Annex 4, in summary these include concern that the application is premature ahead of a new Minerals Local Plan, the scale of the expansion, the impact on the landscape, dust, the protection of the SSSI, highway safety and the potential for watercourse pollution. However, they support some aspects of the development such as the eco-tourism element to the restoration proposals and the proposal to use a routeing agreement to ensure HGVs travel north towards the A40.

### **Third Party Representations**

48. A total of three third party representations have been received. These are available in the Members' Resource Centre. One letter, from a resident of Henley, supported the application and especially the proposed restoration. One letter expressed concern about an old hedgerow within the site which the author believed to be Saxon and to contain some very old trees. The third letter stated support for many aspects of the proposed afteruse and restoration, but also set out some detailed comments on improvements which could be made regarding the visibility of buildings from properties which overlook the valley, a focus on low impact recreation, provision for the residents of High Cogges to access rights of way, the need to avoid unnecessary signage and a preference for restoration to a peaceful place rather than a honeypot attraction.
49. The hedgerow which the resident was concerned about is proposed to be retained and would be protected by a stand-off during workings and then incorporated into the restoration.



50. The detailed comments made about the restoration and aftercare have been passed on to the applicant who addressed the points raised in the further information document. These points can also be addressed through the use of planning conditions.

### **Part 3 – Relevant Planning Documents**

#### **Relevant planning documents and legislation (see Policy Annex to the committee papers)**

51. Planning applications should be decided in accordance with the Development Plan unless material considerations indicate otherwise.
52. The Development Plan for this area comprises:
- Oxfordshire Minerals and Waste Local Plan (saved policies) (OMWLP)
  - The West Oxfordshire Local Plan 2011 (WOLP) (saved policies)
53. West Oxfordshire District Council (WODC) is preparing a new Local Plan to guide development until 2029. A draft has been produced and the latest consultation on this was held in late 2012. WODC has decided not to progress the plan further until the completion of a new Strategic Housing Market Assessment.
54. The Government's National Planning Policy Framework (NPPF) was published on 27 March 2012. This is a material consideration in taking planning decisions. The NPPF Technical Guidance Note contains specific advice on matters including flood risk and minerals.

#### **Relevant Policies**

55. The full wording of all relevant policies is available in the policy annex. They are summarised below.

#### **Development Plan Policies**

56. The development plan comprises the Oxfordshire Minerals and Waste Local Plan 1996 (saved policies) and the West Oxfordshire Local Plan 2011 (saved policies)
- The saved policies of the OMWLP:
    - SD1 – Landbanks for sharp sand and gravel to accord with current government advice.
    - SD5 – Clay extraction normally only from identified areas, including Stanton Harcourt (Lower Windrush Valley)
    - W3 – Recycling proposals
    - W4 – Location of recycling facilities
    - W5 – Screening of waste facilities

- W7 – Seeks to control the release and location of landfill sites in such a way as to ensure that satisfactory restoration is progressively achieved with the least possible harm to the environment.
- PE2 – Permission for mineral extraction outside areas identified will not be permitted unless demand cannot be met from those identified areas.
- PE3 – Appropriate buffer zones to be safeguarded to protect against unacceptable losses of residential or natural amenity.
- PE4 – Proposals for mineral extraction and waste disposal will not be permitted if they would have a harmful effect on groundwater.
- PE7 – Mineral and waste development should not harm groundwater levels, water quality or increase the risk of flooding.
- PE8 - Archaeological evaluation and mitigation.
- PE11 – The rights of way network should be maintained and improvements encouraged.
- PE12 – Public access to restored mineral sites
- PE13 – Mineral sites should be restored appropriately and within a reasonable timeframe.
- PE14 – Sites of nature conservation importance should not be damaged.
- PE18 – Use of planning conditions and planning obligations to regulate and control development. Code of Practice.
- PB1 - Design and siting of mineral processing plants to minimise environmental disturbance.
- PB2 – Removal of processing plant

Stanton Harcourt area (Lower Windrush Valley) Policies:

- Policy SH2: Sutton By-Pass
- Policy SH3: Routeing
- Policy SH4: Traffic
- Policy SH5: Afteruses
- Policy SH6: Public Access

• The saved policies of the WOLP 2011:

- Policy BE2 – General Development Standards
- Policy BE19 - Noise
- Policy NE1 – Development in the Countryside
- Policy NE3 - Local Landscape Character
- Policy NE7 - The Water Environment
- Policy NE8 - Flood Risk
- Policy NE13 - Biodiversity Conservation
- Policy NE14 - Sites of Nature Conservation or Geological Importance
- Policy NE15 - Protected Species
- Policy E7 - Existing Businesses
- Policy T1 – Traffic Generation
- Policy TLC1 - New Tourism, Leisure and Community Facilities
- Policy TLC2 - Use of Existing Buildings
- Policy TLC3 - New Build Tourist Accommodation
- Policy TLC8 - Public Rights of Way
- Policy TLC11 - Lower Windrush Valley

## **Other Plans**

### **The Emerging West Oxfordshire Local Plan: (EWOLP)**

- Core Policy 3 - Prudent Use of Natural Resources
- Core Policy 4 – High Quality Design
- Core Policy 13 - Re-use of Non-Residential Buildings
- Core Policy 14 - Sustainable Tourism
- Core Policy 17 – Landscape Character
- Core Policy 18 – Biodiversity

- NPPF – Sections including on facilitating the sustainable use of minerals, meeting the challenge of climate change, flooding and coastal change, conserving and enhancing the natural environment.
- NPPF Technical Guidance.

## **Part 4 – Assessment and Conclusions**

### **Comments of the Deputy Director for Strategy and Infrastructure Planning**

57. The key planning issues are:
- i) the need for sand and gravel
  - ii) flood risk
  - iii) traffic
  - iv) potential amenity effects.
58. Other important planning issues to consider include:
- i) Soils
  - ii) Restoration
  - iii) Rights of Way
  - iv) Groundwater
  - v) Archaeology
  - vi) Landscape
  - vii) Biodiversity
  - viii) Bird Strike
  - ix) Cumulative Impact.

In addition to the main extraction and restoration proposals, other aspects of the application must be considered, these include:

- i) Clay Extraction
- ii) Aggregate Recycling Plant
- iii) Other Associated Development on plant site
- iv) Biomass Energy Unit.

**(i) Need for the mineral**

59. Since the revocation of the South East Plan (SEP) the regional apportionment set out referred to in OMWLP policies SD1 and PE2 is not relevant. The level of provision to be made for sand and gravel is set in the Oxfordshire Local Aggregate Assessment 2013, as approved by the Cabinet on 26 November 2013. For sharp sand and gravel the level of provision is 0.81 million tonnes per annum (mtpa).
60. The permitted reserves in Oxfordshire at the end of 2012 plus reserves granted permission since then total 6.709 mt. This equates to a landbank of 8.3 years as at the end of 2012; and it can be assumed this will have reduced to approximately 7.3 years at the end of 2013.
61. In December 2013, the Planning and Regulation committee resolved to grant conditional planning permission for an extension to Caversham Quarry in South Oxfordshire, subject to first referring the application to the Secretary of State for him to consider calling it in for his own determination and subject to the completion of a Section 106 legal agreement. Due to these matters the Caversham permission had not yet been issued at the time of writing this report. If the Secretary of State does not wish to intervene, when it is issued, Oxfordshire's sharp sand and gravel landbank will increase by 2.3 years to 9.6 years at the end of 2013.
62. It is government policy, as set out in the National Planning Policy Framework, that mineral planning authorities should maintain a landbank of sand and gravel of at least seven years.
63. At present the sharp sand and gravel landbank in Oxfordshire is over 7 years. However, if no new permissions are granted this will soon fall below the 7 years level and further permitted reserves will be required. If the Caversham permission is granted it would take 2.6 years for the landbank to fall below the 7 years level.
64. The landbank figure is a minimum requirement and not a maximum. NPPF paragraph 145 states that Minerals Planning Authorities should plan for a steady and adequate supply of minerals by making provision for the maintenance of landbanks of *at least* 7 years. There is no policy support for restricting permissions simply because the minimum requirement is currently met. The strength of the need for the mineral only becomes a significant consideration when the development would cause harm which must be weighed against the need for the development.
65. OMWLP policy PE2 states that permission for working outside the areas identified in that plan will not be permitted unless the apportioned supply cannot be met from the areas identified. This application includes areas outside those identified in the plan.

66. However, of the areas identified for sand and gravel extraction in the OMWLP, only limited small areas adjacent to existing mineral sites have not yet been granted planning permission. These would not make a significant contribution to the landbank in any case, containing approximately 1 million tonnes (mt) between them. Therefore, it is the case that the Local Aggregate Assessment level of provision could not be met from within the areas identified in the OMWLP beyond the very short term, although this proposal is not required immediately to meet the minimum landbank requirement. Therefore, the proposals do not conflict with this policy, although they are not fully supported by it. The age of this policy must be taken into account when determining how much weight to give it. The policy was intended to cover a plan period of 1996-2006.
67. The approval of this application would increase the landbank and thereby enable the NPPF requirement to make provision for the maintenance of a landbank of at least 7 years to be met for a longer period. However, it would not lead to an increase in the rate of production in the area or the County as a whole as it would utilise the existing plant site and the application does not propose any increase in sales output, which is limited by the plant capacity. Extraction would though take place over a long time period. .
68. The NPPF states that great weight should be given to the benefits of mineral extraction, including to the economy (paragraph 144) This proposal offers benefits to the community through immediate improvements to the rights of way network in the area and, in the longer term, the provision of a high quality restoration managed for recreation and biodiversity. There would also be benefits in terms of the supply of minerals as the extension of an existing quarry for continued extraction over a longer time period would enable the operator certainty, which facilitates long term planning for the provision of minerals and more ambitious and coherent restoration and afteruse proposals.
69. The need and potential economic benefits of permitting this application must be balanced against the impacts of the development in this location, as considered in this report.

**(ii) Flood Risk**

***Sand and Gravel Extraction***

70. The NPPF Technical Guidance Note sets out how planning should direct vulnerable development towards areas of lowest flood risk. OMWLP policy PE7 states that mineral extraction or restoration by landfill should not impede flood flows, reduce the capacity of flood storage or adversely affect existing flood defence structures. WOLP policy NE8 states that new development will not be permitted in areas at risk from flooding which is likely to impede the flow of water, result in the net loss of floodplain storage or increase the risk of flooding elsewhere.

71. The Technical Guidance to the NPPF states that sand and gravel development is development compatible with the functional floodplain as it is classed as 'water compatible.'
72. A site specific flood risk assessment was submitted with the application which identifies mitigation measures to reduce the risk of flooding. It concludes that there would be no significant adverse impact on fluvial flood risk on or off site. Additionally, the quarry has the potential to act as flood storage reducing flood risk to the surrounding area. Conditions could be used on any permission granted to ensure that the development is carried out in accordance with the mitigation measures and flood risk assessment.
73. The Environment Agency is the statutory consultee with regard to fluvial flood risk. They have considered the Flood Risk Assessment and confirmed that they do not have any objection to the application and that they consider it meets the requirements of the NPPF, subject to the implementation of the measures detailed in the FRA.
74. The EA have also considered the groundwater and surface water implications and require ongoing monitoring of these for the duration of the extraction, restoration and aftercare periods. It is proposed for these to be secured through a Section 106 legal agreement.
75. The extraction of sand and gravel from the application area is considered to be in accordance with flood risk policy contained in the NPPF. The detailed flood risk assessment work concludes that the working proposals would not increase flood risk, subject to mitigation measures to be secured by condition and legal agreement. The Environment Agency response confirms this. Therefore, the proposals are in accordance with OMWLP policy PE7 and WOLP policy NE8.

### ***Sequential Test***

76. Regardless of the water compatible classification of sand and gravel extraction, the NPPF requires a sequential test to be undertaken by the County Council to assess whether there are other sites reasonably available for the extraction of sand and gravel in an area of less flood risk. This is contained in Annex 5 and 6 to this report and it concludes that there is no reasonably alternative site at a lower risk of flooding where this development could be located.

### ***Sand and Gravel Processing***

77. Sand and gravel processing is classified as 'less vulnerable' rather than 'water compatible' in the Technical Guidance to the NPPF. The NPPF guidance is that this type of use should not take place in the functional floodplain (3b). NPPF Technical Guidance Table 3 shows which land uses are compatible with which flood zone.
78. The part of the processing plant area between the eastern Windrush and the Hardwick Brook is in flood zone 3a. The area to the west of Hardwick Brook is in an area of lesser flood risk. None of the processing plant area is within flood

zone 3b. The location of the 'less vulnerable' plant site use on an area of flood zone 3a land is in accordance with NPPF Technical Guidance Table 3.

### ***Inert Waste Infill***

79. The development includes some infilling with inert waste to restore certain phases of the workings. Policy W7 of the OMWLP states that proposed filling should not raise or impede the floodplain of rivers and streams. The policy also seeks to see satisfactory restoration achieved.
80. The phases to be restored using inert waste infill are in the central and southern parts of the site, phases 1a (to be restored to lakes and lodges), 1b, 5 and 8 (to be restored to reedbeds) 10, 11, 12, 13 and 14 (to be restored to lakes). The other phases would be restored to reedbed, meadow and lake using indigenous restoration materials without the need for infill with inert waste. Some of the areas to be restored using imported inert waste lie within flood zone 3b, but they are areas within the existing consented extraction area rather than proposed new extraction areas.
81. Table 3 of the NPPF Technical Guidance states that 'more vulnerable' development should not be permitted in flood zone 3b. It does not allow for the application of the Exception Test in flood zone 3b. The proposed backfill of the quarry with inert waste could be regarded as a separate landfill development. If so, it would be contrary to the guidance contained in the Technical Guidance to the NPPF as landfill is classified as 'more vulnerable' development. The Environment Agency have not taken this view however and believe the backfill to be part and parcel of the 'water compatible' sand and gravel operation and part of its necessary restoration.
82. The NPPF (paragraph 143) requires policies to ensure land worked for minerals to be reclaimed and restored at the earliest opportunity and that the long term potential of best and most versatile agricultural land is safeguarded. In this case backfilling with inert waste is necessary to achieve the proposed restoration. Without the backfill operation the high quality restoration scheme which has been welcomed by biodiversity consultees, would not be possible. Without inert fill it is likely that the restoration would need to include more areas of open water, which is not likely to be acceptable to the MOD given the proximity of the site to RAF Brize Norton and concerns about potential increase in birdstrike risk.
83. Any potential conflict with the NPPF paragraphs on filling in flood zone 3b must be weighed against other NPPF paragraphs supporting the proposal for backfill as a necessary part of the restoration to an afteruse that improves biodiversity and does not create an unacceptable bird strike risk. There is strong policy support for the appropriate restoration of mineral workings. In addition the flood risk assessment works have shown that there would be no demonstrable harm in this regard. I share the view of the Environment Agency that the necessary restoration of sand and gravel workings must be considered to be an integral part of the workings themselves and therefore fall under the 'water compatible'

classification. Therefore, it is considered that the proposals for inert waste infill in parts of the site are in accordance with flood risk policies.

84. The areas in flood zone 3b to be restored using inert waste already have planning permission for extraction and restoration including some use of inert backfill, regardless of whether this application is approved. Such restoration works are ongoing in the currently permitted areas.

### ***Associated Operational Development***

85. The Environment Agency have confirmed that they have considered all aspects of the proposed development and have no objection on flood risk grounds.

### **(iii) Traffic**

86. Transport policy supports development that uses suitable roads that are well connected to the strategic network. WOLP policy BE1 states that development will not be permitted until appropriate supporting transport infrastructure is available. WOLP policy T1 states that development which would generate significant levels of traffic will not be permitted in locations where travel by means other than private car is not a realistic alternative.
87. This area falls within the area shown on inset map 3 of the OMWLP (Lower Windrush Valley). OMWLP policies SH2 to SH6 apply to any acceptable proposals which might come forward within the area shown on inset map 3.
88. OMWLP policy SH2 seeks to restrict minerals and waste traffic through Sutton village. SH3 states that routeing agreements will be used to limit the use of the A415 southwards over Newbridge. SH4 states that the existing Gill mill mineral access should be used onto the Ducklington-Hardwick road and no mineral working traffic will be permitted on unclassified roads through Ducklington or between Cogges and Stanton Harcourt. It is proposed to continue the routeing proposals currently in place for the quarry. These comply with the requirements of policies SH2, SH3 and SH4.
89. NPPF Paragraph 32 states that developments which would generate significant amounts of movement should be accompanied by a Transport Assessment and decisions should take into account whether opportunities for sustainable transport nodes have been taken up and whether safe and suitable access can be achieved.
90. A Transport Assessment has been submitted with this application and considered by the Highways Authority. The quarry has an existing good access directly onto the A415 and traffic would not travel through local villages as there is a proposed routeing agreement. There would be no change to existing traffic levels and the Highways Authority have confirmed that any potential increase in HGV traffic would not have a significant impact on the function or available capacity of the local highway network. The only change is an earlier start time to vehicle movements. As there is a purpose built quarry access direct onto the



A415 it is considered that this change to the start time would not have a significant impact on local amenity.

91. WODC have expressed concern about the safety record on the A415. However, the Transport Assessment reviewed the safety record on this road and identified no specific safety concerns. There has been no objection from the Highways Authority and the proposed traffic generation would represent a continuation of existing levels.
92. The restoration and afteruse proposals would also generate traffic. It is proposed that these would also use the access onto the A415. Traffic generated by this stage of the development has not been subject to detailed assessment work. However, these would not be HGV movements and the intention is for low key visitor and tourist facilities. The Highways Authority has confirmed that even an increase in traffic over the levels associated with the current quarry operations would not have a significant impact on the function or available capacity of the local highway network.
93. The proposals are considered to comply with relevant development plan policy with respect to traffic.

**(iv) Potential Amenity Effects**

94. OMWLP policy PE3 requires appropriate buffer zones around mineral workings. NPPF paragraph 123 states that planning decisions should aim to avoid noise giving rise to significant adverse effects as a result of new developments, whilst recognising that development will often create some noise. It also states that decisions should aim to mitigate and reduce to a minimum other adverse impacts on health and quality of life through the use of planning conditions. Paragraph 125 states that decisions should limit the impact of light pollution from artificial light.
95. OMWLP policy PB1 requires that processing plants are sited, designed and landscaped in such a way to minimise environmental disturbance. WOLP policy BE19 states that proposals which would have an adverse impact on occupiers through significant noise disturbance would not be permitted unless there is an overriding need for the proposal which cannot be met elsewhere.
96. OMWLP policy PE18 states that OCC will regulate and control development through the imposition of conditions.
97. The NPPF states that unavoidable noise and dust from mineral workings must be controlled, mitigated or removed at source (paragraph 144).
98. The applicant has submitted a dust management plan which could be secured by condition.
99. The noise assessment submitted with the application identified one property (Cogges Bridge Cottage) as being potentially affected by noise from the extension. In order to mitigate this it is proposed to construct a 3 metre bund

between the workings and the property and the noise report concludes that this measure would be effective at bringing noise levels within acceptable limits.

100. It is considered that due to the location of the site, the design of the proposals, the proposed mitigation and the use of conditions, the proposals comply with policies aimed at ensuring there is no unacceptable impact on amenity. The processing plant is within the central area of the site and the screening is considered adequate in accordance with OMWLP policy PB1.
101. The initial response from WODC stated concern regarding noise and the dust management plan. The proposed extension does not bring extraction any closer to residential properties than at present and there is not a history of complaints. The dust management plan was provided with the air quality assessment following consultation with the Environmental Health Officer (EHO). Noise is also assessed in the ES.
102. The EHO confirmed that they had no observations in relation to the additional information which was provided.
103. Although WODC have expressed general concern about the potential for workings to impact amenity, there have been no specific objections or requests for alterations to the scheme of working from the specialist EHO. Therefore, it is concluded that the working proposals and mitigation measures as set out in the ES are acceptable and should be secured through planning conditions.

**(v) Soils**

104. The NPPF paragraph 143 states that worked land should be reclaimed at the earliest opportunity taking into account the safeguarding of the best and most versatile agricultural land to conserve soil resources, amongst other considerations including biodiversity and recreation. NPPF paragraph 112 states that local planning authorities should take into account the economic and other benefits of the best and most versatile agricultural land.
105. The ES confirms that there would be the permanent loss of 36 ha of best and most versatile agricultural land as a result of this development and that this would have a moderate adverse impact. The restoration of the land restored to agriculture would result in 22 hectares of lowland meadow within the floodplain. Therefore, there would be less agricultural land and it would be of a lower quality. Mitigation measures would be put in place to carefully handle soils to prevent unnecessary damage.
106. Natural England have considered the application with regard to their statutory remit on soils and land quality and confirmed that they are satisfied with the working and reclamation proposals.
107. Although the loss of best and most versatile agricultural land is not supported by paragraphs 112 and 143 of the NPPF, this has to be weighed against the benefits of the proposed wetland and grassland restoration scheme including the enhancements for biodiversity and the provision of additional flood storage

capacity. There is policy support for the provision of new biodiversity habitat, including in other parts of NPPF paragraph 143, and there is also policy requiring that development and restoration does not increase flood risk. Paragraph 143 does not give preference for agricultural restoration over other forms of restoration. On balance I do not consider that the loss of 36 hectares of best and most versatile agricultural land creates an unacceptable conflict with policy, given the policy support for the alternative restoration proposals.

#### **(vi) Restoration**

108. OMWLP policy PE13 requires that applications for minerals and waste development are accompanied by satisfactory proposals for the eventual restoration of the site. NPPF paragraph 144 states that planning applications should provide for restoration and aftercare at the earliest opportunity to be carried out to high environmental standards.
109. OMWLP policy SH6 states that within the Lower Windrush Valley the County Council will seek the establishment of nature conservation areas, a footpath from Witney to the River Thames at Newbridge and areas of general public access. This development proposes restoration to nature conservation with public access, in accordance with this policy. The section of the Witney to Newbridge footpath closest to the site between Witney and Hardwick has already been put in place. The developer is also willing to enter into a Section 106 agreement including contributions to the Lower Windrush Valley Project (or successor organisation) to help fund such schemes. Therefore, the proposals are considered to comply with OMWLP policy SH6.
110. The proposed restoration to a variety of wetland habitats with a 20 year long term management plan has been welcomed by a number of biodiversity consultees. The restored site is anticipated to provide a significant biodiversity resource and offers a number of opportunities for biodiversity enhancements. It also offers opportunities for people to enjoy and learn about the wildlife through visiting the visitors' centre and using the rights of way. The proposed restoration, subject to the long term management provisions, is considered to be in accordance with OMWLP policy PE13 and the NPPF.
111. Regarding the restoration and afteruse, the RSPB have noted that it would be preferable if the lake overlooked by the visitors' centre was used for wildlife only, rather than water based recreation. This is because the presence of people on the lake would disturb and discourage wildlife and reduce the interest of any wildlife which would be viewed from the visitors' centre. The applicant has considered these comments but not amended the proposals. They state that they are not resistant to a change in the afteruse of this lake, but that given the timings involved it might be overly prescriptive to decide at this time. The afteruse for this lake could be reviewed closer to the time of restoration.
112. WOLP policy TLC11 states that proposals for leisure afteruses in the Lower Windrush Valley will be allowed where the rural character, waterside setting and nature conservation interest is not adversely affected, buildings are sensitively located and the proposed development takes account of the

comprehensive afteruse proposals in the Oxfordshire Minerals and Waste Local Plan.

113. Built development is dealt with below. In other respects, the restoration proposals are considered to comply with WOLP policy TLC11. The proposed leisure uses would be low key and water based. They would therefore not conflict with the rural character of the area and would sit alongside restoration for biodiversity.

***Built Development for Tourism***

114. The restoration and afteruse proposals include elements of built development.
115. WOLP policy TLC1 states that planning permission will be granted for visitor related proposals which respect and enhance the intrinsic qualities of the District. Proposals for tourist development will not be allowed where it would have an adverse impact on the character or environment of the countryside or generate unacceptable levels of traffic on the local highway network. WOLP policy TLC11 states that buildings associated with leisure afteruses must be sensitively located. EWOLP draft Core Policy 14 states that tourism and leisure development which enriches the natural environment will be supported. In the Lower Windrush Valley the Council will continue to work with the Lower Windrush Valley Project and County Minerals Authority to identify appropriate opportunities for tourism and leisure development. Proposals which complement the rural character of the area and deliver comprehensive long term recreational access, community or nature conservation benefits will be supported.
116. It is proposed to change the use of the existing offices building to a visitors' centre on the site of the plant site once mineral extraction and processing has ceased. This would be on the edge of one of the lakes created by the extraction works and restored to public water based recreation. The building would include decking down to the lake edge and there would be car parking adjacent. Full details of the the car parking layout would be required by condition. Any future changes to the office building or additional works would require a separate full planning application. The principle of developing a visitors' centre in this location is considered to be in accordance with WOLP policies TLC1 and TLC11 and these proposals are supported by EWOLP core policy 14. The site would be screened by new woodland and hedgerow, planted as part of the restoration, and it would have good access onto the highway network via the existing quarry access.
117. WOLP policy TLC3 states that the construction of visitor accommodation in the open countryside will only be permitted where it is proposed in association with acceptable wider leisure facilities which already exist or are being proposed on land which has been damaged by development and the proposed leisure use would enhance and improve the visual qualities of the area.
118. It is proposed to develop a number of eco-tourism lodges overlooking areas of reedbed and one of the smaller lakes. These would be developed as part of the

restoration of the quarry in order to help fund the long term viability of the nature conservation afteruse and in order to enable people to enjoy the biodiversity and recreational benefits offered by the restoration. The restoration itself is intended to enhance and improve land which otherwise would be left damaged by the quarrying operation. Therefore, I consider that both parts of WOLP policy TLC3 are met.

119. WOLP policy TLC2 states that proposals for the conversion of existing buildings to visitor accommodation will be permitted provided that there is adequate parking, the scale of the proposals do not generate a level of activity which would have a detrimental impact on the character or appearance of the area of the reasonable amenities of adjoining dwellings, the existing building is capable of conversion without excessive alteration or rebuilding. In locations where residential accommodation would not normally be permitted the Council will impose planning conditions or seek legal agreements restricting the buildings to holiday use.
120. Draft Core Policy 13 of the EWOLP states that the re-use of non-residential buildings will be supported subject to a number of criteria being met including the form and design being in keeping with the surroundings, there not being a need for excessive alteration or extension and the buildings being suitably located.
121. It is proposed to convert the existing 'Beef Unit' farmstead buildings into educational accommodation, offices and management facilities for the restored site. The site is located approximately 100 metres from Cogges Bridge Cottage, however it is screened by woodland and this is considered to be a sufficient distance to mitigate any potential nuisance. The submitted plans do not detail parking arrangements for this part of the restoration and so this would be required by condition. It is considered that the building is capable of conversion without excessive rebuilding. I consider that WOLP policy TLC2 and EWOLP core policy 13 are complied with.
122. WOLP policy H4 states that proposals for construction of new dwellings in the open countryside will only be permitted in the open countryside if there is a genuine essential agricultural or other operational need for a full time worker to live on the site. Therefore, it is clear that this is not a site that would normally be permitted for residential development. Therefore, in line with WOLP policy TLC2 a condition should be added to any permission granted to ensure that the use of the converted beef unit building is restricted to holiday use only.
123. WOLP policy BE2 states that new development should respect and where possible enhance the character and quality of the surroundings and provide a safe, pleasant, convenient and interesting environment. It sets a list of criteria that proposals must meet including being well designed to respect the character of the surrounding area, providing a satisfactory environment for people living in the area, protecting or enhancing features of importance in the environment. In the open countryside development should be easily assimilated into the landscape. The requirement for high quality design, enhancing the

quality and character of the surroundings is also set in draft Core Policy 4 of the EWOLP.

124. Details of the eco-lodges and converted Beef Unit building have been submitted with the application. The scale and design of these buildings appears to be appropriate for the rural area. The lodges would be surrounded by lowland deciduous woodland which would aid their assimilation into the landscape. I consider that the design meets the requirements of WOLP policy BE2 and EWOLP Core Policy 4. The use of planning condition to secure approval of the final details of materials prior to construction would ensure that the final design was of a high quality and complied with relevant policies.
125. EWOLP Core Policy 3 requires all development proposals including new buildings and conversions to show consideration of the efficient use of natural resources. The proposed eco-lodge buildings would be constructed of sustainably sourced timber and have sedum or grass roofs, in accordance with this draft policy.

### **Rights of Way**

126. OMWLP policy PE12 states that in appropriate cases general public access will be sought to restored mineral workings. OMWLP policy PE11 states that the rights of way network should be maintained and improvements to the rights of way network encouraged. WOLP policy TLC8 states that the existing rights of way network will be safeguarded and where appropriate improved access to the countryside will be sought.
127. The restoration proposals include new rights of way which would improve the network in the area and allow access to a restored mineral working. Therefore, it is considered that these proposals comply with OMWLP policies PE11 and PE12 and WOLP policy TLC8. The proposals would not directly impact any existing rights of way and would not require any diversions.

### **Groundwater and Water Environment**

128. OMWLP policy PE4 states that proposals for mineral extraction and restoration will not be permitted where they would have an impact on groundwater levels or put at risk the quality of groundwater.
129. WOLP policy NE7 states that development should not have an adverse impact on the water environment.
130. There is a network of water monitoring points associated with the existing quarry operation and the applicant undertakes an annual review of surface and groundwater data. This informs water management operations to ensure that they are effective in preventing any adverse impacts on groundwater or the water environment generally. It is proposed to continue these measures under any new consent and this would be secured through legal agreement. Subject to this, the development complies with OMWLP policy PE4 and WOLP policy NE7.

## **Archaeology**

131. OMWLP policy PE8 states that a preliminary archaeological assessment will normally be required prior to the determination of an application for mineral extraction. Subject to the results of this an archaeological field investigation may be required to determine the appropriate means of mitigating the impact of extraction. OMWLP policy PE9 states that for remains which are not designated as Scheduled Ancient Monuments or considered to be remains of importance, adequate provision should be made for their excavation and recording. NPPF paragraph 141 states that planning authorities should require developers to record and advance understanding of the significance of any heritage assets to be lost.
132. The archaeological field evaluation and geophysical survey suggest that there are a number of archaeological features within the application area and these could be of regional importance. However, their excavation would add to our knowledge of the Windrush Valley and its archaeology. Therefore, the archaeologist has not objected to the application subject to the imposition of a number of conditions to secure the staged programme of archaeological investigation including the production of a full report for publication.
133. The proposals comply with OMWLP policies PE8 and PE9 and the relevant paragraph of the NPPF.

## **Landscape**

134. WOLP policy NE1 states that proposals for development in the countryside should maintain or enhance the value of the countryside for its own sake, its local character and distinctiveness, the diversity of its natural resources, and its ecological, agricultural, cultural and outdoor recreational values.
135. WOLP policy NE3 states that development will not be permitted if it would harm the local landscape character of the district. Proposals should respect and, where possible, enhance the intrinsic character, quality and distinctive features of the individual landscape types. When considering proposals the West Oxfordshire Landscape Assessment, the Lower Windrush Valley Project Report and the Windrush in Witney Project Report will be taken into account where appropriate. EWOLP Core Policy 17 states that new development should not result in the loss of trees or woodland, and that special attention and protection will be given to the landscape and biodiversity of the Lower Windrush Valley Project.
136. A comprehensive Landscape and Visual Assessment (LVA) was submitted with the application. This notes that due to the location of the application site away from dwellings, in a shallow valley and surrounded by high hedgerows, there are relatively few areas with views into the site.
137. The LVA references both the West Oxfordshire Landscape Assessment and the more recent Oxfordshire Wildlife and Landscape Study (OWLS). Using OWLS most of the site falls into the River Meadowlands landscape type. The

LVA also considers the objectives set in the Lower Windrush Valley Project Report. The proposals would permanently alter the arable landscape in this area, however mitigation measures have therefore been incorporated into the proposals including retention of hedgerows and woodland along watercourses, establishment of new habitats, improvements to public access and progressive restoration. The more significant landscape impacts would be short term whilst extraction was taking place.

138. Advance planting has already been undertaken along the southern boundary of Cogges Bridge Cottage and further additional planting is proposed on the eastern roadside boundary. Gill Mill House is well screened from the workings.
139. The main visual impact would be on walkers from new paths crossing the application site. However, it is preferable that these routes are delivered as soon as possible with views into operational areas, rather than delayed until the workings are complete.
140. I consider that landscape character and distinctiveness have been taken into account in the proposed development, in accordance with WOLP policies NE1 and NE3 and EWOLP Core Policy 17. Although there would inevitably be an impact on landscape character, the proposed mitigation measures and the restoration proposals are considered to mitigate this satisfactorily.

### **Biodiversity**

141. NPPF paragraph 118 supports the protection and enhancement of biodiversity especially on designated sites. NPPF paragraph 109 states that the planning system should enhance the natural environment by minimising impacts on biodiversity and providing net gains in biodiversity where possible. WOLP policy NE13 states that in determining planning applications to Council will seek to safeguard, maintain and enhance priority habitats and species, development proposals should include measures to mitigate effects on features of nature conservation value.
142. WOLP policy NE15 states that development which would have an adverse effect on a site supporting protected species, would not be permitted unless damage can be prevented through planning conditions or obligations.
143. The River Windrush, the watercourses within the site and the retained hedgerows provide habitats for ecology. The application proposals include standoffs from watercourses and hedgerows to protect these features in accordance with relevant guidelines. These standoffs could be secured through planning condition to ensure that the impact on biodiversity is protected in accordance with the NPPF and WOLP policy NE13.
144. Ecological survey work has been undertaken and submitted as part of the ES. However, due to the long timescales involved in this development, it can be expected that there would be changes in the ecology of the site over time. Therefore, the detailed information provided prior to the commencement of



extraction in each new phase should include further, up to date ecological surveys. This could be secured through condition.

145. The survey work which was submitted with the application has identified a number of protected species on or near to the site including otter, various bats, water vole, badger, barn owl, kingfisher, hobby, grass snake, common frog, common toad and smooth newt. There have been no objections from the biodiversity officer and the potential impact on these species can be managed through planning condition, in line with WOLP policy NE15.

***Impact on Ducklington Mead SSSI***

146. The site is located in close proximity to Ducklington Mead SSSI which is lowland meadow with special botanical interest and is likely to be highly sensitive to changes in the water regime. WOLP policy NE14 states that development which would have an adverse impact on a SSSI would not be permitted unless the importance of the development outweighs the local value of the site and the loss can be mitigated. OMWLP policy PE14 states that sites of nature conservation importance should not be damaged.
147. The location and sensitivity of the SSSI have been taken into account in the ES work and in the final design of the proposals put forward. It is proposed to protect the mead through wet working in phase 9 with recharge trenches and clay seals to minimise the risk of impacting water levels in that area. There would also be a Water Management Plan requiring the monitoring of groundwater levels and mitigation measures should the works impact on water levels such that the SSSI might be affected.
148. Ducklington Parish Council are concerned that wet extraction techniques should be used on phases 2b, 9, lower 2a and sections of 10 and 11 closest to the Mead. They have asked for a covenant to ensure that no further applications will be made for mineral working in areas close to the Mead. They would like environmental monitoring data relating to the meadow to be published publically.
149. There is not a need for a covenant to prevent future mineral working near the SSSI. Any future planning application for this area would need to be accompanied by environmental information and would be considered on its merits in accordance with the development plan and other material planning considerations.. The application proposes wet working in Phase 9 only. Significant environmental assessment work has been undertaken to establish the working method required for different areas of the site and the Environment Agency has not requested further areas of wet working.
150. Therefore, it is considered that the application proposals adequately address the need to protect the off-site SSSI, in accordance with OMWLP policy PE14 and WOLP policy NE14.

### **Bird Strike**

151. The site is within the statutory birdstrike safeguarding zone for RAF Brize Norton, however the current planning permission which is being implemented at Gill Mill quarry does not have any provision for the management of bird strike risk. The applicant has indicated that they would be willing to sign a legal agreement for bird management in association with this application.
152. Therefore, these proposals offer the potential to improve reduce risk over the current situation as there would be a bird strike management plan covering the whole area, including a lake which is outside the application boundary, in perpetuity. There has been no objection from MOD, subject to the bird management plan.

### **Cumulative Effect**

153. The NPPF (paragraph 143) states that in relation to minerals, local plans should set out environmental criteria to assess planning applications against and that the cumulative effect of multiple impacts from individual sites in a locality should be taken into account. This is an extension to the area and timescales of an existing quarry, with no proposed increase to the annual production of mineral from this area and no increase in traffic. Therefore, it is not considered that there would be a significant cumulative impact as most of the impacts of the development would be short term for the duration of workings, albeit that the overall time period for development and the amount of mineral to be extracted in total would be increased.
154. However, there would be a cumulative impact in terms of change to the landscape as the development would permanently reduce the arable land in the local area and increase the amount of wetland. Although this would represent a change in the landscape it would not necessarily represent harm. It would be an improvement in terms of biodiversity.

### **Clay Extraction**

155. OMWLP policy SD5 states that clay will normally only be extracted from specific areas of the county which do not include this area. OMWLP policy PE2 also applies and states that planning permission will not normally be granted for mineral extraction outside the areas identified in the plan unless the demand cannot be met from areas within the plan. Gill Mill is the only quarry in Oxfordshire where clay is currently being worked and there are no remaining unworked permitted reserves. The clay lies beneath the sand and gravel and would be extracted from areas which had already been worked for sand and gravel. Extracting clay from areas that have already being worked for sand and gravel is likely to be more sustainable than working undisturbed land solely for clay.
156. Therefore, although SD5 policy states that clay would not normally be worked from this area the proposal is considered to generally accord with the OMWLP including policy PE2.

### **Aggregate Recycling plant**

157. OMWLP policies W3 states that proposals for recycling will normally be permitted, provided that the proposal meets a number of criteria including not creating a nuisance and the site being well located in relation to the sources of waste, market for the material and the transport network.
158. OMWLP policy W4 states that proposals for recycling will not normally be permitted in the open countryside unless the development is to form part of a mineral extraction site and will be removed upon completion of the extraction.
159. The proposed aggregate recycling plant already has planning consent and is in accordance with relevant development plan policies, subject to it being removed on the expiry of mineral working. This can be secured by planning condition.

### **Other Associated Development on plant site**

160. The development also includes a processing plant to process the extracted material and a concrete plant. OMWLP policy PB1 requires that processing plants and other necessary buildings and industries associated with a mineral working should be sited, designed, landscaped and maintained so as to minimise environmental disturbance. It is considered that the location of the plant site in a central area within the wider site, minimises the potential impact on amenity and the environment. The location, design and landscaping of the plant site is considered to be appropriate and in accordance with this policy.
161. OMWLP policy PB2 requires the removal of all processing plant, buildings and associated machinery within 24 months of extraction. The proposals comply with this as it is proposed to remove the associated development and restore the site at the end of the life of the temporary permission. This can be secured through planning condition.

### **Biomass Renewable Energy Unit**

162. WOLP policy NE12 states that proposals for the development of renewable energy scheme will be permitted so long as there would not be an unacceptable impact on the environment or resources and there would not be an unacceptable level of nuisance caused.
163. The proposal to construct a biomass energy plant to power the farmstead complex post restoration is considered to comply with this policy as the building would be small and purpose built to contain the energy unit. It would not be located in close proximity to dwellings.

### **Other points raised by consultees**

164. The local County Councillor, Cllr Charles Mathew has made comments as set out in Annex 4. He is concerned about the rare snake's head fritillary flowers

found in nearby Ducklington Mead SSSI. However, as set out above, there has been no objection from Natural England, or the Ecologist Planner to this application. The EIA has assessed the potential impact on the SSSI and as a result mitigation measures are proposed including hydrological monitoring and wet working in the phase closest to the meadow.

165. Cllr Mathew also raises concern about a potential monopoly situation should this permission be granted, as a single operator would have permission for extraction of large quantities of sand and gravel. He is also concerned that the development would continue a situation where a disproportionate amount of Oxfordshire's sand and gravel is worked from the Lower Windrush Valley area.
166. It is not considered that this development would result in a monopoly situation as there is no proposed increase to the annual production, which is limited by the processing plant. Therefore, the applicant's potential share of the local market would be unchanged. If this development is permitted it would mean that the majority of Oxfordshire's sharp sand and gravel permitted reserves (the landbank) would be accounted for by Gill Mill quarry. However, the NPPF paragraph 145 states that 'Mineral Planning Authorities should plan for a steady and adequate supply of aggregates by: ... ensuring large landbanks bound up in a very few sites do not stifle competition'. In accordance with this, the County Council should not use the fact of a large permitted reserve at Gill Mill Quarry as a reason on its own for not permitting other mineral working sites that may be needed in order to ensure a steady and adequate supply of sharp sand and gravel in Oxfordshire. This does not mean it would be harmful for one particular quarry to have a large permitted reserve that would last well beyond the 7 year minimum landbank period. Therefore, permitting this development would not prevent a future shift in the balance of sharp sand and gravel supply between West Oxfordshire and the southern part of the county. Future planning applications for sand and gravel working in the south of the county will be considered on their merits and in the context of the NPPF's requirements for 'a steady and adequate supply of aggregates' and for not stifling competition.
167. WODC expressed concern that this application is premature ahead of the adoption of the identification of sites for future extraction in the Minerals and Waste Core Strategy. However, there is not currently a Minerals Core Strategy and when this is published it will not identify specific sites. Regardless of the absence of an up to date plan, the County Council must continue to determine applications in a timely manner using relevant policies from the adopted plans – the 1996 Minerals and Waste Local Plan, the NPPF and West Oxfordshire Local Plan.
168. WODC consider that WOLP policy E7 (existing businesses) should be applied, which states that the WOLP allows for the expansion of established businesses adjacent to existing premises, that are commensurate with the scale and character of the locality. They consider that this development would represent an excessive extension in relation to the current business size and that the application area should be pushed back from the A40. However, it is clear from the supporting text that policy E7 was intended to apply to the physical expansion of existing businesses where they have outgrown their site, rather

than to mineral development, which can only take place where mineral is present. The policy does not take account of the fact that quarry operations involve the progressive working and restoration of land. Although this development would involve moving into new areas for extraction, this would only be after other areas had been worked and restored.

169. WODC suggest that there could be a levy on extraction to pass to local communities affected by the impacts of the development. I consider that the proposed planning conditions would adequately protect local residents from potential adverse impacts arising from this development. NPPF paragraph 204 sets out the three tests which planning obligations must meet and states that they must be necessary, directly related to the development and related in scale and kind to the development. I do not consider that a levy along the lines proposed by WODC would meet these tests. The applicant has agreed to provide funding for the Lower Windrush Valley Project (or successor organisation) as set out in Annex 1, to meet the aims of OMWLP policy SH6. It is also proposed to provide rights of way in the area as set out in paragraph 29 and the restored site would provide a number of new rights of way and areas of public access. It is considered that this development would lead to benefits for the local community who would be affected by the operations.

### **Conclusions**

170. The development is generally in accordance with development plan policy and other material considerations, including the policies set out in the NPPF on a range of issues including transport, protection of amenity, restoration, landscape and archaeology. The development would contribute towards the need to meet and maintain an aggregates mineral landbank of at least 7 years.
171. Therefore, it is recommended that the application be approved subject to conditions and legal agreements, as set out below.

### **RECOMMENDATION**

172. **It is RECOMMENDED that:**

**(a) subject to:**

- (i) a Section 106 legal agreement to cover the matters outlined in annex 1;**
- (ii) a routeing agreement to ensure that vehicle movements from the new development are covered by the existing routeing arrangements i.e. use only the A415 access and use the route north on the A415 from the site.**

**that planning permission for application no. MW.0050/13 be granted subject to conditions to be determined by the Deputy Director for**

**Environment and Economy (Strategy and Infrastructure Planning) to include the matters set out in Annex 2 to this report; and**

**(b) the Deputy Director for Environment and Economy (Strategy and Infrastructure Planning) being authorised to refuse the application if the legal agreement referred to in (i) above is not completed within 10 weeks of the date of this meeting on the grounds that it would not comply with OMWLP policy PE13 and the guidance set out in paragraph 118 of the NPPF (in that there would not be satisfactory provisions for the long term management of the restored site)**

MARTIN TUGWELL

Deputy Director (Strategy and Infrastructure Planning)

January 2014

## **ANNEX 1 - HEADS OF TERMS FOR LEGAL AGREEMENT**

### **Bird Management Plan**

- Provide the MOD or its appointed agents with monthly reports of bird species and numbers at the site if requested by the MOD.
- Allow access to an inspection of the site by the MOD or its appointed agents each year (or more frequently if the MOD requires) to verify bird populations.
- Prevent the successful breeding of feral geese at the site by appropriate licensed means
- Prevent the formation of a starling roost at the site.
- At the reasonable request of the MOD disperse any geese, starling or other bird populations considered by the MOD to pose an unacceptable hazard to air traffic.
- At the reasonable request of the MOD prevent the formation of gull roosts considered by the MOD to pose an unacceptable hazard to air traffic.
- At the reasonable request of the MOD prevent the successful breeding of gulls, Cormorant and Grey Heron at the site by appropriate licensed means.

The management plan should also set out requirements for site maintenance necessary to ensure that attractants for large and flocking bird species do not develop as the restoration scheme matures. For the purposes of maintaining air traffic safety the following site management requirements should be included in the management plan:

- To install and maintain 'goose proof' mesh fencing around areas of marginal and reed bed planting to protect it from grazing waterfowl until the vegetation has successfully established.
- To manage the grassland areas surrounding the lakes to retain dense, long grass thereby limiting opportunities for secure grazing and loafing by feral geese.
- To retain the reed bed/reed fringe habitats detailed in the restoration master plan.

### **Existing Legal Agreement**

Confirmation that if this permission is not implemented provisions of current agreement are still effective.

### **Hydrological Monitoring**

Roll forward and up-date, as appropriate to new workings, of existing Hydrological Monitoring Scheme.

To include the following requirements:

- Prior to Phase 1 a Monitoring Scheme (as agreed by Oxfordshire County Council in consultation with the Environment Agency) for the entire site to include details of:
  - Monitoring of groundwater level, river flows and levels, lake levels and rainfall for a period prior to the working of each Phase, active works and a period of aftercare
  - Monitoring of dewatering activities and abstraction rates during works until dewatering activities cease on site
- Output of Monitoring Scheme to be a yearly Monitoring Report to include:
  - Identification of additional mitigation as may be required

- Consideration of the effectiveness of discharge of abstracted water to the River Windrush and Hardwick Brook
- Oxfordshire County Council in consultation with the Environment Agency to approve annual Monitoring Report and any identified mitigation to be implemented

### **Restoration, Aftercare and Lower Windrush Valley**

Provision of an additional 20 years 'aftercare' management by operator for reedbed, reedmarsh/wet woodland areas, to commence upon completion of the last area of reedbed in phase 8. Management of the reedmarsh/wet woodland would be passively managed for nature conservation.

Extended management period to remain responsibility of Smiths Bletchington and successors in title.

Tie of development of eco-lodges to provide financial support for management for both nature conservation and bird strike management.

Funding for a review of the LWVP, up to £5 000, to provide an external report with overview of performance to date, with recommendations for the future.

Financial contribution to OCC to be used for the purposes set out in the LWVP with payment starting when development commences – proposed as ten annual payments of £12k (index linked)

Smiths (Bletchington) Ltd (and successors in title) to provide representation on the LWVPSG or successor organisation for duration of extended management.

### **Statutory Rights of Way**

Dedication of the rights of way as indicated on plan GML/019.

Maintenance of rights of way during extended management period.

Smiths to use best endeavours with Parish to address short 'gap' at Ducklington in Northern Way bridleway route at Ducklington Village, including meeting reasonable justified costs involved in delivery of the route as a bridleway.

### **Lorry Routeing**

All commercial vehicles involved in transporting minerals or wastes to and from the site shall only exit from the quarry entrance on the A415 in a northerly direction unless delivering locally.

### **Parish Liaison Meetings**

Smiths (Bletchington) Ltd to establish annual local parish liaison meeting to run until completion of restoration (Ducklington and South Leigh)

### **Car Parking**

Smiths to use best endeavours to assist in the provision of additional car parking at Ducklington in conjunction with the wishes of the Parish Councils.



**ANNEX 2 - HEADS OF CONDITIONS**

1. Complete accordance with plans
2. Commencement within three years
3. End date for extraction (end of 2040)
4. End date for restoration completion (end of 2044, or within 24 months of the cessation of mineral extraction if sooner)
5. 5 years aftercare
6. Submission of aftercare scheme
7. Removal of plant and restoration within 2 years should mineral working cease
8. Removal of all associated plant and development upon cessation of mineral working
9. Submission of details of working of each phase prior to commencement in that phase, including details of clay barriers and groundwater mitigation
10. Submission of detailed restoration and aftercare plans prior to working each phase, taking into account up to date groundwater monitoring and survey data
11. Submission of updated ecological surveys prior to working each phase, including the checking of the phase for Barn Owl nests
12. Mitigation and enhancement as proposed in Tables 9.12, 9.13 and 9.15 of the May 2012 Environmental Statement, Chapter 9.
13. Construction Environmental Management Plans (CEMPs) required prior to commencement of each phase.
14. Seed and planting mixes and methods of establishment to be submitted prior to commencement of each phase
15. Submission of a visitor management plan providing information of which parts of the site would be accessible to visitors and dogs
16. Submission of details of mitigation provision for protected species, prior to the working of each phase
17. Submission of details of bird hide provision
18. Stand offs of 16m from River Windrush, 8 metres from Hardwick Brook, 10 metres from hedgerows and 1.5 times the height of mature trees
19. Standoff to hedgerows and trees increased to 20m if Barn Owls are present and 100 metres if they are breeding
20. Submission of a scheme detailing the protection of watercourses, hedgerows and trees, including fencing details, prior to working each phase
21. All deep excavations to be suitably ramped and pipework covered overnight to minimise the risk of mammals being killed or injured
22. Submission of a scheme of weed control, prior to the commencement of development
23. Hydro conditions – submission of schemes, in accordance with FRA, groundwater monitoring,
24. Working hours as set out in report
25. Restriction of permitted development rights
26. Use of approved access only for minerals and waste development
27. No vehicle shall access the former beef unit via Cogges Lane except in an emergency
28. Lorry sheeting
29. No deposit of mud or dust on the highway
30. Implementation of Dust Management Plan
31. Noise mitigation measures as proposed to be implemented

32. Noise monitoring
33. Soil handling in accordance with Natural England guidelines
34. Archaeology – submission and approval of a written scheme of investigation
35. Archaeology – implementation of the staged programme of investigation in accordance with WSI, production of a report for publication
36. White noise reversing beepers only
37. Submission of details of any external lighting
38. Signage to ensure HGV driver are aware of the permitted route
39. Restriction on materials which can be used for backfill
40. Flood management plan ( as required by NPPF)
41. Full details of the biomass plant materials to be submitted and approved prior to its construction
42. Full details of the Eco-lodge materials to be submitted and approved prior to their construction
43. Full details of the conversion of the beef unit farmstead buildings materials to be submitted and approved prior to their conversion.
44. Scheme for the discharge of abstracted water to the River Windrush and Hardwick Brook,
45. Scheme for the operation of recharge trenches,
46. Requirement for phase 9 to be worked wet,
47. Details of lake overflows to be submitted prior to working in each phase,
48. Development in full accordance with flood risk assessment,
49. Hydrological mitigation measures as set out in ES
50. Submission of a foul drainage scheme for the ecotourism lodges, visitors' centre and farmstead buildings prior to their construction.
51. Restriction on the use of eco lodges and beef unit to uses related to the management of the restored site, educational use and for associated short term accommodation only.
52. Submission of full details of materials of eco-tourism lodges, and converted beef unit buildings.
53. Submission of full details of car parks,

**Informatives:**

- Breeding birds
- Protected Species
- Badgers

**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, as was the case with this application, and updating applicants and agents of issues that have arisen in the processing of their application through a meeting suggesting further information that could be submitted to overcome these concerns.

**ANNEX 3 - ENVIRONMENTAL STATEMENT**

1. An Environmental Statement (ES) was submitted with the planning application.
2. Chapters 1 to 4 set out the background. Chapter 5 assesses the need for the development and potential alternatives. This concludes that further provision of sand and gravel sites is needed to meet landbank requirements and there is no viable alternatives sites in the development area which offer the sustainability benefits which the application site offers.
3. Chapter 6 contains an assessment of traffic and highways. This concludes that there would not be any increased traffic generation from the site and therefore there would be no detrimental impact on the road network. An accident analysis shows no specific safety concerns on the A415 north of the site. The applicant is willing to enter into a routing agreement to ensure lorries access and exit the site to the north towards the A40.
4. Chapter 7 considers the potential impacts of dust in relation to public health and nuisance. A range of dust control mitigation measures are provided including dust suppression, containment and management. It is concluded that the site currently operates with high standards of site management and this would continue. Dust mitigation measures would be required through a comprehensive Dust Management Plan.
5. Chapter 8 contains the Landscape and Visual Impact Assessment. The overall landscape setting sensitivity is rated as medium. Pylons, existing mineral extraction areas and commercial buildings detract from the landscape. Impacts will change over time as the development progresses; however there would be some short to medium 'substantially adverse' impacts on parts of the landscape. Mitigation measures are proposed including retention of woodland and hedgerows and improvements to biodiversity and public access. This could reduce the long term residual impact to 'slightly adverse' compared to a pre-mineral extraction landscape and 'slightly beneficial' when taking into account the existing operations. It is not considered that the extension would create further cumulative adverse landscape impacts to those already permitted.
6. Mitigation measures are also provided for visual impact including advance planting, progressive working, direct placement of restoration materials where possible. Some 'substantially beneficial' long term effects are predicted as views over reedbeds are considered to be more interesting than the current arable areas. Overall it is considered that the visual impacts can be mitigated to 'slightly adverse' in the medium term and 'negligible' or beneficial in the long term following restoration.
7. Chapter 9 considers biodiversity. This notes a number of protected species which have been found around the site. The site is in close proximity to Ducklington Mead SSSI, which is a species rich meadow supporting abundant snake's head fritillary. This has the potential to be affected by

groundwater lowering. However, the operator proposes to monitor hydrology and ecology in order to be able to take corrective action should any adverse changes occur. The working and restoration schemes have been designed to protect key habitats and species and create new ecologically valuable habitats. It is considered that following restoration the scheme would be a major beneficial enhancement in the Lower Windrush Valley and a number of protected species would benefit from this.

8. Chapter 10 contains a Flood Risk Assessment. This includes a Sequential Test considering alternative site options. The assessment reviews topographical and flood risk data and an Environment Agency hydraulic river model to identify existing flood risk. Then it assesses the impact of the proposals using the EA's hydraulic model. It also identifies mitigation measures to reduce the risk of flooding. It concludes that there would be no significant adverse impact on fluvial flood risk on or off site. The quarry has the potential to act as flood storage reducing flood risk to the surrounding area.
9. Chapter 11 describes the hydrogeological conceptual model and the potential influence of working on the hydrogeological regime. Potential impacts include derogation of private water supplies, change in flora in Ducklington Mead and a decrease in river flows and pond levels. Mitigation measures proposed include the construction of recharge trenches, wet working in sensitive areas, construction of clay barriers around working areas, discharge of pumped water to East Windrush and Hardwick Brook, groundwater and surface water monitoring and water level management via lake overflows. The study concludes that the proposed development should have a minimal impact on the ground and surface water regime, subject to the mitigation measures being in place.
10. Chapter 12 assesses the mineral potential of the site, including a review of the borehole information and new boreholes where needed. As a result the mineral reserves and overburden depths of the proposed development have been estimated.
11. Chapter 13 contains the Noise Assessment. This calculates and assesses the noise generation at each phase in the development and makes recommendations for additional noise mitigation measures where they are required to meet appropriate noise limits. Noise was monitored at Cogges Bridge Cottage, Springhill Farm, Gill Mill, Mill cottage, dwellings in Ducklington village and dwellings on Manor Road. The assessment concludes that subject to mitigation noise could be kept within acceptable limits.
12. Chapter 14 considers bird strike. It primarily considers the potential impact on aircraft movements in and out of RAF Brize Norton. Measures to reduce the risk are described including the fact that the restoration has been designed to reduce the extent of open water when compared to the currently permitted plans, there would be a Bird Management Plan and waterbodies and woodlands would be grouped together on the same side of the airfield

as existing complexes. It is therefore concluded that the development would not pose any additional bird strike risk and has the potential to improve on the current situation.

13. Chapter 15 is about agriculture. It includes an investigation of the agricultural land classification and soil resources of the site and assesses the impact of the proposals on agricultural land use. Soil handling methods are described. It is concluded that the loss of 36 hectares of agricultural land classified as 'best and most versatile' is a moderate adverse impact. However, subject to mitigation and following best practice there should be no other residual effect on land quality.
14. Chapter 16 covers archaeology and cultural heritage. This reviews existing knowledge of the archaeological resource of the area, which is a landscape of considerable archaeological importance. A desk based assessment is provided and an archaeological evaluation was carried out on the south eastern part of the site. This included a geophysical survey and intrusive evaluation trenching. This area was shown to contain some significant archaeological features, but none of national importance. It is proposed that evaluation of the northern part of the site should also take place and once that is complete a detailed programme of mitigation works can be agreed and implemented.
15. Chapter 17 describes the restoration and afteruse. The proposals would change the restoration for currently permitted areas and introduce new restored areas from the quarry extension. The applicant is also willing to fund the long term management of the site for 20 years following the 5 year aftercare. It is proposed that a detailed restoration scheme would be prepared and submitted for approval prior to each phase.
16. Chapter 18 covers cumulative impacts including traffic, air quality, landscape, noise, hydrogeology and groundwater, flooding, agriculture, ecology and archaeology. There are few other major developments in the local area as it is rural. However, the A40 lies to the north and recent planning permissions have been granted for recycling at Dix Pit and an extension to sand and gravel operations at Stonehenge Farm.
17. Chapter 19 considers community and social effects. This concludes that the development would provide social and community benefits in terms of employment provision, new footpaths and a restoration scheme which enhances the local environment.
18. Chapter 20 contains overall conclusions. It states that the proposal would lead to no unacceptable adverse impacts and there would be some positive benefits.

## **ANNEX 4 – CONSULTATION RESPONSES SUMMARY**

### Ducklington Parish Council

1. The development would have an unavoidable impact on village residents. Supportive of efforts to improve public access but concerned that car parking problems in the village might get worse. Requests contributions through legal agreement to improve car parking and signage in village and for the provision of new parking spaces to the north of the site. Requests that the bridleways proposed should be created at the start of the works and that a gate is installed to prevent misuse of the track between Ducklington and Stanton Harcourt by cars.
2. Concerned about the potential effects of working on the Ducklington Mead SSSI. Would like regular environmental monitoring data to be shared with the public. Would like wet extraction techniques used around the SSSI and a covenant to ensure that no further applications are made for the exclusion area around the SSSI.
3. Would like to see finding to the Lower Windrush Valley Project expanded, particularly for the improvement of path and bridleway surfaces and the management of ditches and streams to alleviate flood risk.

### South Leigh Parish Council

4. No objection in principle; the work does not really affect village residents. Concerns about the water table in surrounding areas as more and more water is stored in the valley. Note that an increase in traffic movements is not included in the application but if and when the economy picks up such an increase will be required. It wouldn't directly affect South Leigh but an increase in the number of lorries using the already congested A40 would result in more commuters using our narrow lanes as a 'rat run'.

### Witney Town Council

5. Application noted, no comments.

### West Oxfordshire District Council

6. Object. The applicant should demonstrate that they have considered alternative sites located closer to the main areas of future growth in Oxfordshire, West Oxfordshire has long been the County's main supplier of sand and gravel. The determination of this application appears to be premature ahead of the adoption of the emerging Minerals and Waste Core Strategy which will identify future sites for working. WOLP policy E7 supports the principle of business extensions, however the proposed expansion appears to be excessive in relation to the existing scale of the business and would have a severe detrimental impact on the landscape. If the site is to be extended the proposed area of extraction should be significantly reduced and

pushed back from the A40. The dust management plan appears to be weak and could be improved. Would welcome a new routing agreement ensuring vehicles travel north towards the A40. Policies NE14 and N15 regarding ecology should be considered. Concern about the A415 safety record. Would support the proposed afteruse incorporating low key tourism. Suggest there should be a levy on extraction for the benefit of affected local communities. The District Council may support a scheme incorporating a significantly reduced extension to the existing site.

7. Local County Councillor – Cllr Charles Mathew

No written comments, however three main points were conveyed through telephone discussion with officer. 1. Permitting this application would effectively lead to a monopoly situation with regard to sand and gravel supply in Oxfordshire. 2. Does not believe that the fritillaries would not be affected by this development. 3. A large proportion of Oxfordshire's sand and gravel is produced in the west of the County to the north of the River Thames. This development would continue that situation, however it would be preferable to rebalance this so that a greater proportion is worked from the south of the county.

Berkshire, Buckinghamshire and Oxfordshire Wildlife Trust (BBOWT)

8. The restoration represents an opportunity to provide significant biodiversity gains in a Conservation Target Area and this is welcomed. However, it is essential that operations do not have an adverse impact on Ducklington Mead SSSI and measures should be put in place to ensure this. There should also be measures to avoid negative ecological impacts on protected species and habitats during the operational phases. No assessment has been made of operational impacts on protected and priority species. Clarification is needed regarding the areas of lowland meadow in the restoration.
9. Second consultation – The further information submitted has addressed concerns regarding elements to be covered in the water management plan with reference to maintaining the hydrological regime of Ducklington Mead SSSI. It is important that these measures are secured by planning conditions, including mitigation measures as set out, submission of a water management plan with a mechanism to allow the modification of the scheme, ongoing monitoring and modelling. The additional information submitted also provides assurance that measures to avoid negative ecological impacts during operations are in place. BBOWT would appreciate the opportunity to contribute to an expanded advisory group.

Lower Windrush Valley Project

10. Would like there to be a strong focus on disabled access in the consideration of this application. The single track lane from Stanton Harcourt to Cogges Hill can be treacherous and additional traffic generated by the afteruses of the development would add pressure.

## Natural England

11. No objection, subject to conditions. The site is in close proximity to Ducklington Mead SSSI, however Natural England is satisfied that there is not likely to be an adverse impact, subject to the proposal being carried out in strict accordance with the details submitted. Conditions should be added for a water management plan including the details of monitoring of groundwater levels and surveys of the SSSI and mitigation measures and for the submission of restoration schemes for each phase of the development taking into account that groundwater monitoring and survey data.
12. Protected Species – Whilst assessment has been made of the impact on protected species post-restoration, the impacts during operations appear to have been overlooked. Updated surveys and Construction Environmental Management Plans should be submitted prior to the start of each phase.
13. Soils – The development would incorporate 36 hectares of ‘best and most versatile agricultural land.’ Generally satisfied that the working and reclamation proposals meet the requirements set out in the NPPF Technical Guidance. Satisfied that a substantial area of the best and most versatile land would be reinstated to a similar quality. However, an aftercare scheme has not been submitted and so this should be required by condition.
14. Landscape – The development is not located within any nationally designated landscape, however all proposals should complement and where possible enhance local distinctiveness.
15. Response to further information – No objection. Pleased to see that the requirement for a Water Management Plan has been addressed within the document. It is noted that an annual report will be presented to the EA, would it be possible for Natural England also to have access to this report, along with surveys of Ducklington Mead? The additional information provides the assurances required regarding avoiding impacts on protected species.

## Ministry of Defence - Defence Infrastructure Organisation

16. The site is located approximately 8km of RAF Brize Norton and therefore within the statutory birdstrike safeguarding zone. The applicant has specifically sought to design the restoration scheme to limit birdstrike risk. The dimensions of the lake should prevent the site from supporting a gull roost and the absence of islands in the waterbodies would limit secure breeding habitat for feral geese and waterfowl. The reedbeds reduce the open water otherwise available to gulls and waterfowl, however they may provide breeding opportunities for feral geese if vegetation accumulates at the base of the reed beds. They could also attract flocks of starlings. Therefore, provisions are required to manage these habitats and a bird management plan will be required for the entire restored site. The MOD would wish to be consulted on the detailed restoration plans submitted prior to each stage of construction.. Subject to these provisions the MOD maintains no objection to the application.



English Heritage

17. Have considered the application and do not wish to offer any comments. The application should be determined in accordance with national and local policy guidance, and on the basis of your specialist conservation advice.

RSPB

18. No objection. Strongly support the restoration of a significant area of the site to high priority wetland habitat which would make a significant positive contribution to Oxfordshire's natural habitats and ecological network and benefit the local community. Includes some recommendations for minor alterations to the restoration design to improve the proposal.
19. Response to additional information – Re-iterate support for the proposal to restore a significant area of the site to high quality wetland habitat. Most of the minor issues raised in previous letter have been addressed by the additional information. The one suggestion that wasn't taken forward related to the use of the lake which would be overlooked by the visitors' centre. It would be preferable for this to be a wildlife only lake rather than water based recreation as if active recreation takes place on the lake it is unlikely that there would be any interesting wildlife to view from the visitors' centre.

Thames Water

20. No objection with regard to water or sewage infrastructure.

Environment Agency

21. Initially sought clarification from the applicant regarding foul water disposal from eco-lodges, the hydrogeological assessment and ecology.
22. Response to further information – No objection, subject to specified planning conditions and obligations to cover detailed information to be submitted prior to the working of each phase, a section 106 for groundwater and surface water monitoring and implementation of any mitigation arising from that, a scheme for the discharge of abstracted water to the River Windrush and Hardwick Brook, scheme for the operation of recharge trenches, requirement for phase 9 to be worked wet, details of lake overflows to be submitted prior to working in each phase, development in accordance with flood risk assessment, submission of a foul drainage scheme for the ecotourism lodges and visitors' centre prior to their construction.
23. The Minerals Planning Authority should ensure that it is satisfied that the Sequential Test is passed.

Highways Authority

24. No objections subject to conditions and routeing agreement. It is not proposed to alter the existing vehicular access and manoeuvring areas, which are

considered appropriate for the proposed use. The potential increase in HGV traffic would not have a significant impact upon the function or available capacity of the local highway network, subject to the existing routing agreement being applied.

#### County Archaeological Services

25. A geophysical survey has only been conducted over part of the site. A further geophysical survey of the remaining area should be undertaken prior to determination of the application.
26. Response to further information – The further geophysical survey has now been received. This, along with the report of the archaeological field evaluation suggests that there are a number of archaeological features within the application area. None of these features are demonstrably of equivalent importance as a scheduled monument. They are however of regional importance and their excavation will add to our knowledge of the Windrush Valley and its important and complicated archaeology. We would therefore recommend that, should planning permission be granted, the applicant should be responsible for implementing a programme of archaeological work. This can be ensured through the attachment of planning conditions.

#### Rights of Way and Countryside access

27. The application promotes considerable improvements to the rights of way network, with a lot of permissive access being made available on final restoration. However of particular note is the addition of 3 new stretches of public bridleway, to be dedicated for inclusion onto the definitive map on the final restoration of the site. Two of these however are to be established at the outset but on a permissive basis. These are welcomed as they link in with the existing network, providing safe off road access for all.
28. The Northern Cross Valley Walk will be dedicated as a dead end bridleway. It would be advantageous for this to continue into the centre of the village of Ducklington as a bridleway. For this to happen, negotiations would be required on land outside of the red line boundary. The negotiations would require the dedication of a small section of bridleway and the upgrade of footpath 194/3. The Countryside Access team would carry out these negotiations with the current landowner, but would require a contribution of from the applicant for this.

#### County Drainage Engineer

29. No objection. No general drainage comments. Regarding ground water levels there should be a requirement for annual groundwater readings, with mitigation should levels start to exceed predicted levels, submission of this information and agreement prior to the commencement of extraction over the final groundwater levels for the northern part of the site.

## County Biodiversity

30. No objection, subject to conditions. There is unlikely to be an adverse impact on Ducklington Mead SSSI. Conditions should be attached for a water management scheme including frequency of monitoring of groundwater levels and surveys of Ducklington Mead SSSI and the mitigation measures to be put in place if necessary and for detailed restoration schemes to be agreed prior to working of each phase of development. Impacts on protected species during the operational phase has not been addressed. Updated ecological surveys and environmental plans should be submitted prior to each phase. A section 106 will be required to secure the long term management of the restored site. The potential for green hay spreading from the SSSI to the areas of lowland meadows should be considered.
31. Response to further information – The applicant has now confirmed that updated survey and mitigation measures will be provided prior to extraction from each working phase and that there would be a Water Management Plan to protect Ducklington Mead SSSI. Appropriate standoffs from watercourses and hedgerows have been confirmed. Agree that details of seed mixes can be dealt with through condition. It would be helpful if the principle of the provision of bird hides could be established now along with some agreement about suitable locations.

## Landscape and Green Infrastructure

32. Despite the size of the site, the visual and amenity impacts are reasonably limited. Views into the site are restricted and the settlement pattern outside the villages is dispersed so that only a few private residences are affected. There are no formal rights of way across the site, although there is anecdotal evidence that local people use private farm tracks within the site for dog walking. Parts of Cogges Lane are used for cycling and walking and therefore impacts along parts of this road might be higher than indicated in the assessment work. The site will be visible from the A40 and this will impact more people, however, as users of the road will be travelling at speed I agree with the lower sensitivity ratings of impacts.
33. The restoration proposals meet the guidelines set out in OWLS, are of high quality and will significantly increase amenity use and value of the landscape.
34. There would be considerable green infrastructure gain from the restoration scheme, the scale and ambition of which is welcomed. It would be helpful to have governance proposals for the management of the site. The eco-lodges are considered to be a helpful proposal as they would help enable the site to become cost-neutral to manage. The design of the site is flexible enough to enable zoned visitor management with areas for income generation which do not impact on biodiversity.

**Arboricultural Officer**

35. Further information is required in the form of a British Standard 5837: 2012 Trees in relation to design, demolition and construction survey, in order to fully assess the arboricultural implications of the site extension.
36. Response to further information – No objections. The requested information has been provided and addresses previous concerns.

## ANNEX 5 – SEQUENTIAL TEST

### Introduction

1. The National Planning Policy Framework (NPPF) requires that ‘a sequential approach should be used in areas known to be at risk from any form of flooding.’ As part of the application site extension area falls within Flood Zones 2 and 3, it is considered necessary to undertake a Sequential Test to establish whether there is an alternative site in an area of lesser flood risk, which could accommodate this development. The Sequential Test has been undertaken on the extension area of the application site only, it is not considered necessary to do this exercise on parts of the site which already have planning permission for sand and gravel extraction and where the development permitted by the planning permission has commenced.
2. The NPPF Technical Guidance states that “the overall aim should be to steer new development to Flood Zone 1. Where there are no reasonably available sites in Flood Zone 1, LPAs allocating land in Local Plans or determining planning applications for development at any particular location should take into account the flood risk vulnerability of land uses and consider reasonably available sites in Flood Zone 2 applying the Exception Test if required. Only where there are no reasonably available sites in Flood Zones 1 or 2 should the suitability of sites in Flood Zone 3 be considered, taking into account the flood risk vulnerability of land uses and applying the Exception Test if required”.
3. The NPPF indicates that the Local Planning Authority Strategic Flood Risk Assessment (SFRA) will provide the basis for applying the Sequential Test; though where a SFRA is not available the Sequential Test will be based on the Environment Agency Flood Zones. A Level 1 Strategic Flood Risk Assessment ‘Living Document’ October 2010 supported the Oxfordshire County Council Minerals and Waste Core Strategy (which has now been withdrawn) and now supports the new Minerals and Waste Plan for Oxfordshire that is in the process of being prepared. As part of the preparation of the Minerals and Waste Core Strategy document, a preliminary assessment of sites nominated by operators was carried out by the Council in January 2011. At present the listed sites are possible options not proposals, and will therefore undergo more assessment in due course. However, the preliminary assessment work which has been done has been used to undertake the Sequential Test.

### Potential Alternative Sites

4. The Environment Agency (EA) has issued advice on the application of the Sequential Test. ‘Demonstrating the flood risk Sequential Test for Planning Applications’ version 3.1 issued April 2012 states that the geographical area of search will usually be over the whole of the Local Planning Authority (LPA) area, but in some circumstances it may be appropriate to expand the search area beyond the LPA boundary for uses which have a sub-regional, regional or national market. As the application site is situated relatively centrally within Oxfordshire, it is considered that the market for the material would largely be within the County. Therefore, the circumstances do not require the extension of

the search area outside the LPA boundaries in this case. Therefore, the geographical area over which the test needs to be applied has been restricted to Oxfordshire.

5. Local Plan evidence base documents have been used to identify possible reasonably available alternative sites. Sites which were nominated by operators as part of the preparation of the now withdrawn Oxfordshire Minerals and Waste Core Strategy have been considered to be potential reasonably available sites.
6. The extension area of the application proposal would provide approximately 5 million tonnes of sand and gravel. Although the total yield for this development is estimated at 7.8 million tonnes, the area of the application which already has planning permission has not been sequentially tested. Many of the nominated sites have a significant lower estimated yield and therefore would not be capable of providing an alternative to the development proposed at Gill Mill. Therefore, sites containing a significantly lower yield have also been excluded from the Sequential Test. The full list of sand and gravel sites nominated for inclusion in the Minerals and Waste Core Strategy and details of their yield is set out in Table 1.

**Table 1**

Site Name and Location	Site Ref.	Estimated Yield (million tonnes)	Is the yield comparable
Land west of A420, Faringdon	SG-01	0.4	No
Land west of Wicklesham and south of A420	SG-02	0.3	No
Land adjacent to Benson Marina	SG-03	0.07	No
Land at Mead Farm, Yarnton	SG-04	0.2	No
Land to E of Cassington Quarry, Cassington	SG-05	0.23	No
Extensions to Sutton Wick	SG-06	0.25	No

## PN6

Land at Lower Road, Church Hanborough	SG-08	2.5	No
Land north of Drayton St Leonard	SG-09	4.5	Yes
Benson Marina	SG-11	0.07	No
Land South of Chazey Wood, Mapledurham,	SG-12	3.0	No
Land at Shillingford	SG-13	5.3	Yes
Dairy Farm, Clanfield	SG-15	5.4	Yes
Land at Stonehouse Farm, Yarnton	SG-16	1.1	No
Land at Culham	SG-17	4	Yes
Land at Standlake	SG-18	0.5	No
Bridge Farm, Appleford,	SG-19	0.5	No
Land between Eynsham & Cassington	SG-20	1.5	No
Wharf Farm, Cassington	SG-20a	1.6	No
Land at Eynsham	SG-20b	1.9	No
Ducklington Farm extension to Gill Mill Quarry	SG-22	1.2	No
Windrush North, extension to Gill Mill	SG-23	1.6	No
Vicarage Pitt, Stanton Harcourt	SG-27	1.6	No
Guy Lakes North, adjacent B4449	SG-28	0.4	No
Sutton Farm, Sutton	SG-29	5.0	Yes

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Home Farm, Brighthampton	SG-30	0.4	No
Land East of Sutton	SG-31	8.0-10.0	Yes
Off Downs Road	SG-32	0.275	No
New Barn Farm, South of Wallingford	SG-33	4.0	Yes
Land at Friars Farm, Stanton Harcourt	SG-36	0.4	No
Land at Grandpont	SG-37	1.5	No
Land at Rectory Farm and Ansells Farm, Langford and Hone Farm, Kelmscott	SG-38	6.0	Yes
Land off Aston Road, Brightampton	SG-39	2.0	No
North of Lower Radley	SG-41	1.5	No
Nuneham Courtenay	SG-42	4.4	Yes
Land at Wallingford Benson	SG-47	2.5	No
Land North of Didcot Perimeter Road, Didcot,	SG-53	0.75	No
Thrupp Lane, Radley	SG-56	Not known	-
New Barn Farm, Cholsey	SG-57	0.4	No
Chestlion Farm, Clanfield	SG-58	5.0	Yes
Manor Farm, Clanfield	SG-58a	12.0	Yes
Stadhampton	SG-59	1.0	No
White Cross Farm, Wallingford	SG-60	0.5	No
Mains Motors, Eynsham	SG-61	Not known	-
Appleford, Didcot,	SG-62	1.1	No

Notes to Table 1:

The following site nominations have not been included for the reasons given below



SG-14 – Stonehenge Farm – site now has planning permission

SG-21 Beef Unit Extension Gill Mill – forms part of the application site

SG-24 Land south of A40, Cogges – forms part of the application site

SG-34 Part Springhill Farm – forms part of the application site

7. As shown in Table 1, following the elimination of sites which could not provide a comparable yield, there were 11 potential alternative sites remaining. The flood risk status of these remaining nominated sites is set out in Table 3, along with an indication of other constraints which might affect each site.
8. Constraints were identified by checking for designated or protected sites and with reference to the Preliminary Assessment of Minerals Site Nominations document, revised in February 2012 and undertaken in support of the work done for the Oxfordshire Minerals and Waste Core Strategy.
9. Flood Risk status was categorised using a Red, Amber, Green (RAG) approach, as used in the Oxfordshire Minerals and Waste Plan Background Paper: Flooding and Minerals, to enable a comparative appraisal of flood risk at different sites. The criteria for the RAG approach was as follows:
  - RED: up to 25% deliverable area in Flood Zone 1 (FZ 1) and more than 75% deliverable area in Flood Zone 3 (FZ 3).
  - AMBER: 20-50% deliverable area in Flood Zone 1 (FZ 1) and 30-75% deliverable area in Flood Zone 3 (FZ 3).
  - GREEN: more than 50% in Flood Zone 1 (FZ 1) and less than 30% in Flood Zone 3 (FZ 3).

The application extension site does not fall neatly into any of the categories using these criteria, and therefore can be classified as GREEN/AMBER because it is 57% in FZ1. Potential alternative sites with a flood risk classification of RED or AMBER are considered to have a higher flood risk status than the application extension site and therefore have not been assessed further.

10. Following the assessment of potential alternative sites against flood risk status, five sites were identified which could provide a comparable yield from an area of similar or lesser flood risk. These five sites are fully assessed below.

### **Sequential Test**

11. The five potential alternative sites identified in Table 3 (in Annex 6) are set out below. It should be noted that the detailed modelling in the FRA accompanying the application demonstrates that the proposed extension area at Gill Mill Quarry is not in fact located in FZ3b. Therefore, as each of the alternative sites have some of their area in FZ3b, in the absence of similarly detailed FRAs, it is not clear that these are sites in an area of lesser flood risk.

**Table 2**

<b>Site</b>	<b>Site Reference</b>	<b>% in FZ3</b>
1. Land north of Drayton St Leonard	SG-09	0% 3A, 28.9% 3B
2. Land at Shillingford	SG-13	0% 3A, 11% 3B
3. Land at New Barn Farm, south of Wallingford	SG-33	0% 3A, 2.6% 3B
4. Land at Rectory Farm and Ansells Farm Langford, and Home Farm Kelmscott	SG-38	3% in 3A, 10.5% in 3B
5. Chestlion Farm, Clanfield	SG-58	0.7% 3A, 5.1% 3B

12. Mineral extraction is classified as water compatible development in the NPPF. Notwithstanding the fact that a sequential test is still required for water compatible development, this should be taken into account when considering to what extent the constraints on delivery affect the appropriateness of the alternative sites.
13. The application site is an extension to an existing quarry and the processing plant which would be used to process the mineral and the access point are already in place. The working of sand and gravel from the extension would seamlessly take over from working in the currently permitted area, should permission be granted. Although the existing reserves at Gill Mill would last a further 9 years at recent output levels, the proposed amendments to phasing would mean that reserves from the extension area would be worked sooner than that, if permission were granted.
14. It is considered that there is no certainty that any of the five potential alternative sites identified in Table 2 above are capable of being delivered. Each of these sites would be a new quarry, rather than an extension to an existing quarry. None of these sites have been the subject of a planning application and so would first have to go through the planning process. It typically takes months to years for an applicant to compile a new planning application and the Environmental Impact Assessment for a large minerals development. Ecological survey work can often only take place at certain times of year and data from a number of years of groundwater monitoring work can be required. It would then typically take a number of months to determine an application of this type after it has been submitted by the applicant.
15. In addition to the timescales associated with compiling the application and EIA and the determination of the application, there are also timescales associated with preparing the site for extraction. Because the application site is an extension with some of the necessary processing and transportation infrastructure already in place, it is considered that the potential alternative sites would not be able to provide mineral in a comparable timeframe and so contribute to meeting and maintaining the county's landbank, even if they were at a similar stage in the planning process.

16. Further factors constraining the delivery of the individual identified sites are set out below.
17. Alternative 1 – Land north of Drayton St Leonard - 28.9% of this site lies within flood zone 3b. This is a significantly higher percentage than the application site and detailed flood risk assessment work would be required in order to ascertain whether developing this area for sand and gravel extraction would cause an unacceptable impact in terms of flood risk. Although further work might show in the future that the development could be carried out at this site without an increased flood risk, this is not available at this point in time and the availability of alternative sites within a given timeframe must be assessed. In addition, the southern part of this site is in close proximity to Drayton St Leonard village and Berinsfield and potential impacts arising from this would also need to be assessed.
18. Alternative 2 – Land at Shillingford - When this site was considered as a nomination in the preparation of the withdrawn Minerals and Waste Core Strategy, it was subject to a recommendation that the nomination should not proceed on archaeological grounds. The presence of valuable archaeological deposits is considered to pose a significant constraint on this site and on the basis of the assessment work which has already been undertaken it seems likely that this site would not be available for mineral working given that constraint. Parts of the site are also in close proximity to Shillingford village and potential impacts arising from this would also need to be assessed.
19. Alternative 3 Land at New Barn Farm – This site is located adjacent to the North Wessex Downs AONB and is overlooked by it. This has the potential to pose a constraint on its development. Some landscape impact work was undertaken in the preparation of the Minerals Waste Core Strategy (withdrawn prior to examination) but the North Wessex Downs AONB had maintained an objection to the development of the site. In contrast, the application site is not located near to an AONB boundary. Although it is possible that future detailed assessment work could show that this alternative site is capable of being delivered without significant harm to the AONB, this work is not available at this point in time.
20. Alternative 4 - Land at Rectory Farm and Ansells Farm, Langford and Hone Farm, Kelmscott - When this site was considered as a nomination in the preparation of the withdrawn Minerals and Waste Core Strategy it was precluded on grounds of archaeology advice, distance from lorry network and from markets. The presence of valuable archaeological deposits is considered to pose a significant constraint on this site and on the basis of the assessment work which has already been undertaken it seems likely that this site would not be available for mineral working given that constraint. The site is also in close proximity to some residential development; Langford village is close to the northern part of site and the eastern part of site is close to Little Clanfield.

21. Alternative 5 –Chestlion Farm, Clanfield – Land at Shillingford - When this site was considered as a nomination in the preparation of the withdrawn Minerals and Waste Core Strategy, it was subject to a recommendation that the nomination should not proceed on archaeological grounds. The presence of valuable archaeological deposits is considered to pose a significant constraint on this site and on the basis of the assessment work which has already been undertaken it seems likely that this site would not be available for mineral working given that constraint. The eastern parts of the site are also in close proximity to Clanfield village and potential impacts arising from this would also need to be assessed.
22. It is not considered appropriate or necessary to separately sequentially test sites for inert waste infill in relation to this development. The backfill operation is being undertaken to achieve a satisfactory restoration of the application site including ensuring that there is not an unacceptable bird strike risk and that the biodiversity potential of the restoration can be fulfilled. It is considered to be an integral part of the mineral extraction operation and it would not be possible to locate it on a different site to that extraction.

### **Conclusions**

23. Having considered the constraints on the potentially available alternative sites identified in Table 3, it is concluded that none of the five alternative extraction sites identified is demonstrated to be capable of delivery, given their constraints, or to be of a lower flood risk. Further assessment work is needed in each case and should this work be undertaken in the future it is possible it could find the alternative sites to be unsuitable, or significantly reduce the area of the site which could be worked. In addition, as these are new sites rather than extensions they would take longer to prepare for extraction than the application site even should they reach the stage of having a planning consent.
24. Therefore the application site passes the Sequential Test; there are no reasonably available sites appropriate for the proposed development in areas with a lower probability of flooding.

Table 3 Sequential Test of Potentially Available Alternative Sites: Gill Mill Quarry application

Site No.	Site Name, Location and Size	Resource Area/Site Ref.	Local Plan Status	Estimated Yield (million tonnes)	Fluvial Flood Zones (%)				Status	Constraints to Delivery (protected site or landscape designations)	Approximate Proximity to Gill Mill Quarry	Road Access / Connection	RAG Status (based on % in FZ1 & FZ3)	Additional possible constraints for example based on work done for relevant Local Plan Documents	Evaluation of Potential Alternative Site	Is the alternative site more suitable?
					1	2	3a & 3a +CC	3b								
<b>Application Site: Gill Mill MW.0050/13 (extension area)</b>																
	Gill Mill 97 ha extension area	-	-	5.0	57	2	33	8	Extension	-	-	-	(<30% in FZ 3, >50% in FZ 1)	-	-	-
<b>Alternative Sites</b>																
1	Land north of Drayton St Leonard	SG-09	Nominated for inclusion in the Minerals and Waste Plan and subject to preliminary site assessment by OCC.	4.5	51.8	19.3	0	28.9	New Quarry	-	20 miles	Close to A329	Green (<30% in FZ 3, >50% in FZ 1)	Archaeology recommendation is that this nomination should not, on archaeological grounds, be considered for mineral extraction. Overall preliminary site assessment status is that site can be considered for further assessment in terms of planning but there are concerns about some aspects of the nomination. Southern extent of site in close proximity to Drayton St. Leonard.	This site has the same fluvial flood risk status as the application extension site, although this site has a higher proportion of land in FZ3B and a lower proportion of land in FZ1 than the application extension site. The estimated yield is less than the yield of sand and gravel proposed at the application, but only by 0.5 million tonnes. There was an archaeological recommendation for no mineral extraction, but that constraint did not lead to preclusion by the preliminary site assessment.	Possible site for further assessment

Site No.	Site Name, Location and Size	Resource Area/Site Ref.	Local Plan Status	Estimated Yield (million tonnes)	Fluvial Flood Zones (%)				Status	Constraints to Delivery (protected site or landscape designations)	Approximate Proximity to Gill Mill Quarry	Road Access / Connection	RAG Status (based on % in FZ1 & FZ3)	Additional possible constraints for example based on work done for relevant Local Plan Documents	Evaluation of Potential Alternative Site	Is the alternative site more suitable?
					1	2	3a & 3a +CC	3b								
2	Land at Shillingford	SG-13	Nominated for inclusion in the Minerals and Waste Plan and subject to preliminary site assessment by OCC.	5.3	49.3	39.7	0	11	New Quarry	-	21 miles	Adjacent A4074	Green (<30% in FZ 3, >50% in FZ 1)	Archaeology recommendation is that this nomination should not, on archaeological grounds, be considered for mineral extraction. Overall preliminary site assessment status is that site should be precluded from further assessment. Close proximity to Shillingford and Warborough.	This site has the same flood risk status as the application extension site, however a slightly more of this site is located in FZ3b and less in FZ1. The yield is slightly greater than the yield of sand and gravel proposed at the application extension site. However, the overall preliminary site assessment status is that site should be precluded from further assessment.	Possible site for further assessment
3	Dairy Farm, Clanfield 228 ha	SG-15	Nominated for inclusion in the Minerals and Waste Plan and subject to preliminary site assessment by OCC.	5.4	40	10.6	0	49.4	New Quarry	-	12 miles		Amber (30-75% in FZ 3)	Northern part of the site close to Clanfield village	-	This site has a higher flood risk status than the application site
4	Land at Culham	SG-17	Nominated for inclusion in the Minerals and Waste Plan and subject to preliminary site assessment by OCC.	4	20.2	35.9	9.2	34.7	New Quarry	-	19 miles	Adjacent A415	Amber (30-75% in FZ 3)	Archaeology recommendation is that if extraction is proposed, further archaeological investigation will be required but nomination can proceed. Overall preliminary site assessment status is that site can be considered for further assessment in terms of planning but there are concerns about some aspects of the nomination. Properties at Fullamoor to the north of the site.	This site has a higher fluvial flood risk than the extension area of the application site and the estimated yield is lower than the yield of sand and gravel proposed at the application site.	This site has a higher flood risk status than the application site
5	Sutton Farm, Sutton 141 ha	SG-29	Nominated for inclusion in the Minerals and Waste Plan and subject to preliminary site assessment by OCC.	5.0	34.5	6.7	0.8	58	New Quarry	-	3 miles	Access onto B449	Amber (30-75% in FZ 3)	South western part of the site adjacent to Sutton village	This site has a higher fluvial flood risk status to the application extension site.	This site has a higher flood risk status than the application site

Site No.	Site Name, Location and Size	Resource Area/Site Ref.	Local Plan Status	Estimated Yield (million tonnes)	Fluvial Flood Zones (%)				Status	Constraints to Delivery (protected site or landscape designations)	Approximate Proximity to Gill Mill Quarry	Road Access / Connection	RAG Status (based on % in FZ1 & FZ3)	Additional possible constraints for example based on work done for relevant Local Plan Documents	Evaluation of Potential Alternative Site	Is the alternative site more suitable?
					1	2	3a & 3a +CC	3b								
6	Land East of Sutton 180ha	SG-31	Nominated for inclusion in the Minerals and Waste Plan and subject to preliminary site assessment by OCC.	8.0-10.0	This site was not included in the Oxfordshire Minerals and Waste Strategic Flood Risk Assessment. However, the Environment Agency online flood map suggests that close to 100% of this site is in flood zone 3				New Quarry	-	5 miles	Access across neighbouring land to B449	Red (over 75% in FZ 3)	-	This site has a significantly higher fluvial flood risk status to the application extension site.	This site has a higher flood risk status than the application site
7	New Barn Farm, South of Wallingford 67ha	SG-33	Nominated for inclusion in the Minerals and Waste Plan and subject to preliminary site assessment by OCC.	4.0	76.4	21	0	2.6	New Quarry	Site is within 1km west of the Chilterns AONB.	26 miles	Good access. Located near A Roads	Green (<30% in FZ 3, >50% in FZ 1)	Archaeology recommendation is that if extraction is proposed, further archaeological investigation will be required but nomination can proceed. Overall preliminary site assessment status is that site can be considered for further assessment in terms of planning but there are concerns about some aspects of the nomination. Site close to a number of individual properties.	This site has the same fluvial flood risk status to the application extension site, however a greater proportion of this site is in FZ1 and a lesser proportion in FZ 3B. The estimated yield is less than the application extension site, however only by 20% There may be constraint in relation to an AONB.	Possible alternative site for further assessment
8	Land at Rectory Farm and Ansells Farm, Langford and Hone Farm, Kelmscott 400 ha	SG-38	Nominated for inclusion in the Minerals and Waste Plan and subject to preliminary site assessment by OCC.	6.0	86.5	0	3	10.5	New Quarry	-	15 miles	Access onto Aston Road via Calais Lane	Green (<30% in FZ 3, >50% in FZ 1)	Langford village close to northern part of the site and eastern part of site close to Little Clanfield.	This site has the same fluvial flood risk status to the application extension site, however a greater proportion of this site is in FZ1 and a lesser proportion in FZ 3.	Possible alternative site for further assessment

Site No.	Site Name, Location and Size	Resource Area/Site Ref.	Local Plan Status	Estimated Yield (million tonnes)	Fluvial Flood Zones (%)				Status	Constraints to Delivery (protected site or landscape designations)	Approximate Proximity to Gill Mill Quarry	Road Access / Connection	RAG Status (based on % in FZ1 & FZ3)	Additional possible constraints for example based on work done for relevant Local Plan Documents	Evaluation of Potential Alternative Site	Is the alternative site more suitable?
					1	2	3a & 3a +CC	3b								
9	Nuneham Courtenay	SG-42	Nominated for inclusion in the Minerals and Waste Plan and subject to preliminary site assessment by OCC.	4.4	26.3	17.9	16.6	39.2	New Quarry	-	18 miles	A4074 less than 1km to the east.	Amber (30-75% in FZ 3)	Archaeology recommendation is that this nomination should not, on archaeological grounds, be considered for mineral extraction. Overall preliminary site assessment status is that site should be precluded from further assessment.	This site has a higher fluvial flood risk. There are also constraints which led the preliminary site assessment to preclude further assessment.	This site has a higher flood risk status than the application site
10	Chestlion Farm, Clanfield 111 ha	SG-58	Nominated for inclusion in the Minerals and Waste Plan and subject to preliminary site assessment by OCC.	5.0	94.2	0	0.7	5.1	New Quarry	Archaeological constraint	9 miles	Access onto B4020, linking to A40	Green (<30% in FZ 3, >50% in FZ 1)	Precluded from further assessment in the preliminary site assessment document, on grounds of archaeology advice, distance from lorry network and from markets	The site has the same fluvial flood risk status as the application site, although with a higher proportion of the site area in FZ1. The yield from this site would be the same. However, this site was precluded from further assessment due to archaeological constraints.	Possible alternative site for further assessment
11	Manor Farm, Clanfield 195 ha	SG-58a	Nominated for inclusion in the Minerals and Waste Plan and subject to preliminary site assessment by OCC.	12.0	66.3	0	5.2	28.5	New Quarry	SAM in NW of site	9 miles	Access onto A4095 or B4020	Amber (30-75% in FZ 3)	Precluded from further assessment in the preliminary site assessment document, on grounds of archaeology advice, distance from lorry network and from markets	This site has a higher fluvial flood risk. There are also constraints which led the preliminary site assessment to preclude further assessment.	This site has a higher flood risk status than the application site



## **Annex 7 – 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 European Protected Species are likely to be present.

The survey submitted with the application details proposed mitigation measures, with detailed mitigation proposals to be provided based on updated survey results prior to each phase of working.

The mitigation measures detailed within the survey are considered to be convincing and in your officers opinion will secure “offence avoidance” measures.

Your officers consider that sufficient information has been submitted with the application which demonstrates that measures can be introduced which would ensure that an offence is avoided, provided that the recommended conditions are applied if consent is granted. The application is therefore not considered to have an adverse impact upon protected species provided that the stated mitigation measures and appropriate detailed mitigation proposals (based on updated survey results closer to the time of working) are implemented.



