



To: **Members of the Planning & Regulation Committee**

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

Monday, 25 April 2022 at 10.00 am

County Hall, New Road, Oxford

If you wish to view proceedings online, please click on this Live Stream Link.

In line with current Government advice, those attending the meeting are asked to consider wearing a face-covering.

A handwritten signature in black ink that reads "Stephen Chandler".

Stephen Chandler
Interim Chief Executive

April 2022

Committee Officer: **Cameron MacLean**
Tel: 07526 985 978; *E-Mail:*
cameron.macleam@oxfordshire.gov.uk

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

Membership

Chair – Councillor Geoff Saul

Deputy Chair - Councillor Richard Webber

Councillors

Robin Bennett
Felix Bloomfield
Yvonne Constance OBE
Imade Edosomwan

Mohamed Fadlalla
Stefan Gawrysiak
Judy Roberts
David Rouane

Les Sibley
Ian Snowdon

Notes:

- **Date of next meeting: 6 June 2022**

Declarations of Interest

The duty to declare....

Under the Localism Act 2011 it is a criminal offence to

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

Whose Interests must be included?

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

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

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

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

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

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

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

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

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

List of Disclosable Pecuniary Interests:

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

For a full list of Disclosable Pecuniary Interests and further Guidance on this matter please see the Guide to the New Code of Conduct and Register of Interests at Members’ conduct guidelines. <http://intranet.oxfordshire.gov.uk/wps/wcm/connect/occ/Insite/Elected+members/> or contact Sukdave Ghuman on 07551 680591 or Sukdave.ghuman@oxfordshire.gov.uk for a hard copy of the document.

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

AGENDA

1. **Apologies for Absence and Temporary Appointments**
2. **Declarations of Interest - see guidance note opposite**
3. **Minutes** (Pages 1 - 10)

To approve the minutes of the meeting held on 28 February 2022 (PN3) and to receive information arising from them.

4. **Petitions and Public Address**

For hybrid meetings:

Members of the public who wish to speak at this meeting can attend the meeting in person or “virtually” through an online connection. In line with current Government advice, those attending the meeting in person are asked to consider wearing a face-covering.

Normally requests to speak at this public meeting are required by 9.00 am on the day preceding the published date of the meeting. However, during the current situation and to facilitate “hybrid” meetings we are asking that requests to speak are submitted by no later than 9.00 am four working days before the meeting i.e., 9.00 am on DD MM 2022.

Requests to speak should be sent to:

cameron.maclean@oxfordshire.gov.uk

If you are speaking “virtually”, you may submit a written statement of your presentation to ensure that if the technology fails, then your views can still be considered. A written copy of your statement can be provided no later than 9 am 2 working days before the meeting. Written submissions should be no longer than 1 A4 sheet.

5. **Alkerton Quarry, Rattlecombe Road, Alkerton with Shennington, Oxfordshire** (Pages 11 - 48)

Report (PN5) by Assistant Director for Strategic Infrastructure and Planning

Application No: MW.0124/21

The modification of the approved restoration scheme through importation of inert soil material for nature conservation afteruses and the erection of 18 single storey holiday lodges with associated landscaping and car parking at Alkerton Quarry, Rattlecombe Road, Alkerton with Shennington, Oxfordshire.

Applicant: A.T. Contracting Ltd.

Parish: Wroxtton (adjacent to Shennington with Alkerton)

Division: Wroxton and Hook Norton

RECOMMENDATION:

Subject to:

- The final comments from the Environment Agency confirming they have no objection to the application; and
- The applicant first entering into a Section 106 agreement and Routeing Agreement for the obligations set out in Annex 4;

It is RECOMMENDED that planning permission for MW.0124/21 be approved subject to conditions to be determined by the Assistant Director for Strategic Infrastructure and Planning, to include those set out in Annex 1 [of the report].

6. Land at Quarry Farm North of Green Lane, Green Lane, Chipping Norton, Great Tew, Oxfordshire (Pages 49 - 86)

Report (PN5) by the Assistant Director for Strategic Infrastructure and Planning

Application Nos: MW.0100/21 and MW.102/21

1. Extraction of limestone and deposit of imported clay to achieve an agricultural restoration (part retrospective) Land at Quarry Farm North of Green Lane, Green Lane, Chipping Norton, Great Tew, Oxfordshire; and
2. Temporary Change of Use to Mineral Processing and Storage Area to continue the development of limestone quarry extension permitted by 18/02008/CM (MW.0027/18) without complying with condition 1, condition 2, condition 8 and condition 26 in order to amend the approved restoration scheme, extend the date for restoration and allow the importation of inert material at Enstone Airfield North, Land at Enstone Airfield North, Banbury Road, Enstone, Oxfordshire.

Applicant: Great Tew Farms Partnership

Parishes: Great Tew and Enstone

Division: Chipping Norton

RECOMMENDATION: That applications MW.0100/21 and MW.0102/21 be approved.

7. Relevant Development Plans and Policies (Pages 87 - 106)

The Paper (PN7) sets out policies in relation to Items 5 and 6 and should be regarded as an Annex to each report.

Pre-Meeting Briefing

There will be a virtual (MS Teams) briefing meeting on a **date & time to be confirmed** for the Chairman, Deputy Chairman and Opposition Group Spokesman.

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Public Document Pack Agenda Item 3

PLANNING & REGULATION COMMITTEE

MINUTES of the meeting held on Monday, 28 February 2022 commencing at 2.00 pm and finishing at 5.15 pm

Present:

Voting Members: Councillor Geoff Saul – in the Chair
Councillor Richard Webber (Deputy Chair)
Councillor Robin Bennett
Councillor Felix Bloomfield
Councillor Yvonne Constance OBE
Councillor Imade Edosomwan
Councillor Mohamed Fadlalla
Councillor Stefan Gawrysiak
Councillor Judy Roberts
Councillor David Rouane
Councillor Les Sibley
Councillor Ian Snowdon

Other Members in Attendance: None

Officers:

Whole of meeting Cameron MacLean & Jennifer Crouch (Law & Governance); David Periam, Strategic Infrastructure and Planning)

Part of meeting

Agenda Item	Officer Attending
6	Matthew Case and Haidrun Breith (Landscape Specialist), Strategic Infrastructure and Planning.
7	Emma Bolster, Strategic Infrastructure and Planning.
8	Mary Hudson, Strategic Infrastructure and Planning.

The Committee considered the matters, reports and recommendations contained or referred to in the agenda for the meeting, together with [a schedule of addenda tabled at the meeting] [the following additional documents:] and decided as set out below. Except as insofar as otherwise specified, the reasons for the decisions are contained in the agenda and reports [agenda, reports, and schedule/additional documents], copies of which are attached to the signed Minutes.

1/22 APOLOGIES FOR ABSENCE AND TEMPORARY APPOINTMENTS
(Agenda No. 1)

There were no apologies for absence, and no temporary appointments were made by the Committee.

2/22 DECLARATIONS OF INTEREST
(Agenda No. 2)

There were no Declarations of Interest.

3/22 MINUTES
(Agenda No. 3)

The Committee approved the minutes of the meeting of 29 November 2021 and authorised the Chair to sign them as a correct record.

The following matter arose out of consideration of the minutes.

Page 2: Item 26/21 Minutes [of the meeting of 6 September 2021]

Paragraph 2: *“Minute 21/21 – Serving of the Prohibition Order for the Review of the Mineral Planning Permission (ROMP) at Thrupp Farm and Thrupp Lane, Radley.*

David Periam, Development Management Team Leader, Strategic Infrastructure & Planning, stated that, in response to requests by Radley Parish Council (“the Parish Council”) for further discussions with Council officers, the Chair had replied to say that the Council was not willing to enter discussions as the matter would be the subject of further consideration by the Committee in July 2022.

Mr Periam noted that, following the reply by the Chair to the Parish Council, there had been further correspondence from the Parish Council about the legal complexities of the matter and a request that the Council reconsider the Parish Council’s request for discussions with officers.

Mr Periam stated that, as the position had not changed since the Chair’s reply to the Parish Council (PC), it was his recommendation that a response be sent informing the PC that its request had been raised with the Planning & Regulation Committee (“the Committee”) but the Committee’s position remained the same as set out in the Chair’s reply to the PC.

RESOLVED: That Radley Parish Council (the “Parish Council”) be informed that the Planning & Regulation Committee had considered its request for further discussions, but its position remained the same, as set out in the letter by the Chair of the Committee to the Parish Council.

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

The Clerk to the Committee stated that no Petitions or Requests to Address the Committee had been received.

[The Clerk subsequently corrected himself and stated that a request had been received from Mr Antony Cook of David Jarvis Associates to address the Committee on Agenda Item 6: Castle Barn Quarry].

5/22 CHAIR'S UPDATES

(Agenda No. 5)

There were no updates by the Chair.

6/22 CASTLE BARN QUARRY, FAIRGREEN FARM, SARSDEN, OXFORDSHIRE

(Agenda No. 6)

The Committee considered a report by the Assistant Director for Strategic Infrastructure and Planning recommending that the following applications be refused:

- i. MW.0057/21: importation of inert material for use in restoration of the site; and
- ii. MW.0058/21: Section 73 application to continue the development of limestone quarry extension permitted by 18/02008/CM (MW.0027/18) without complying with condition 1, condition 2, condition 8 and condition 26 in order to amend the approved restoration scheme, extend the end date for restoration and allow the importation of inert material.

Matthew Case, Senior Planning Officer, Strategic Infrastructure and Planning, presented the report that was before the Committee.

Representations on Behalf of the Applicant

Mr Antony Cook of David Jarvis Associates Ltd gave a presentation in support of the applications.

In response to questions by Members of the Committee, Mr Cook provided the following information.

- (a) Regarding the amount of construction waste generated within the Areas of Outstanding Natural Beauty (AONB) vis-à-vis what would be imported from outside, Mr Cook stated that the volume [of inert waste] proposed was 118,000 m³. However, he had no further information on the volume of waste being generated.
- (b) Referring to the consented scheme, Mr Cook stated that the quarry had been overworked and there wasn't sufficient material on the site for restoration purposes, and there was no consent to import material to the site.

[Mr Periam confirmed that the current consent did not provide for the importation of any material].
- (c) Concerning the number of lorry movements, Mr Cook stated that 58 lorry movements per day were permitted during the operation of the quarry and the same number of lorry movements were being sought for the proposed additional 18 months working.

- (d) Mr Cook stated that, for the purposes of the restoration, the application was for a three-year extension comprising 18 months of importation of materials and 18 months completing the restoration work.
- (e) In response to a question by the Chair, Mr Cook stated that Earthline Exchange Ltd [the potential infilling operator] had subsequently confirmed that, if they were to be carry out work at the site, they would operate within a much closer radius of the site as it was not cost-effective to haul inert materials long distances, particularly given increasing fuel costs.

The applicant stated that if the infilling operator had Castle Barn Quarry within their portfolio, they would focus on developments within Chipping Norton, Stow on the Wold, and nearby towns to ensure they could generate the material within a locally sourced area and were not hauling materials great distances.

- (f) Regarding the biodiversity net gain and who would create, manage, and monitor the scheme, and how this would be assured if the scheme was approved, Mr Cook stated there was an expectation there would be a Planning Condition requiring a detailed restoration and after-care scheme which would set out a five- or 10-year monitoring period. In addition, it was proposed that there would be annual monitoring of the scheme, in conjunction with the local authority, to ensure that the scheme was carried out and had become self-sustaining by the end of the monitoring period.
- (g) In response to a question about the quarry having been overworked, and the application possibly being refused, Mr Cook stated that, if the restoration was to be carried out, it would be necessary to submit a further Planning application.
- (h) Mr Cook confirmed that it would not be possible to restore the site without bringing material on to the site. He stated there was an option to bring 50,000 m³ on to the site which would achieve a satisfactory restoration outlined in the consented restoration scheme.

As there were no more questions for Mr Cook, the Chair stated that the decision for the Committee was whether the applications constituted major development in an AONB. If the Committee deemed the applications to be major development, they should be refused, unless there were exceptional circumstances, and the development could be demonstrated to be in the public interest.

In the subsequent discussion, the following points were raised.

- (a) In response to a question about the dangers of leaving a large void in the area, Mr Periam noted that this was a closed quarry and that Health and Safety matters were the remit of other agencies. Mr Case confirmed that both restoration schemes included areas of geological interest which consisted of exposed quarry face.
- (b) In response to several questions by Members of the Committee, Haidrun Breith, Landscape Specialist, Strategic Infrastructure and Planning, provided the following information –
 - i. For the reasons set out in the report (see Paragraphs 27 *et seq*), Ms Breith stated that she remained of the view that the benefits of the proposed

restoration did not justify the impacts associated with the proposed level of infilling. Therefore, on balance, she did not support the application.

- ii. Regarding biodiversity, Ms Breith stated there was merit in the present application but, when compared with the consented restoration scheme which did not involve HGV lorry movements, the consented scheme was to be preferred when considering issues of tranquillity.
- iii. That it was possible to have a scheme which provided similar biodiversity gains without the requirement to infill site in the manner proposed by the present application. That is, the biodiversity net gain was not dependent upon the amount of infill but on the nature of the restoration scheme.
- iv. If the Committee were to decide that the application did not fall within the category of major development, it still had to conform with other policies that would influence the decision-making process, such as those relating to the importation, purpose, and suitability of fill materials.
- v. In terms of biodiversity habitats, the proposed scheme was to be preferred to the consented scheme. However, landscaping and levels of infill could vary and, if infilled to the level before the quarrying operation, it would be possible to restore the agricultural fields. However, it would not be out of character to have a dip in the landscape and there were many former quarries that were rich in terms of biodiversity.

Referring to the Plans that were before the Committee, Ms Breith noted that no habitat was shown on the consented scheme, but the site was not as bare as it appeared on the Plan.

- (c) The previous operator would have known that the quarry was being overworked and that this may not have been apparent from monitoring the operation.
- (d) Under the consented scheme, it would take the operator nine months to import the materials necessary to restore the quarry. As the restoration being proposed went beyond the original scheme, it was considered reasonable to allow the operator 18 months in which to import the materials necessary for the revised scheme.
- (e) In response to a question as to why officers viewed the proposals as constituting a major development, Members were informed that this was the first time there had been an application to import infill materials to the site. In accordance with the requirement that each application be considered on its merits, it was necessary to consider the application in accordance with the relevant AONB policies. In so doing, officers were of the view that importing 118,000 m³ material requiring 28,000 HGV movements over the specified period constituted major development.

The quarry should have been restored using on-site material and this work should have already been completed. Therefore, the current position was that there was no permission for the HGV movements required to import the amount of material proposed in the application. However, deciding whether this constituted a major development was a matter for the Committee to determine.

- (f) Regarding Core Strategy Policy W6: Landfill and other permanent deposit of waste to land, there was a requirement that there be an environmental benefit which had to be considered within the context of the number of HGV movements required to import the material.

- (g) Referring to Paragraph 61 on page 24 of the agenda pack, officers confirmed that the HGV movements would be within the AONB.
- (h) It was confirmed that Oxfordshire County Council was responsible for monitoring the quarry operations.
- (i) Presently, there was no permission to import materials as the restoration of the quarry was to have been carried out using materials that were on site. If there had been an application to import materials necessary to restore the quarry in accordance with the consented scheme, it is possible that officers may have recommended approval of such an application. The application before the Committee was to import twice the amount of material required to restore the quarry. Therefore, the present application went beyond what was required to restore the quarry in accordance with the consented scheme.

[Mr Periam advised the Committee of the various matters it should take into consideration when determining whether the present application constituted major development].
- (j) Regarding imposing conditions that would address the concerns of the Landscape Officer and any concerns of Committee Members, officers proposed that the current application went beyond the requirements of the consented scheme. Should the Committee decide to refuse the application, it was open to Members of the Committee to instruct officers to liaise with the applicant, without prejudging the matter, on what might be required if the applicant was to submit a revised application.

At this stage in the proceedings, Councillor Stefan Gawrysiak moved the following motion.

Motion

That the Committee approve the application for the following reasons –

- i. Following discussion, it was the Committee's view that the application did not constitute "major development";
- ii. The additional HGV movements required to import material did not vary significantly from the number of HGV movements when the quarry was in operation; and
- iii. The proposals included a gain in terms of biodiversity and landscaping.

The motion was seconded by Councillor Bloomfield.

In the subsequent debate regarding the motion during which officers, including the Legal officer, advised the Committee Members, a document comprising a proposed list of Planning Conditions, an Informative, and a Statement of Legal Requirements, was circulated by officers in anticipation of the Committee approving the application.

At the conclusion of the debate, the mover of the motion, Councillor Gawrysiak, amended the motion, to include the proposed Planning Conditions, subject to the conditions being suitably renumbered, the Informative, and a Section 106 Agreement, including there being no geographical restriction on the routeing of the

waste, circulated by officers. Councillor Bloomfield seconded the motion, as amended.

The votes cast were, as follows:

For:	10
Against:	1
Abstentions:	1

RESOLVED:

1. To approve Planning Permission for application numbers:
 - i. MW.0057/21: importation of inert material for use in restoration of the site; and
 - ii. MW.0058/21: Section 73 application to continue the development of limestone quarry extension permitted by 18/02008/CM (MW.0027/18) without complying with condition 1, condition 2, condition 8 and condition 26 in order to amend the approved restoration scheme, extend the end date for restoration and allow the importation of inert material.
2. Subject to the inclusion of the suitably amended list of the Planning Conditions, Informative, and a Section 106 Agreement, as circulated by officers at the meeting.

7/22 FARINGDON QUARRY

(Agenda No. 7)

The Committee considered a report by the Assistant Director for Strategic Infrastructure and Planning recommending that planning permission for MW.0142/21 be approved subject to conditions to be determined by the Assistant Director of Strategic Infrastructure and Planning as set out in Annex 1 of the report.

The application comprised a Section 73 application to continue the development permitted by planning permission P16/V2331/CM (MW.0117/16) (Amend the working of phase 1a; Amend the restoration of the site; Amend lighting details; Change the site name and signage details to "Faringdon Quarry") without complying with condition 2 to extend the dates for completion of mineral extraction to 31/12/2034 and completion of restoration to 31/12/2035.

The application was presented by Emma Bolster, Planning Officer.

In response to questions by Members of the Committee, officers provided the following information.

- (a) Regarding landbank statistics and the time it would take to extract the mineral reserves, it was reported that there was 16 years supply of soft sand and 11 years supply of sharp sand and gravel. Therefore, it was proposed that planning permission be maintained for the extraction of minerals already included in the landbank figures, where there was a minimum requirement of at least seven years.

- (b) Regarding objections in relation to non-compliance with the two routeing agreements, officers clarified the requirements of the current agreements, noting that there had been alleged breaches of concrete batching plant's agreements.

It was noted that consideration had been given to installing cameras to monitor vehicles. However, given there were Planning Obligations in place, it was proposed that the existing routeing agreements could not easily be amended to include monitoring cameras.

The Legal officer confirmed that there may be some legal impediments to amending the agreement, as well as possible financial costs to the Council. In addition, there were practical difficulties in carrying out monitoring at locations that were some distance from the site of the quarry.

- (c) Regarding the use of a portable monitoring camera to ensure compliance with the routeing agreements, the Legal officer advised that there were restrictions on the use of surveillance cameras. Accordingly, it would be necessary to ensure that any use of a monitoring camera to enforce the routeing agreements would have to comply with any statutory provisions.

Mr Periam advised that officers look at the possibility of using a monitoring camera or cameras to enforce the existing routeing agreements but that he had no money in the Development Management Team's budget to pay for such equipment.

At this stage in the proceedings, Councillor Constance moved that the recommendations, as set out in the report of the Assistant Director for Strategic Infrastructure and Planning, be approved. The motion was seconded by Councillor Edosomwan.

In the subsequent debate on the motion, it was proposed that a condition be added to the Planning Permission that each year the applicant provide information on the amounts of materials that had been extracted.

Councillor Constance amended her motion to include the proposed condition that the applicant be required to provide information each year on the amounts of materials extracted. Councillor Edosomwan seconded the motion, as amended.

The votes cast were, as follows:

For:	12
Against:	0
Abstentions:	0

RESOLVED: That -

1. Planning permission for MW.0142/21 be approved subject to conditions to be determined by the Assistant Director of Strategic Infrastructure and Planning as set out in Annex 1 of the report; and
2. That the conditions include a condition requiring the operator to provide information each year on the amount and type of materials extracted in the previous 12 months.

8/22 TARMAC TRADING LTD. SITE, BANBURY - AIR QUALITY MONITORING SCHEME

(Agenda No. 8)

The Committee considered a report of the Assistant Director for Strategic Infrastructure and Planning setting out the detail of a Dust Management and Monitoring Scheme which had been submitted for approval pursuant to conditions on three planning consents relating to Tarmac Trading Ltd.'s site in Banbury. The report also sets out the consultation responses received.

There had been no objections to the submission from technical consultees and, therefore, it was considered that the scheme adequately protected amenity in accordance with the purpose of the attached conditions.

It was RECOMMENDED that the scheme submitted and registered as MW.0006/22, MW.0007/22 and MW.0008/22 be approved.

The report was presented by Mary Hudson, principal Planning Officer, Strategic Infrastructure and Planning.

In the subsequent discussions it was noted that Banbury Town Council had requested that a timely response be sent to anyone who makes a complaint to the operator under the Complaints Procedure set out in the submission.

In response to a question by a Member of the Committee about where the monitoring would take place in relation to the nearby housing estate, Ms Hudson, referring to a satellite photograph of the site, identified the locations where it was proposed that monitoring would take place.

Councillor Bloomfield, seconded by Councillor Constance, moved that the Committee approve the recommendations set out in the report.

There was no debate on the motion, and it was the unanimous decision of the Committee to approve the report's recommendations.

RESOLVED: That the scheme submitted and registered as MW.0006/22, MW.0007/22 and MW.0008/22 is approved.

9/22 RELEVANT DEVELOPMENT PLAN AND POLICIES

(Agenda No. 9)

The Committee had before, for information, it a paper by the Assistant Director for Strategic Infrastructure and Planning setting out the policies that were relevant to the applications that were before the Committee.

NOTED

..... in the Chair

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Date of signing

Division Affected – Wroxton & Hook Norton

PLANNING AND REGULATION COMMITTEE

Date 11th April 2022

The modification of the approved restoration scheme through importation of inert soil material for nature conservation afteruses and the erection of 18 single storey holiday lodges with associated landscaping and car parking.

Report by Assistant Director for Strategic Infrastructure and Planning

Contact Officer: Mary Hudson **Tel:** 07393 001 257

Location: Alkerton Quarry, Rattlecombe Road, Alkerton with Shennington, OX15 6HY

OCC Application No: MW.0124/21
Cherwell Application No: 21/03562/CM

District Council Area: Cherwell

Applicant: A.T. Contracting Ltd.

Application Received: 11th October 2021

Consultation Periods: 21st October – 20th November 2021
27th January – 26th February 2022

Contents

Part 1- Facts and Background

Part 2 – Other Viewpoints

Part 3 – Relevant Planning Documents

Part 4 – Assessment and Conclusions

PART 1- FACTS AND BACKGROUND

Location (see Plan 1)

1. The application site is located approximately 0.5 miles west of the village of Alkerton and 4.5 miles north west of Banbury. It is less than 1 mile south east of the boundary with Warwickshire.
2. The site is within Wroxton Parish but adjacent to the boundary with Shennington with Alkerton Parish.

Site and Setting (see Plan 2)

3. The application site covers an area of 10.7 hectares. It is triangular and bordered by the A422 Stratford Road to the east, Rattlecombe Road to the south and a footpath with a former landfill site beyond to the west. Alkerton Household Waste Recycling Centre (HWRC) lies approximately 350m west of the site boundary. A further footpath also bisects the site. It is in a rural area and the wider landscape is agricultural.
4. The site itself is a former ironstone quarry, that has been largely worked out. The northern tip of the site has been partially restored and is now rough grassland and gorse covering approximately 3 hectares. The remainder of the quarry, approximately 8 hectares, remains unrestored with the extraction area still open. It contains stockpiles of part-processed minerals, stored soils and exposed mineral and overburden.
5. The site lies within Flood Zone 1, the area of least flood risk.
6. The site lies 1.2 km (0.8 miles) south east of the Cotswolds National Landscape (formerly Area of Outstanding Natural Beauty), which is also the Warwickshire county boundary.
7. There are a number of listed buildings in Alkerton, over 800 metres (0.5 miles) from the application site. The Shennington with Alkerton Conservation Area lies approximately 750m west of the site. A Scheduled Monument (lynched ridge and furrow) lies approximately 1.2km west of the site. There is a Grade II* Registered Park and Garden (Upton House) 1.3km north west of the site and 5.4km south east (Wroxton Abbey).
8. Balscote Quarry, a Local Wildlife Site, lies approximately 260 metres south of the application area. There are no Sites of Special Scientific Interest (SSSIs) within a 5 km radius of the application site.
9. Footpath (418/6/10) bisects the site. There is also a footpath on the western boundary, which is footpath (418/12/30) south of the point where it meets (418/6/10) and footpath (418/12/10) north of this point. The d'Arcy Dalton Way, a long-distance footpath, is approximately 500 metres north of the application site, running along bridleway (255/5/10) at that point.

10. Immediately south east of the site boundary is a residential property (Heath Farm, also known as White Gables), a blacksmith business and a seance centre (Jenny's Sanctuary).
11. Other nearby properties include the Indian Queen restaurant with associated accommodation 65 metres north of the site on the A422, Langley House (330m south-east), a cluster of properties, Crowborough, Stone Edge and Wroxton Hall (330m east), Alkerton Barn (530m west) and New Cottages (600m west). Housing within the villages of Alkerton and Shennington lie approximately 800m (0.5 mile) and 1.3km (1 mile) west of the application site respectively.
12. Overhead power lines pass east to west approximately 850 metres south of the site. There is a solar park approximately 2km south west.
13. There is an underpass in the northern section of the eastern site boundary, which linked the two sides of the A422 for quarry vehicles.

Planning History

14. Application 97/00430/CM (MW.003/99b) was submitted January 1997. The application was a Review of Old Mineral Permission (ROMP) to consider the conditions attached to the extant permissions for the quarries at Balscote-Hornton-Wroxton and Alkerton. These were for all areas under the same applicant's control with Alkerton Quarry identified as south of Area 5. This permission was issued in January 1999. This specified that mineral extraction is to cease by 21 December 2042, restoration to be completed by 21 December 2043 and aftercare to be completed by 21 December 2048. This application has now been superseded.
15. Application 01/01478/CM (MW.023/01) was submitted in July 2001. This application was for non-compliance with condition 98, to allow an area greater than 0.5 ha for operational land (excluding roadways, offices and wheel wash) and variation of working plan approved under condition 105 of planning permission referenced 1899/9/3, 1899/9/9, 1899/40009/11 and 1899/40009/12 at Alkerton Quarry, Banbury. This permission was issued in January 2002 and has now been superseded.
16. Application 12/01365/CM (MW.0113/12) was submitted in July 2012. This was to vary conditions 35, 40, 41, 98 and 99 of 12/00056/12 (MW. 0011/12), relating to the restoration and direction of working (condition 98) and to allow for effective drainage. The permission was issued in November 2012 and has now been superseded.
17. Application 13/01257/CM (MW.0108/13) was submitted in August 2013. This application was to allow for the implementation of an updated restoration scheme, by varying condition 109 of 12/01365/CM (MW.0113/12). This application was refused in October 2013, as it was considered that it was not a variation of the original condition as it was an application to import waste,

which is not part of the original application. There was also insufficient information to demonstrate there would be no harm from the development to the environment or local amenity.

18. Application 19/00407/CM (MW.0020/19) was submitted in February 2019. This application was a Section 73 application to vary condition 99 of planning permission ref 12/01365/CM (MW.0113/12); to relocate the ephemeral pond. This permission was issued in November 2019 and is the current planning permission. The revised restoration, which was approved 21 November 2019, was due to be carried out during 2019/ 2020.
19. It is understood that the site was last worked mid-2020, when the mineral beneath the haul road was removed, making implementation of the approved restoration scheme impossible.

Details of Proposed Development

20. The application proposes an alternative restoration plan for the quarry. This would include the importation and deposition of inert soils to infill the void. It is estimated that 150 000 tonnes (90 000 cubic metres) of soils would be required to achieve the proposed landform. Soils from within the site would be stored for use in the final soil placement.
21. Due to the size of the site, the infilling would be carried out as a single phase. The area of proposed infill covers the vast majority of the application site but excludes the northern tip.
22. The final landform would slope gently down from a high point in the north, to the pond in the south east part of the site. It would fill in voids present in the current landform and would lower the ground levels in the proposed wetland area, to facilitate good drainage.
23. The application states that the permitted restored landform is no longer achievable, due to over-extraction by a previous operator. There are no longer sufficient soils and overburden on site to implement the approved plan without importation. The application states that 75 000 cubic metres (125 000 tonnes) of imported material would be required just to implement the approved contours. The additional importation is proposed in order to create an enhanced landform which the applicant considers would achieve a higher quality restoration.
24. It is proposed to import infill material over three years at a rate of 50 000 tonnes per year. The application states that the material would be sourced from the locality.
25. The restored site would vary from 161 metres AOD in the south to 172 m AOD in the north. It would be a lower-level restoration broadly similar to the currently permitted scheme, but with shallower slopes. It is not proposed to infill to pre-extraction ground levels. The proposed landform has been designed to address drainage issues at the site. A permanent pond is proposed in the south east part of the site.

26. Existing hedgerows and trees on the southern and eastern site boundaries would be retained. The existing footpath through the site would be retained on its definitive route.
27. A temporary site cabin would be erected to provide welfare and office facilities for staff during the restoration works. This would measure 3.2 metres wide by 6 metres long and would be 2.6m high. It would be located in the south west corner of the site, near the access.
28. Four direct full-time jobs would be created during the restoration period.
29. It is proposed that working hours would be in line with the existing consent and restoration operations would be restricted to between 07.00-18.00 hours Monday to Friday and 07.00 to 13.00 hours on a Saturday, with no working on Sundays or on bank or public holidays.

Afteruse

30. Following the completion of the waste importation and infilling, it is proposed that the site would have a nature conservation afteruse, including a 5-hectare nature reserve. There would also be tourist accommodation.
31. The currently approved restoration is primarily to agriculture, however, the application states that the existing soils on site would not be suitable for this afteruse.
32. The habitats created would include woodland and scrub vegetation, semi-natural grassland, permanent wetland with an island, ephemeral wetland and bare ground. New hedgerows would be created in the centre of the site and on the western boundary.
33. There would be a bat and barn owl roost with viewing platform.
34. The remnant quarry face would be removed, the application states that this is the safest option.
35. A parking area for five cars would be provided in the south west of the site, adjacent to the access from Rattlecombe Road. This would include a viewing area for people to look over the nature reserve. There would be no public access to the nature reserve itself.

Holiday Lodges

36. Following the importation of inert soils and the creation of the restoration landform, it is proposed to erect 18 holiday lodges on the site. They would be for holiday rentals. It is proposed to locate them between 20 and 40 metres apart, set within grassland and scrub. Most would be in the northern part of the site, with four fronting the nature reserve in the south of the site.

37. The lodges would be of 4 different designs accommodating between 2 and 5 people each. There would be 2 x type A (7.35m X 3.4m), 4 x Type B (12m x 3.5m), 8 x Type C (13m x 4m) and 4 x Type D (14.2m x 6.8m). All lodge types would be 3.5 metres high and would also have a deck.
38. Parking for 1 or 2 vehicles, depending on the lodge type, would be provided outside each lodge, along with lockable bike stands for two bikes.
39. The lodges would be of modular design and would be produced off-site before being installed at the site. It is estimated that it would take 6 months to install all 18 lodges.
40. The lodges would be eco-lodges designed using Passivhaus principles in order to improve sustainability and reducing heating requirements by maximising heating from passive sources. Water would be heated by a ground source or air source heat pump, the windows would be triple glazed and there would be mechanical ventilation with heat recovery. Limitations due to the site alignment and building materials prevent a fully passive system.
41. A 3-metre-high bund would be created along the eastern site boundary adjacent to the two lodges in the northern most part of the site, to ensure that noise levels from the A422 are acceptable. The bund would be seeded and planted.
42. There would be a gated access to the lodges in the south west corner of the site, from Rattlecombe Road. The access road would run along the western site boundary with access to individual lodges via surfaced tracks.
43. It is anticipated that the tourism afteruse would lead to one direct full-time job.

Mineral Extraction

44. The ironstone remaining on site would be removed prior to the commencement of infilling. However, this does not form part of this application and it is proposed to undertake the extraction under the existing ROMP consent, as amended by subsequent Section 73 applications. It is estimated that there remains 50 000 tonnes (30 000 cubic metres) to be extracted, which would take a few months.

Traffic and Access

45. Access is from an existing access from Rattlecombe Road in the south west of the site. It is proposed to concrete the access road and construct a wheelwash.
46. The application states that the importation of inert waste would give rise to up to 22 HGV movements per day for the three-year duration of the waste importation. These would usually be 18 tonne rigid HGVs with 25 tonne articulated HGVs sometimes used. There would be an average of 2 movements per hour during both the morning and evening peak.

47. Vehicles generated by the proposed holiday lodge development has been modelled at 39 movements per day during the peak holiday season. These would not be HGVs. The application states that the nature reserve is not anticipated to generate significant traffic.
48. The application states that it is likely that during the infilling period there would be an approximate 50/50 split between vehicles travelling north on the A422 (into Warwickshire) and vehicles travelling south (through Wroxton and Drayton).

Environmental Impact Assessment

49. The application is supported by an Environmental Impact Assessment (EIA) and an Environmental Statement (ES) was submitted with the application. This covers the range of potential environmental impacts of the proposal. A summary of the findings can be found in Annex 4. Further information in relation to biodiversity, groundwater, landscape and landfill was requested and received.

PART 2 – OTHER VIEWPOINTS

50. The full text of the consultation responses can be seen on the e-planning website¹, using the reference MW.0124/21. These are also summarised in Annex 2 to this report.
51. No third-party representations were received.
52. There were two consultation periods, as further information was submitted following the first consultation, in relation to the Environmental Statement and also to address other issues raised in the consultation responses.
53. The proposed restoration scheme was revised following the first consultation. The alterations to the restoration scheme include that it provides two waterbodies, rather than one, hibernacula, an additional hedgerow and increased woodland planting.
54. Cherwell District Council initially stated that they considered the eco-lodges should be a separate planning application submitted to themselves, rather than part of the application determined by Oxfordshire County Council as Minerals and Waste Planning Authority. However, the application has been correctly made to Oxfordshire County Council because any proposals, including built development, which would conflict with compliance with the existing restoration conditions at a mineral working, are County Matters. The District Council therefore agreed that they should remain a consultee.

¹Click here to view application [MW.0124/21](#)

PART 3 – RELEVANT PLANNING DOCUMENTS

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

55. In accordance with Section 70 of the Town and Country Planning Act 1990, planning applications must be decided in accordance with the Development Plan unless material considerations indicate otherwise.

Development Plan Documents

56. The Development Plan for this area comprises:

- Oxfordshire Minerals and Waste Local Plan Part 1: Core Strategy (OMWCS)
- Oxfordshire Minerals and Waste Local Plan 1996 (Saved Policies) (OMWLP)
- Cherwell Local Plan 2031 (CLP)
- Cherwell Local Plan 1996 (saved policies) (CLP 1996)

57. The Oxfordshire Minerals and Waste Local Plan Part 1: Core Strategy (OMWCS) was adopted in September 2017 and covers the period to 2031. The Core Strategy sets out the strategic and core policies for minerals and waste development, including a suite of development management policies.

58. The Oxfordshire Minerals and Waste Local Plan 1996 (OMWLP) was adopted in July 1996 and covered the period to 2006. Some policies of the OMWLP were replaced following adoption of the OMWCS in 2017 but 16 policies continue to be saved. They are due to be replaced on the adoption of Oxfordshire Minerals and Waste Local Plan Part 2: Site Allocations.

Emerging Plans

59. Work on the Oxfordshire Minerals and Waste Local Plan Part 2: Site Allocations (OMWLP Part 2) is progressing. This plan will allocate sites required to provide the additional capacity for minerals supply and waste management as set out in the adopted core strategy. Although work has commenced on OMWLP Part 2, it is at an early stage and no draft is available, therefore, no weight can be given to this.

60. Cherwell District Council are currently undertaking a consultation to inform the review of the adopted Cherwell Local Plan 2011 – 2031. It is anticipated that the review will develop new policies for a variety of matters including achieving net increases in biodiversity. The consultation closed in November 2021.

Other Policy Documents

61. Other documents that are relevant to determining this application include:

- National Planning Policy Framework 2021 (NPPF)
- National Planning Policy for Waste 2014 (NPPW)
- Planning Practice Guidance (PPG)

62. There is no Neighbourhood Plan for the area.

63. The site is not within the Cotswolds AONB but it is within its setting. The Cotswolds Conservation Board have recommended that the following publications are taken into account:

- Cotswolds Area of Outstanding Natural Beauty (AONB) Management Plan 2018-2023
- Cotswolds AONB Landscape Character Assessment
- Cotswolds AONB Landscape Strategy and Guidelines
- Cotswolds AONB Local Distinctiveness and Landscape Change
- Cotswolds Conservation Board Position Statements particularly, in this instance, with regards to the Development in the Setting of the AONB Position Statement and Tranquillity Position Statement

Relevant Development Plan Policies

64. The OMWCS policies most relevant to the consideration of this application are:

- M10 - Restoration of Mineral Workings
- W6- Landfill and other permanent deposit of waste to land
- C1 - Sustainable Development
- C2 - Climate Change
- C3 - Flooding
- C4 - Water Environment
- C5 - Local Environment, Amenity & Economy
- C6 – Agricultural Land and Soils
- C7 - Biodiversity and Geodiversity
- C8 – Landscape
- C10 - Transport
- C11 - Rights of Way

65. The Cherwell Local Plan policies most relevant to the consideration of this application are:

Cherwell Local Plan 2031 Part 1 (CLP)

- PSD1 – Presumption in Favour of Sustainable Development
- SLE 3 – Supporting Tourism Growth
- ESD 3 – Sustainable Construction

- ESD 7 – Sustainable Drainage Systems
- ESD 8 – Water Resources
- ESD 10 – Biodiversity and the Natural Environment
- ESD 13 – Local Landscape Protection

Cherwell Local Plan 1996 (Saved Policies) (CLP 1996)

- C7 – Landscape Conservation
 - C28 – Layout, Design and Appearance of New Development
 - ENV1 – Development likely to cause detrimental levels of pollution
66. None of the saved OMWLP are relevant to the consideration of this application. The saved policies are all site-specific and none of them apply to the area proposed in this planning application.
67. Relevant sections of the NPPF include those on facilitating the sustainable use of minerals, encouraging a prosperous rural economy, meeting the challenge of climate change, flooding and coastal change, conserving and enhancing the natural environment.
68. Relevant sections of the PPG include specific advice on matters including minerals, determining a planning application and natural environment.

PART 4 – ASSESSMENT AND CONCLUSIONS

Comments of the Assistant Director for Strategic Infrastructure and Planning

69. The NPPF sets out a presumption in favour of sustainable development (paragraph 10), which is supported by CLP policy PSD1 and OMWCS policy C1. This means taking a positive approach to development and approving an application which accords with the development plan without delay, unless material considerations indicate otherwise.
70. All planning applications must be determined in accordance with the Development Plan, unless material considerations indicate otherwise, in accordance with the Town and Country Planning Act 1990. The key planning policies are set out above and discussed below in accordance with the key planning issues.
71. The key planning issues are:
- Restoration and aftercare of minerals and waste sites
 - Proposed built development
 - Landscape & Visual Impacts
 - Biodiversity
 - Transport
 - Rights of Way
 - Water environment

- viii. Amenity
- ix. Sustainable Development

Restoration and Aftercare

- 72. OMWCS policy M10 expects mineral sites to be restored to a high standard and in a timely and phased manner to an after-use that is appropriate to the location and delivers a net gain in biodiversity. It also states that restoration proposals should take into account the quality of agricultural land, the surrounding landscape, amenity of local communities and capacity of the local transport network.
- 73. OMWCS policy C6 states that development should make provision for the management and use of soils to maintain agricultural land quality and soil quality.
- 74. OMWCS policy W6 states that priority will be given to the use of inert waste that cannot be recycled as infill material to achieve satisfactory restoration of quarries. Permission will not otherwise be granted for development that involves the permanent disposal of inert waste on land unless there would be overall environmental benefit.
- 75. It is proposed to import 150 000 tonnes of inert waste material to restore the quarry. The currently approved restoration does not include the importation of any waste as the quarry was to be restored to agriculture at the lower level. The applicant has advised that it is no longer possible to deliver the approved restoration contours using on-site materials as the site has been over-extracted. However, it is proposed to import 25 000 tonnes over what would be needed to restore the site to the currently approved ground levels.
- 76. Policy W6 gives priority to the use of inert waste that cannot be recycled for infill material for quarry restorations, however this is when it is needed to achieve a satisfactory restoration. The quarry has an approved satisfactory restoration scheme which does not include any importation of infill material, therefore it is not considered to be necessary to achieve a satisfactory restoration. The policy goes on to say that in other cases, there would need to be an overall environmental benefit for permission to be granted for the disposal of inert waste.
- 77. The proposed restoration plan includes restoration to nature conservation rather than agriculture and delivers biodiversity net gain. Therefore, the proposed restoration afteruse is considered to provide an environment benefit, compared to the currently approved scheme, as required by OMWCS policy W6. It is not clear whether the proposed level of inert waste disposal is necessary to achieve this environmental benefit, or whether an equally good scheme could be achieved with less waste disposal. However, the applicant has stated that the additional importation would create an enhanced landform to deliver a higher quality restoration. The application states that the additional

imported material is necessary to compensate for over extraction at the site and to provide a sufficient soil depth to support vegetative growth and delivery of biodiversity net gain. The level of additional waste importation over what would be needed to compensate for over extraction, is relatively limited. It is only possible to assess the proposals put forward and they demonstrate an environmental benefit.

78. Whilst an environmental benefit is provided by the change in afteruse and delivery of biodiversity net gain, policy OMWCS policy W6 requires an overall environmental benefit. In assessing whether there is an overall environmental benefit, the potential amenity impacts of the infilling, including from additional HGV movements on the local road network, must be taken into account. These impacts must be weighed against the benefits. As set out in this report, it is not anticipated that there would be significant amenity impacts. There would be an increase in HGV movements, however it would not be a significant impact and it would be for a limited three-year time period.
79. Overall, it is considered that as the scheme would deliver an overall environmental benefit it therefore complies with OMWCS policy W6.
80. In order to ensure that the environmental benefits of the proposed restoration are realised, long term management will be needed. The applicant has offered a commitment to manage the site for 25 years. This would comprise 5 years of statutory aftercare and 20 years of additional long term management, which would need to be secured by a Section 106 legal agreement before any permission could be given.
81. It is considered that the restoration proposals would offer a high standard restoration that is appropriate to the location and includes a net gain in biodiversity, in accordance with OMWCS policy M10. Although the land would not be returned to agriculture as originally intended, the proposed afteruse is considered to be appropriate and there would not be a significant loss of best or most versatile land, due to the relatively small size of the site and the quality of soils remaining on site. Therefore, the proposal is not contrary to OMWCS policy C6. Policy M10 also requires quarry restoration proposals to take into account surrounding landscape, amenity of local communities and capacity of the local transport network. These are addressed in detail in this report.

Proposed Built Development

Principal of tourist accommodation in this location

82. CLP policy SLE 3 supports proposals for new tourist facilities in sustainable locations, where they accord with other policies in the plan. Cherwell District Council initially objected to the tourist accommodation on the basis that the site is in a geographically and environmentally unsustainable location, contrary to this policy.

83. The applicant submitted further information explaining that the rural location of the site made it suitable for tourism accommodation. It has good access from an A-road and there are also sustainable travel options as the site is within walking distance of local villages, near a bus route, in an area of good rights of way provision, near a Sustrans route and a taxi ride from train stations. A Tourism Market Appraisal Report was also submitted assessing potential visitor demand and economic impact, which concludes that tourism is important to the economy in Cherwell, but that there are gaps in the current accommodation supply which this proposal would help address.
84. Cherwell District Council removed their objection following consideration of the additional information and confirmed that the proposals would comply with CLP policy SLE 3.
85. The proposal is considered to be in accordance with CLP policy SLE3.

Design

86. CLP 1996 policy C28 states that control will be exercised over all new development to ensure that standards of layout, design and external appearance are sympathetic to the context.
87. Policy ESD 15 of the CLP and policy C28 of the CLP 1996 expect new development to complement and enhance the character of its context through sensitive siting, layout and high-quality design.
88. CLP policy ESD 3 states that all development proposals will be encouraged to reflect high quality design and high environmental standards, demonstrating sustainable construction methods.
89. There has been no objection to the proposed design or layout of the built development. The scale and design of the buildings are considered to be appropriate in the context. The proposed timber cladding is sympathetic to the rural setting. The design is considered to be in accordance with CLP 1996 policy C28 and CLP policy ESD3. The incorporation of Passivhaus principles to ensure sustainable building design is supported by CLP policy ESD3.

Landfill Impacts

90. OCC Waste Management initially raised concerns about the potential impact of the risk to human health from landfill gas, given the proximity of the proposed eco-lodges to the former landfill sites (one owned by Oxfordshire County Council and the other by SITA) immediately adjacent. Cherwell District Council also questioned the suitability of the site for tourist accommodation, given the adjacent landfill site.
91. In response to the comments received during the first consultation, the applicant provided a Gas Risk Assessment. This concludes that the design of the eco-lodges is such that there is no pathway between the ground surface to the lodges themselves and therefore landfill gas is not a risk and the proposals

would not materially impact on the management of landfill gas at the adjacent sites. There were no further comments or objections in relation to this concern.

Landscape

92. Policy C5 of the OMWCS expects proposals for minerals and waste development to demonstrate that they will not have an unacceptable adverse impact on the local environment, amenity, and economy including through visual intrusion and light pollution amongst other things. Policy C8 of the OMWCS states that proposals for mineral and waste development shall demonstrate they respect and where possible enhance local landscape character. They shall include adequate and appropriate measures to mitigate adverse impacts on landscape, including careful siting, design and landscaping. OMWCS policy M10 includes the character of the surrounding landscape and the enhancement of local landscape character in a list of things which must be taken into account when designing quarry restorations.
93. Policy ESD 13 of the CLP expects opportunities to be sought to secure the enhancement of the character and appearance of the landscape through the restoration, management or enhancement of existing landscape features or habitats, including the planting of woodlands, trees and hedgerows. CLP policy ESD10 states, amongst other things, that the protection of trees will be encouraged, with the aim to increase the number of trees in the District. CLP policy ESD 15 requires development to contribute positively to an area's character and identity by creating or reinforcing local distinctiveness and respecting local topography and landscape features, including skylines, valley floors, significant trees, historic boundaries, landmarks, features or views. CLP policy ESD 17 requires the District's green infrastructure network to be maintained and enhanced.
94. Policy C7 of CLP 1996 states that development will not normally be permitted if it would cause demonstrable harm to the topography and character of the landscape.
95. The OCC Landscape Officer initially had concerns about the potential impacts of HGV movements on tranquillity and landscape character during the infilling stage and concerns about introducing permanent built form to the landscape. Further information was requested and provided on HGV movements, confirming that the increase in movements through the AONB would not be significant. Given the concerns about permanent built development, it is recommended that a condition is added to any permission granted to ensure that the lodges are only used for short-term holiday accommodation and should this use cease, a scheme must be submitted for approval showing an agricultural or biodiversity-led restoration for that part of the site.
96. The Landscape Officer also requested that a condition is attached to any consent granted for submission and approval of a detailed landscaping scheme including access details and means of enclosure, and also a condition for a detailed lighting scheme for any external lighting. These requirements could be added to any consent granted. She also noted that long-term

management would be required to ensure that the proposed landscape and biodiversity mitigation and enhancements are delivered, this would require a Section 106 agreement and the applicant has indicated that they would be willing to provide 20 years long term management.

97. The Landscape Officer also raised concern about potential for light spill through the large windows on the lodges, given the dark skies of the rural location. Additional information submitted by the applicant states that light spill from within the lodges is unlikely to cause a landscape impact as occupants are likely to close the blinds, the lodges would be used mostly during the summer months, the buildings would be set amongst scrub, the wider site is well screened, the lodges are low-density, and the management would include new planting.
98. Subject to conditions for an external lighting scheme, detailed landscaping scheme and Landscape Ecological Management Plan (LEMP), the Landscape Officer did not have any objections to the proposals. Overall, it is considered that the proposals are appropriate to the landscape setting and responds positively to the area's character. New planting would contribute towards an increase in the total number of trees in the District. The proposals are considered to be in accordance with relevant policies protecting landscape including OMWCS policies C5, C8 and M10 and CLP policies ESD 10, 13, 15 and 17.

AONB

99. Although the site is not within the AONB (Cotswolds National Landscape), it is within the setting and could be visible from within the AONB. HGVs from the development would pass through it. Therefore, policies related to the AONB should be considered. Policy C8 of the OMWCS states great weight will be given to conserving the landscape and scenic beauty of AONBs. Cotswolds AONB Management Plan policies on Landscape (CE1), Local Distinctiveness (CE3), Tranquillity (CE4) and Dark Skies (CE5) are also of some relevance.
100. The Landscape Officer has confirmed that given that only 50% of HGV movements would be north along the A422 through the AONB, she does not expect HGVs to have a significant adverse effect on the Cotswolds National Landscape.
101. The Cotswolds Conservation Board also requested further information about the number of HGV movements. Once this was provided, they confirmed that they had no objection to the proposals as the increase in HGV movements would not be significant and so would not affect tranquillity.
102. It is not considered that the proposal would have a significant impact on the Cotswolds AONB. Therefore, it is considered to comply with the requirement of OMWCS policy C8 to give great weight to conserving the landscape and scenic beauty of AONBs, and also with the policies contained in the Cotswolds AONB Management Plan.

Biodiversity

103. Policies C7 and M10 of the OMWCS taken together expect mineral and waste development, including the restoration of mineral workings, to deliver biodiversity net gain. OMWCS policy C7 also states that long term management arrangements for restored sites shall be clearly set out and included in proposals, which should include a commitment to ecological monitoring and remediation.
104. Policy ESD10 of the CLP supports the protection and enhancement of biodiversity and the natural environment including through seeking a net gain in biodiversity, protection of trees, and the incorporation of features to encourage biodiversity.
105. The Banbury Ornithological Society (BOS) were broadly happy with the restoration proposals, but made some suggestions for improvements which were incorporated into a revised restoration scheme. The applicant also clarified that there would be a fenced area of the nature reserve with no public access, to benefit wildlife.
106. The OCC Ecologist originally had some concerns about the potential for Great Crested Newt habitat, whether the proposed scheme optimised the biodiversity value of the site and about the biodiversity net gain calculations. However, following the submission of further information, she confirmed that she had no objection to the application subject to a condition requiring a Landscape Ecological Management Plan and an informative about nesting birds.
107. Compared to the approved restoration for an agricultural afteruse, the proposed restoration plan is considered to protect and enhance biodiversity and would deliver a biodiversity net gain. The applicant has set out that they propose to manage the site for 20 years following the 5-year statutory aftercare period. This would need to be secured through a Section 106 legal agreement. Subject to this, the proposals are considered to be in accordance with development plan policies relating to biodiversity including OMWCS policies C7 and M10 and CLP policy ESD10.

Transport

108. Policy C5 of the OMWCS expects proposals for minerals and waste development to demonstrate that they will not have an unacceptable adverse impact on the local environment, amenity, and economy including through traffic effects and mud on the road amongst other things. OMWCS policy C10 states that minerals and waste development will be expected to make provision for safe and suitable access to the advisory lorry routes shown on the Oxfordshire Lorry Route Maps.

109. CLP 1996 policy TR10 states that development which would generate frequent heavy goods vehicle movements through residential areas or on unsuitable roads will not be permitted.
110. Drayton Parish Council have objected to the application on the basis that it would cause increased HGV movements on the A422, affecting local residents.
111. Transport Development Control initially objected to the application, but removed the objection following the submission of further information. The A422 is an A-road and as such is considered to offer suitable access to the advisory lorry routes, as required by OMWCS policy C10. The traffic would travel past residential dwellings next to the road, however the level of traffic generation would not be considered to be frequent, therefore it is not contrary to CLP 1996 policy TR10. Although there would be amenity impacts of the additional HGV movements, this would be temporary for the 3-year infilling period and would be on an A-road where HGVs can reasonably be expected. Only approximately 50% of the movements (i.e. 11 movements per day) would travel south from the site through Wroxton and Drayton. Therefore, the proposals would be in accordance with OMWCS policy C5.
112. The long-term tourism use is not considered to raise any concerns in terms of highways.
113. The concerns of Drayton Parish Council in relation to HGVs on the A422 are understood. If the application is approved, it is recommended that conditions are imposed to ensure that the development is carried out as proposed and that highways impacts are no greater than those which have been assessed. Recommended conditions include a time limit for the importation of waste (3 years), limit on the total amount of waste imported (150 000 tonnes), annual import limit (60 000 tonnes per year). The applicant has indicated that they would not be willing to accept a limit on daily vehicle movements as the annual limit on importation should be sufficient to ensure that HGV movements are within the range predicted in the application. However, they have said that they would be willing to attend a local liaison meeting so that representatives from the local community can discuss any concerns they have about the operations. A condition requiring a local liaison meeting is therefore recommended.
114. A routeing agreement is also recommended to ensure that HGVs use Rattlecombe Road and the A422 as proposed and not unsuitable, rural roads.
115. Overall, subject to the conditions and routeing agreement outlined above, the development is considered to be in accordance with transport policies OMWCS policy C5 and C10 and CLP 1996 policy TR10.

Rights of Way

116. OMWCS policy C11 states that the integrity and amenity of the rights of way network shall be maintained and improvements and enhancements to the rights of way network will be encouraged. Where appropriate, provision should be made for this in restoration schemes.
117. The proposals include improvements to existing rights of way within the site. Both the route through the site and on the western boundary would be surfaced and there would be native hedgerow planting to border the routes. Walkers using the footpath which crosses the site are currently using a route to the north of the definitive route, the implementation of the revised restoration would provide an opportunity to return it to its correct route. No additional rights of way are proposed in the site.
118. The OCC Rights of Way Officer had no objections to the proposals, subject to a contribution being required to upgrade footpaths in the vicinity of the area so that people staying in the lodges have a non-vehicular way to access the surrounding countryside and villages. This would fund measures on surfaces, steps, furniture, signing, drainage and other related works.
119. The applicant has suggested they would be willing to make the requested contribution, which has been calculated at £35 000. A Section 106 agreement would be required to secure this contribution.
120. No public access is proposed to the restored site, other than along the existing rights of way network. This is a missed opportunity in terms of providing for local amenity and recreation as supported by OMWCS policy M10 and the provision of public access to restored quarries, as supported by OMWCS policy C11. However, the lack of public access is likely to benefit biodiversity within the nature reserve and overall, the proposals are considered to be acceptable in this regard.
121. Subject to a Section 106 agreement for a contribution for works to footpaths in the vicinity of the site and a condition to secure the proposed enhancements to the rights of way within the site, the development is considered to be in accordance with OMWCS policy C11. The existing rights of way network would be maintained and improved.

Water Environment – Flooding, Drainage, Groundwater and Pollution

122. OMWCS policy C3 states that minerals and waste development should take place in the areas of lowest flood risk. Where development takes place in an area of identified flood risk this should only be where alternative locations in areas of lower flood risk have been explored and discounted and where a Flood Risk Assessment (FRA) is able to demonstrate that the risk of flooding is not increased from any source. It goes on to state that opportunities should be taken to increase flood storage capacity in the floodplain, particularly through quarry restoration.

123. Policy ESD1 of the CLP expects measures will be taken to mitigate the impact of developments on climate change. Measures will include consideration of location and design approaches that are resilient to climate change, minimising the impact on flooding and reducing effects on the microclimate.
124. Policy ESD6 of the CLP requires development to take place in areas with the lowest probability of flooding wherever possible. Policy ESD 7 further states that all development will be required to use sustainable drainage systems for the management of surface water run-off.
125. OMWCS policy C4 states that proposals must demonstrate that there would be no unacceptable adverse impact or risk to the quantity or quality of surface or groundwater, the quantity or quality of water obtained through abstraction or the flow of groundwater through the site.
126. Policy ESD 8 of the CLP resists development proposals which would adversely affect the quantity or quality of water resources. CLP 1996 policy ENV7 states that development which would materially, adversely affect water quality of surface or underground waterbodies, will not be permitted.
127. The Lead Local Flood Authority (LLFA) had no objections to the proposal and provided a general response confirming that a Flood Risk Assessment and a Surface Water Management Strategy in accordance with Sustainable Drainage Systems (SuDS) policy is needed. These were provided as part of the Hydrogeological Assessment, however the applicant provided further detail of the proposed Drainage Strategy as part of the further information submission.
128. The Environment Agency originally objected on the basis that the proposed surface water and foul drainage systems would pose an unacceptable risk of pollution of groundwater. The further information submitted by the applicant sought to address these concerns and a consultation was held in January and February 2022. At the time of drafting this report, the Environment Agency had not responded to that consultation, although they have informally indicated that it is likely that they will be requesting conditions.
129. The Environment Agency also objected to the proposal to provide a private sewage treatment facility, as they can lead to a higher pollution risk. The proposals were amended to remove the on-site package treatment works and to connect to a sewer. The applicant has stated that pumping rates and pipe capacity specifications could be provided as part of a pre-commencement condition, should permission be granted. As above, the Environment Agency have not yet confirmed whether the information provided is acceptable and whether they can remove their objection.
130. Although it appears that the information requested has been provided by the applicant, a response from the Environment Agency is required before a decision can be made on this application. An addendum will be provided to update members of the committee of any further response from the Environment Agency.

131. Subject to there being no objection from the Environment Agency and the development being carried out in accordance with the submitted drainage information, the proposals are considered to be acceptable in terms of policies protecting the water environment and minimising flood risk, including OMWCS policies C3 and C4, CLP 1996 policy ENV7 and CLP policies ESD1, ESD6, ESD7 and ESD8.

Amenity

132. OMWCS policy C5 states that proposals for minerals and waste development shall demonstrate that they will not have an unacceptable adverse impact on the local environment, health and safety, residential amenity or the local economy, including from noise, dust, visual intrusion, light pollution, traffic, air quality, contamination or cumulative effects.
133. Policy ENV1 of the CLP 1996 seeks to resist development which is likely to cause materially detrimental levels of environmental pollution, including air quality. Policy ESD 10 of the CLP requires air quality assessments for proposals that would be likely to have a significantly adverse impact on biodiversity by generating an increase in air pollution.
134. Policy ENV1 of the CLP 1996 seeks to resist development which is likely to cause materially detrimental levels of environmental pollution, including through noise and vibration.
135. There are no residential properties in close proximity to the site and it is proposed to retain existing hedgerow and undertake additional hedgerow planting, which would help to screen the development.
136. There has been no objection from the EHO, however they have requested that Electric Vehicle (EV) infrastructure should be provided for the eco-lodges. The applicant has confirmed that there is a commitment to providing EV charging points, although full details have not been provided yet. Therefore, a condition could be attached to any permission granted, requiring full details of locations and specifications of EV charging points to be submitted, approved and implemented prior to first occupation of the lodges.
137. The EHO also asked for details of external lighting to be approved prior to installation. Further details of the proposed external lighting were provided, confirming there would only be light bollards with specific low spread and downward projection. It is considered that the proposed external lighting would not cause adverse impacts on neighbouring amenity.
138. The OCC Public Health Officer requested a condition for a Dust Management Plan, including mitigation measures to be taken at different levels of dust generation both inside and outside of operating hours. Any permission granted should be subject to this condition, to ensure that dust is appropriately managed and mitigated such that it is not a risk to local amenity or human health, in accordance with OMWCS policy C5.

139. The Public Health Officer also asked for clarification why NO₂/NO_x was not considered in the Air Quality Assessment. This information was provided as part of the further information request, which considers background concentrations and likely generation from traffic, plant and machinery associated with the development and concludes that NO₂/NO_x would not be significant, but could be mitigated by measures including speed limits on site, regular servicing of plant and machinery, location of mobile plant within the south west of the site to maintain distance from the nearest receptors.
140. Drayton Parish Council objected to the proposals on the basis of additional HGV movements, but also stated that should permission be granted they would like to see conditions to limit the timescale for importation of waste to three years as proposed and also a limit to the total and annual levels of waste importation. It is recommended that these conditions are attached to any permission granted, as set out in the transport section above.
141. Both the waste infilling and the afteruse are considered to be in accordance with relevant policies to protect amenity, including OMWCS policy C5, CLP 1996 policy ENV1 and CLP policy ESD 10.

Other Issues

142. It is not considered necessary to consider policies relating to the historic environment, as the site is not in close proximity to any heritage assets and as a worked-out quarry, there would be no archaeological remains to be recorded or protected.

Sustainable Development

143. OMWCS policy C1 reflects the presumption in favour of sustainable development contained in the NPPF. It states that applications in accordance with policies in the plan will be approved unless material considerations indicate otherwise.
144. OMWCS policy C2 states that minerals and waste proposals, including restoration proposals, should take account of climate change for the lifetime of the development. Applications for development should adopt a low carbon approach and measures should be considered to minimise greenhouse gas emissions and provide flexibility for future adaptation to the impacts of climate change.
145. The development is considered to be in accordance with development plan policies and therefore supported by OMWCS policy C1. The proposals take account of climate change as required by OMWCS policy C2, for example through the sustainable design of the eco-lodges, provision of EV charging points and through the climate change allowance included in the FRA.

Financial Implications

146. Not applicable as the financial interests of the County Council are not relevant to the determination of planning applications.

Legal Implications

147. There are not considered to be any legal implications arising from this report.

Equality & Inclusion Implications

148. In writing this report due regard has been taken of the need to eliminate unlawful discrimination, harassment and victimisation, advance equality of opportunity and foster good relations between different groups. It is not however considered that any such issues are raised in relation to consideration of this application.

Conclusions

149. Subject to the Environment Agency's final comments confirming that they no longer object, a Section 106 agreement and Routeing Agreement to secure the matters listed in Annex 4 and the conditions listed in Annex 1, the development is considered to be in accordance with the development plan. It is therefore recommended that planning permission is granted

RECOMMENDATION

Subject to:

- the final comments from the Environment Agency confirming they have no objection to the application; and
- the applicant first entering into a Section 106 agreement and Routeing Agreement for the obligations set out in Annex 4;

It is RECOMMENDED that planning permission for MW.0124/21 be approved subject to conditions to be determined by the Assistant Director for Strategic Infrastructure and Planning, to include those set out in Annex 1.

Rachel Wileman

Assistant Director for Strategic Infrastructure and Planning

Annexes:

Annex 1: Conditions

Annex 2: Consultation Responses

Annex 3: Environmental Impact Assessment Summary

Annex 4: Legal Agreements Heads of Terms

Annex 5: European Protected Species

Annex 1 – Conditions

- 1) Complete accordance with approved plans and particulars
- 2) Three-year commencement
- 3) Time limit for waste import and infill – 3 years following commencement
- 4) Records to be kept of volume/tonnage of imported material
- 5) Limit to the annual tonnage of imported material (60 000 tonnes)
- 6) Limit to the total tonnage of imported material (150 000 tonnes)
- 7) Standard operating hours for waste infill
- 8) Noise limits for waste operations
- 9) Noise limit for waste operations (temporary operations)
- 10) Protection of trees and hedgerows
- 11) Soil handling conditions
- 12) Implementation of approved restoration planting in the first planting season following the cessation of waste infill
- 13) Replacement of any planting within 5 years that becomes diseased, damaged, removed or that dies
- 14) Aftercare scheme - submission, approval, implementation
- 15) Sheeting of HGVs
- 16) No mud to be deposited on highway
- 17) Site access to be maintained in a good state of repair
- 18) No reversing beepers other than those which use white noise
- 19) Construction Management Plan, for lodges – submission, approval, implementation
- 20) Dust Management Plan – submission, approval, implementation
- 21) Detailed landscaping scheme - submission, approval, implementation
- 22) Landscape Ecological Management Plan (LEMP) - submission, approval, implementation
- 23) Detailed lighting scheme - submission, approval, implementation
- 24) Details of EV charging point locations and specification - submission, approval, implementation
- 25) Details of improvements to rights of way on site - submission, approval, implementation
- 26) Details of connection to foul sewer including pumping rates and pipe capacity specifications - submission, approval, implementation
- 27) No lodge construction until full details of floorplans, locations, elevations and materials have been submitted and approved. Implementation of approved details.
- 28) Lodges to be used for holiday accommodation only and site to be restored to agriculture or biodiversity in accordance with a scheme to be submitted and approved, should the tourist accommodation use cease.
- 29) Footpaths on site to be kept clear of obstructions and vehicles during infilling works
- 30) Detailed drainage plan - submission, approval, implementation
- 31) Local liaison meeting - submission, approval, implementation of details
- 32) Maintenance of approved access arrangements and vision splays
- 33) Any further conditions as recommended in the Environment Agency's final comments.

Informatives

- 1) Nesting bird season
- 2) Groundwater Risk Management Permit

- 3) Minimum water pressure
- 4) Requirement for OCC consent for works on public highway

Compliance with National Planning Policy Framework

In accordance with paragraph 38 of the NPPF Oxfordshire County Council takes a positive and creative approach and to this end seeks to work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. We seek to approve applications for sustainable development where possible. We work with applicants in a positive and creative 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, for example in this case further information was requested on a range of topics, to overcome concerns raised during the first consultation period. The applicant also revised the proposed restoration scheme.

Annex 2 – Consultation Responses Summary

Cherwell District Council - Planning

Final Response (February 2022)

1. No observations. An accompanying report confirmed that there are no longer any objections to the proposed tourist accommodation as the environmental harm from the unsustainable location of the site would not outweigh the identified benefits of the scheme, and consequently would represent a sustainable form of tourism.

Initial Response (November 2021)

2. Object. No objection to the importation of inert soil for nature conservation afteruses. These works would not result in significant harm to the visual amenities of the site or wider landscape. However, object to the proposed tourist accommodation. Consider that the site is in a geographically and environmentally unsustainable location for new tourist development, contrary to CLP policy SLE3. The suitability of the land for tourist development is also questioned due to the location adjacent to a landfill site.

Cherwell District Council – Environmental Protection

3. No objection. Satisfied with the noise report and the air quality report. Would expect to see some electric vehicle infrastructure provided for the post-restoration use. No comments on odour or contaminated land. Full details of any lighting scheme for the post restoration use of the site should be approved prior to installation.

Wroxton Parish Council

4. No response received.

Drayton Parish Council

5. Object due to the increase in HGV movements through the village on the A422. The incremental increase in lorry movements from permissions already granted is causing road deterioration on the A422 and the noise is causing concerns to residents, particularly in the early morning. Should permission be granted there should be conditions to cover lorry routes, timescale and the maximum total and annual importation. Also note that the proposed lodges are close to the old landfill which might still be emitting gas.

County Councillor – Cllr Reynolds

6. Lorry traffic continues to be a problem in the villages of Wroxton and Drayton. The NPPF para 111 indicates cumulative impact should be taken into account. Along the A422 we have at least 4 industrial estates, Alkerton recycling centre and a working quarry, plus a working quarry just over the border, all contribute traffic through the local villages. Remain concerned about the proposal to site glamping

structures close to a disused landfill site that may well be leaking methane and other gases.

Environment Agency

Final Response

7. Not received at the time of drafting the report.

First Response (November 2021)

8. Object because the proposal involves the use of a non-mains foul drainage system with no justification. This poses an unacceptable risk of pollution of groundwater. Groundwater is particularly sensitive in this location due to location upon a secondary aquifer. The SuDS design should be revised to ensure there is no infiltration through waste. The proposed wetland area should be lined to prevent this. Remain concerned about the risk associated with holiday accommodation being located adjacent to landfill. This has not been satisfactorily addressed. Potential impacts include odour, noise, dust and pests.

Cotswolds Conservation Board

Final Response (28th February 2022)

9. No objection to the proposals, as the proposed increase in HGV movements through the Cotswolds would not be significant.

Second Response (2nd February 2022)

10. Object, pending further information on vehicle movements to allow the impact on the tranquillity of the setting of the National Landscape to be fully assessed.

Initial Response (November 2021)

11. The planning authority has a statutory duty to have regard to the purpose of conserving and enhancing the natural beauty of the National Landscape. The Board recommends that, in fulfilling this 'duty of regard', the planning authority should: (i) ensure that planning decisions are consistent with relevant national and local planning policy and guidance; and (ii) take into account the relevant Board publications. The Board does not have capacity currently to provide a more comprehensive response on this occasion.

Natural England

12. No objection. Echo the comments of Banbury Ornithological Society. Fencing and signage would be beneficial to keep dogs and people out of the main wetland area. Mains foul drainage should be achieved if possible. No specific concerns about soils as the site is less than 20 ha. Care should be taken when backfilling inert material.

Thames Water

13. No objection. Would expect the developer to demonstrate what measures will be undertaken to minimise groundwater discharges into the public sewer. An informative should be attached to any permission granted stating that a Groundwater Risk Management Permit is required from Thames Water, to discharge groundwater into a public sewer. Prior approval is required for the discharge of surface water into a public sewer. An informative should also be added informing the developer of the minimum pressure and flow rate that Thames Water aims to provide customers.

Banbury Ornithological Society

14. Welcome the proposal to create a 5 hectare nature reserve. The applicant consulted BOS at an early stage and has taken on board feedback regarding design of the central pool, grassland and scrub. Can add further detail to the Ecological Impact Assessment, specifically, Little Ringed Plovers use the site. It would be vital to avoid disturbance to birds using the nature reserve. It is essential that a perimeter fence and signage is put in place to keep people away from the wetland area. The fence line is not shown on the restoration plan. Provision will be needed for the annual management costs. Support the provision of a nesting and roosting facility for Barn Owl and bats but there is no ecological need for general nest box provision around the ecolodges

OCC Transport Development Control

Final Response (March 2022)

15. No objection. On further consideration of the submitted traffic data and Environmental Statement, the proposals are not considered to be contrary to OMWCS policy C10 and CLP policy TR10. The additional HGV movements would be modest compared to existing flows. Access to the advisory lorry route would be via the A422. The minor increase in vehicles would not affect safety or efficiency of the road network.

First Response (November 2021)

16. Object due to the generation of HGV traffic along an unsuitable road through residential areas to the east of the site. The A422 through Wroxton and Drayton is not a designated lorry route. It is considered that the increase in HGVs through these villages would be contrary to CLP policy TR10. The approved restoration plan does not include any importation, so all HGV movements would be additional. Contest the assertion in the Transport Statement that compares the import of 50 000 tonnes per annum to an output of 350 000 tpa and concludes that there would be a reduction in movements. The 350 000 tpa figure applies across other quarries local to Horton and Wroxton and Alkerton North supplies only a small amount of the total.

OCC Rights of Way

17. The holiday lodges should have a non-vehicle way to access the surrounding countryside and villages. The road is too narrow for safe walking access. A Section 106 agreement is required for a £35 000 contribution to upgrade the footpaths in the vicinity, particularly footpaths 339/7 and 339/6. Standard measures should be put in place to protect users of existing rights of way through the site, including that there shall be no obstructions, changes to legal routes, use of rights of way by construction traffic or gates opening across the rights of way.
18. Second consultation (January 2022) – Confirmed no further comments.

OCC LLFA

First Response November 2021

19. Further information is required including a detailed surface water management strategy.

OCC Ecology

Final Response January 2022

20. No objection subject to conditions to require the submission, approval and implementation of a Landscape Ecological Management Plan (LEMP) including biodiversity metric and figures. Recommends an informative regarding removal of vegetation and bird nesting season. Satisfied that the updated scheme addresses previous concerns about optimising the biodiversity value of the site. Satisfied with the conclusion that the application area is of negligible value as a terrestrial habitat for Great Crested Newts.

First Response November 2021

21. Object. Do not consider it appropriate to conclude absence of Great Crested Newts, given the findings of the survey. Further assessment is needed and if this shows it is necessary, a mitigation strategy should be outlined, and a licence should be sought. The proposed habitats in the south of the site could be diversified to maximise opportunities for biodiversity. The biodiversity net gain metric is not accurate and requires refinement.

OCC Landscape Advisor

Final Response March 2022

22. No objection, subject to conditions for a detailed landscaping scheme, a lighting scheme and a Landscape Ecological Management Plan. The applicant has confirmed that HGVs will use only the A442 and not local roads including within

the Cotswolds National Landscape. Do not expect HGVs to have a significant adverse effect on the Cotswolds National Landscape.

First Response December 2021

23. Further information required. Concerned about the potential impacts of HGV movements on tranquillity and local landscape character. It is not clear whether the additional HGVs are necessary for delivering a better restoration scheme, or whether a restoration at lower ground level might also be feasible. Further information is required on the numbers of HGVs and the routes that they would take. Concerned about introducing new permanent built development. Suggest a condition for the remainder of the site to be restored to agriculture, should the eco lodge development cease. If the application is approved the nature reserve would need to deliver ecology and landscape benefits in perpetuity and this would need to be secured with associated funding. The restoration plan should include detail of who would have access to the nature reserve. The area between the lodges should be treated in a way that is in keeping with the landscape character and which maximises biodiversity, however the detail of hard and soft landscaping around the lodges could be dealt with by condition should permission be granted. Further information on lighting is required.

OCC Public Health

24. No objection. There should be a condition for a Dust Management Plan and this should cover mitigation including the option to temporarily cease activities and a mechanism for monitoring and responding to complaints. Not clear why NO₂/NO_x has not been considered in the AQA.

OCC Waste Management

Second consultation

25. No further comment.

First Response (October 2021)

26. Oxfordshire County Council owns the freehold for land immediately adjacent to the applicant's site. This land includes a former landfill site (now restored for agricultural use) and an active Household Waste Recycling Centre. The former landfill is regulated by Environmental Permit EPR EP3799VQ. The permit requires that landfill gas is extracted and flared. Landfill gas, leachate and groundwater are also monitored on a routine basis from monitoring boreholes within the site, at the site boundary and further beyond. The attached plan shows the locations of boreholes where samples are routinely taken.
27. In accordance with the Environment Agency comment submitted as part of the EIA scoping opinion, the applicant should evidence how the proposed eco-lodge development will evaluate and mitigate risk to human health from landfill gas. The applicant's site is also adjacent to a second permitted area of restored landfill

operated by Suez (formerly SITA) and the applicant should also consider the risks this site may pose.

Annex 3 – Environmental Impact Assessment

1. An Environmental Statement has been submitted with this application, setting out the findings of the Environmental Impact Assessment. This is summarised below.
2. Chapter 1 contains the introduction. Chapter 2 summarises the Transport Statement, which contains details of the baseline traffic flow and assesses the predicted impacts of the development. It concludes that the traffic associated with the temporary restoration activity and with the permanent holiday lodges, would be imperceptible on the local highway network. Cumulative impacts with Edgehill Quarry are also considered.
3. Chapter 3 summarises the Hydrogeological Assessment. This concludes that the site is not within a hydrologically sensitive area and local watercourses are unlikely to be significantly adversely affected by proposals in relation to quality or flows. No residual risks are identified in respect to either the hydrogeological or hydrological regime. Silt settling ponds and a drainage network around the site periphery may be required for surface water management.
4. The Ecological Impact Assessment is summarised in Chapter 4. The report includes information from a Phase 1 habitat survey and species surveys. This concludes that the hedgerows and waterbody on site have ecological value and there are populations of common linnet and yellowhammer. It recommends the proposed planting of gorse and nest boxes to be erected on or in the immediate vicinity of the proposed holiday lodges. It confirms a biodiversity net gain compared to the currently permitted restoration.
5. A Landscape and Visual Impact Assessment is summarised in Chapter 5. This concludes that there would be no significant effects and no harm to the setting of the Cotswolds AONB. The visual effects of the proposed restoration scheme would be an improvement compared to the permitted restoration. It states that there would be sufficient landscape capacity for the permanent holiday lodge development to be accommodated.
6. A Noise Assessment is provided as Chapter 6. This includes a Noise Management Plan containing details for the control and monitoring of noise levels from the site. This concludes that noise levels within the holiday lodge area would be below 55 dB $L_{Aeq,16\text{ hr}}$ during the day and below 50 dB $L_{Aeq,8\text{ hr}}$ at night. The materials for the lodges would not offer the same sound reduction as a standard dwelling of brick construction, but it would ensure a good standard of noise reduction. Bunding would be used to reduce road noise at two of the lodges. Heath Farm is identified as the property with the most potential to be affected by noise from the development. The assessment concludes that noise levels would be acceptable.

7. An Air Quality Assessment is summarised in Chapter 7. This concludes that impacts on human health would be negligible. A moderate adverse risk of significant disamenity at the nearest residential properties located to the south-east of the site is identified. Therefore, the assessment recommends that a Dust Management Plan (DMP) should be developed in accordance with the approach recommended in Institute of Air Quality Management (IAQM) guidance.
8. An Arboricultural Assessment is provided as Chapter 8. This concludes that without mitigation measures, construction works could cause root compaction and severance to some trees and hedgerows. Trees may also be under threat of pruning or removal following the restoration works, due to casting shade.
9. Chapter 9 summarises the cumulative effects identified in the other chapters. No significant adverse cumulative effects are identified.
10. The full reports of the various assessments are provided as annexes to the Environmental Statement.

Regulation 25 Information

11. Following the Regulation 25 requested for further information, a number of further documents were submitted. The submitted restoration scheme was also updated to show additional improvements, particularly to improve the habitat diversity in the nature reserve area.
12. The alterations to the restoration scheme include that it provides two waterbodies, rather than one, hibernacula. An additional hedgerow and increased woodland planting.
13. A report on the impact of the adjacent restored lodges on the proposed holiday lodges was submitted, appending a Gas Risk Assessment. This concludes that the proposed development would not be at risk from the adjacent landfill site, as the design of the eco-lodges is such that there is no pathway between the ground surface to the lodges themselves as there would be a 300mm open void between the ground surface and the lodges.
14. A report on landscape was submitted, which responds to the comments made by the Landscape Officer.
15. A report on biodiversity was submitted, appending an Addendum to the Ecological Impact Assessment. This addresses the consultation response from the Ecology Officer in relation to Great Crested Newts and sets out the revisions to the restoration scheme. It concludes that the scheme still provides over 30% biodiversity net gain.
16. A report on groundwater was submitted, appending a document clarifying and addressing the proposals regarding the SuDS design, following the comments

received during the original consultation. This confirms that there would be no discharge of surface water to areas of imported fill material, the wetland areas would not be lined but would be formed from existing overburden and soils and concluding that the sensitivity of groundwater should not be defined as high in this locality.

Annex 4 – Heads of Terms of Legal Agreements

Section 106 Agreement

- Footpath contribution – £35 000
- Long term management – 20 years following the statutory 5-year aftercare period.

Routeing Agreement

- HGVs associated with waste infilling only to use Rattlecombe Road east of site access and A422

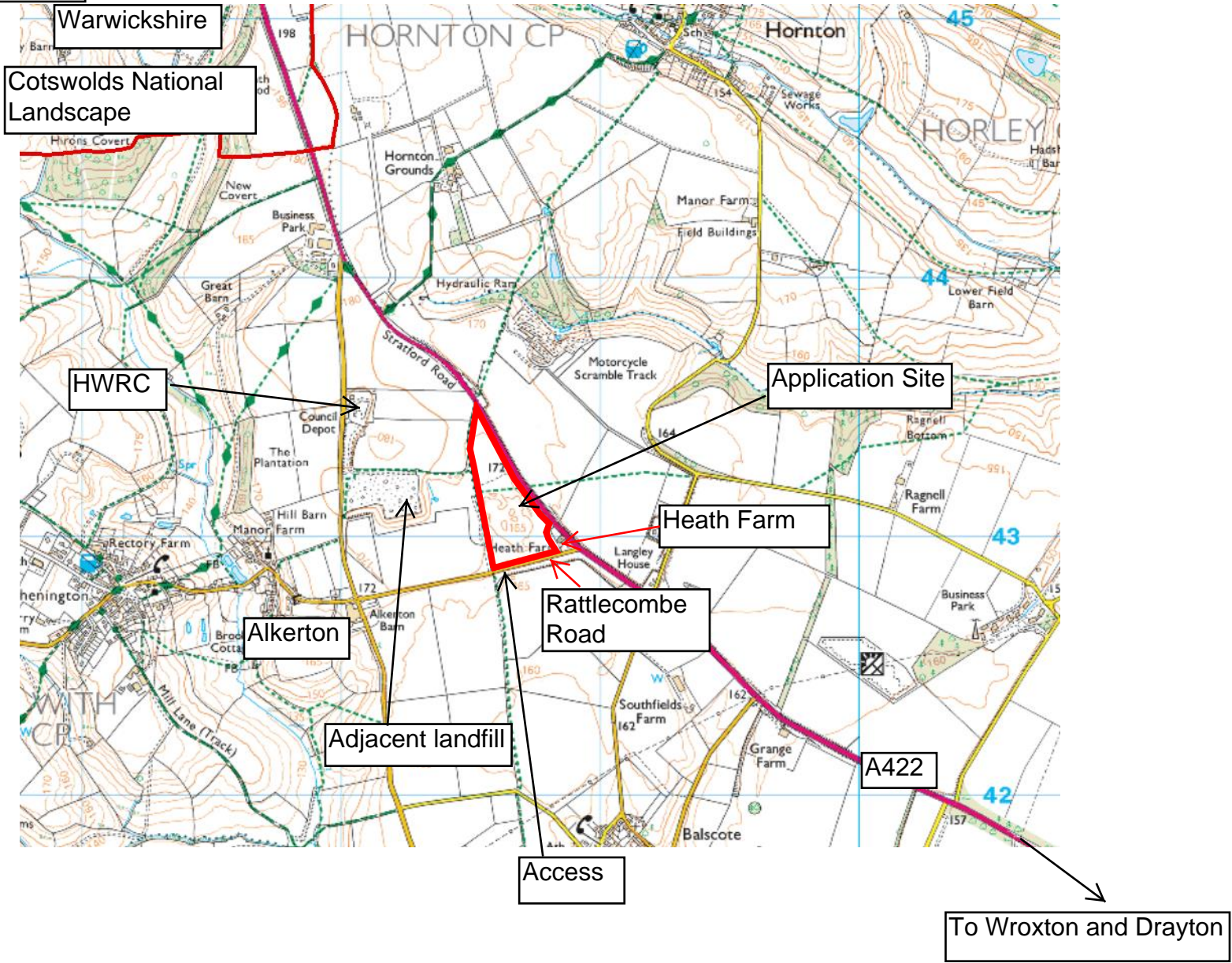
Annex 5 - European Protected Species

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 2017 (as amended) 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.

The habitat on and around the proposed development site and ecological survey results indicate that European Protected Species are unlikely to be impacted by the proposals. Therefore no further consideration of the Conservation of Species & Habitats Regulations is necessary.

Plan 1 - Alkerton
Quarry MW.0124/21



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Divisions Affected – Chipping Norton

PLANNING AND REGULATION COMMITTEE

25th April 2022

Application 1: Extraction of limestone and deposit of imported clay to achieve an agricultural restoration (part retrospective)

Application 2: Temporary Change of Use to Mineral Processing and Storage Area

Report by Assistant Director for Strategic Infrastructure and Planning

Contact Officer: Matthew Case **Tel:** 07584262456

Location (app 1): Land at Quarry Farm North of Green Lane, Green Lane, Chipping Norton, Great Tew OX7 4NS

Location (app 2): Enstone Airfield North, Land At Enstone Airfield North, Banbury Road, Enstone OX7 4NS

OCC Application No: App 1: MW.0100/21 App 2: MW.0102/21

VOWH Application No: App 1: 21/02824/CM App 2: 21/02822/CM

District Council Area: West Oxfordshire District Council

Applicant: Great Tew Farms Partnership (GTFP)

Application Received: App 1: 28th July 2021 App 2: 26th July 2021

Consultation Period: 16th August to 6th September 2021

Contents

Part 1- Facts and Background

Part 2 – Other Viewpoints

Part 3 – Relevant Planning Documents

Part 4 – Assessment and Conclusions

RECOMMENDATION

1. The report recommends that applications MW.0100/21 and MW.0102/21 be approved.

Executive Summary

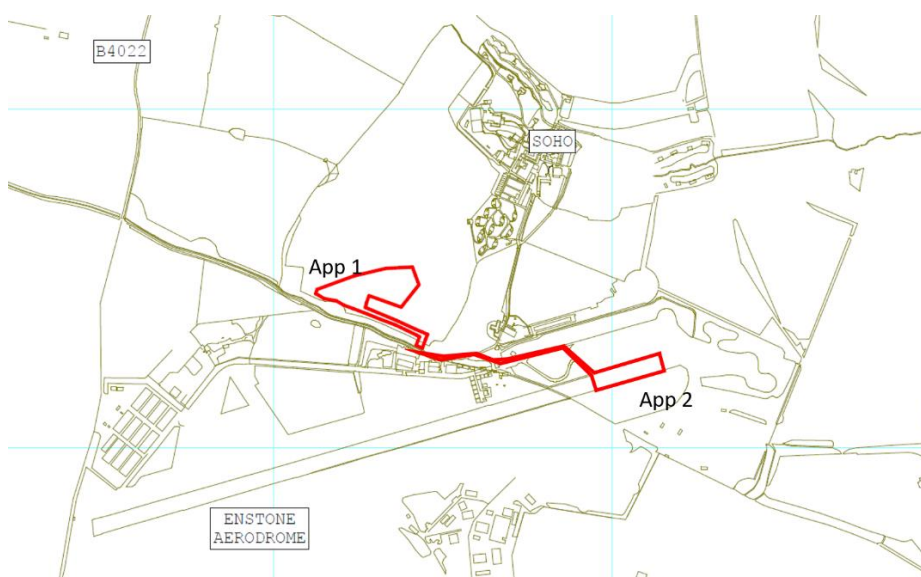
2. The report sets out the two proposed developments for which planning permission has been applied under application nos. MW.0100/21 and MW.0102/21. Both applications are part retrospective as the developments have already commenced. Having considered the report against the development plan and other material considerations including consultation responses and representations received it is recommended the two applications are approved.

PART 1- FACTS AND BACKGROUND

Location (see Plan 1)

Application 1

3. The site lies within the Parish of Great Tew in West Oxfordshire District Council in Oxfordshire. The site is located off Green Lane to the east of the B4022. Green Lane is a no through road and is used to access the eastern part of Enstone Airfield and Solo Farmhouse Complex's staff building. The site lies approximately 2km to the south east of the village of Great Tew and approximately 2km to the north-east of the village of Enstone. The site is located approximately 7.5km east of Chipping Norton. The site is located to the north-west of application 2, the two red line boundaries almost join at either side of Green Lane.



Plan showing the two application boundaries.

Application 2

4. The site lies within the Parish of Great Tew in West Oxfordshire District Council in Oxfordshire. The site is located off Green Lane to the east of the B4022. The site lies approximately 3km to the west of the village of Middle Barton and approximately 2.5km to the north-east of the village of Enstone. The site is located approximately 8.5km east of Chipping Norton.

Site and Setting

Application 1

5. The site is agricultural land. The access to the site is via a narrow road (Green Lane) which runs a short distance east from the B4022. The surrounding area is a mixture of farmland with limited areas of woodland. There are some commercial businesses, but residential properties are limited in the surrounding area. Enstone Airfield, a former World War II RAF training airfield, is located approximately 200m to the south. Part of the airfield is still used for light aircraft and a number of commercial businesses are located on the airfield. The Soho Farmhouse, a boutique hotel complex, lies 150m to the east at its closest point.
6. The site is not restricted by any statutory or non-statutory environmental policy designations. The nearest feature is Glyme and Dorn Conservation Target Area (CTA) approximately 300 metres north of the site and Valleys Little Tew Meadows Site of Special Scientific Interest (SSSI), located approximately 900 metres north-west of the site.
7. A Public Right of Way (PRoW) runs to the west to east direction approximately 800m to the north of the site (Footpath 345/5/10). Although not a footpath or bridleway, Green Lane to west of the B4022 has public access as part of the highway network and is understood to be an unclassified road. It is surfaced but it is understood this was carried out without authorisation by the County Council as Highway Authority. Public access ends on Green Lane at Soho Farmhouse staff complex, when it splits to access Enstone Airfield.
8. The Cotswolds Area of Outstanding Natural Beauty (AONB) is located approximately 4.6km south-west of the site.

Application 2

9. The application site is a flat area of tarmac lying at approximately 165m AOD being part of a former runway. The access to the site is via a narrow road (Green Lane) which runs a short distance east from the B4022. The

surrounding area comprises the airfield itself a mixture of farmland with limited areas of woodland. There are some commercial businesses, but residential properties are limited in the surrounding area. The western half of Enstone Airfield is still used for light aircraft and a number of commercial businesses are located on the airfield. The Soho Farmhouse, a boutique hotel complex, lies 200m to the north-west at its closest point to processing and storage area.

10. The site is not restricted by any statutory or non-statutory environmental policy designations. The nearest feature is Glyme and Dorn Conservation Target Area (CTA) approximately 350 metres north west of the site and Valleys Little Tew Meadows Site of Special Scientific Interest (SSSI), located approximately 2.4 north-west of the processing area.
11. A Public Right of Way (PRoW) runs to the west to east direction approximately 950m to the north of the site (Footpath 345/5/10). Although not a footpath or bridleway, Green Lane to west of the B4022 has public access as part of the highway. Our understanding is Green Lane is an unclassified road, with the surfacing carried out without authorisation by the County Council. Public access ends on Green Lane at Solo Farmhouse staff complex, when it splits to access Enstone Airfield.
12. The Cotswolds Area of Outstanding Natural Beauty (AONB) is located approximately 5km south-west of the site.

Planning History

Application 1

13. The site has no planning history.

Application 2

14. There are number of planning permissions relating to the application site, with the majority relating to the use of the airfield for motor sports. However, outline planning permission was permitted by West Oxfordshire District Council in May 2020 for the 'construction of museum building, show lane building, corporate hospitality building, energy centre/store building, workshop building. Formation of car exercise road. Construction of 28 holiday lodges. Formation of landscaped grounds. Associated site services and external works'. The planning permission (18/03319/OUT) is known as the Mullin Development.

Both applications

15. Quarrying of limestone commenced at the quarry in early 2021. In addition, the applicant was processing and storing the limestone at the disused airfield. Initially the applicant stated the works had commenced under permitted development (PD) rights. But it was the view of the Mineral Planning Authority (MPA), that works exceeded PD rights. The MPA served a Temporary Stop Notice on the 20th May 2021 which expired on the 16th June 2021. Therefore, these applications were made partly retrospectively seeking to regularise the works already carried out as well as those proposed prospectively.

Details of Proposed Development

Overview

16. The applicant has made two applications for consideration together in order to enable the extraction of limestone, with the processing and storage taking place on the neighbouring former airfield. The two partly retrospective applications are temporary, which include the importation of excess clay and overburden from Great Tew Ironstone Quarry to achieve an agricultural restoration of the quarry.

Application 1 (MW.0100/21)

17. The applicant seeks via a full (but partly retrospective) planning application for extraction of limestone and deposit of imported clay to achieve an agricultural restoration. The development is proposed to be time limited, and the mineral is stated to be primarily to supply farming operations within the Great Tew Estate, with the remaining amount of mineral to be exported off site. Approximately 150,000 tonnes of limestone would be won over an 18-month period with a split of two thirds for use on the agricultural holding and one third exported. A further 6 months beyond the date final mineral is extracted is required to complete the restoration works. Approximately 40,000 tonnes are stated to have already been removed, with 27,700 tonnes having been stated to be used on the farm and 13,300 tonnes having been exported off site.
18. The western part of the application site has already been worked and partially infilled. It is proposed that extraction is proposed to continue from the west in an easterly direction. The existing extraction area covers 0.4ha and the extension yet to be worked a further 1.2ha. The limestone would be worked to its full depth, circa 7m with a maximum depth of extraction of approximately 10m. The applicant allows for any natural variation such as faulting down to 144.5m AOD.
19. The mineral would be dug by an excavator and transported 'as dug' to a nearby site [covered by application 2] for processing on an area formally used as part

of Enstone Airfield. No blasting would take place on the site. Extraction boundaries would be kept at 5 m from any existing field boundaries.

20. The mineral is identified as Chipping Norton Limestone. The mineral reserve has been proven by borehole and trial pit investigation together with testing of samples. The mineral is proposed to be used for a suitable range of aggregate uses as well as walling stone and building stone products. The mineral used on the Estate would be used for a variety of purposes including building stone, agricultural lime and agricultural tracks.
21. Soils would be stripped and respread in appropriate conditions to avoid damage to soil structure. All soil arising on site would be retained and used for restoration purposes. Soils would be stored separately from other materials and stored in bunds no more than 3m high on the existing void area to the west.
22. The mineral is proposed to be dug dry as the excavations would not reach the water table which lies 40m+ below ground levels as stated in the Flood Assessment Report (FRA). Therefore, there would be no quarry dewatering.
23. The FRA has provided a drainage strategy for the site to ensure there is no increase flood risk during the development and once restoration to agriculture is completed. As part of the restoration scheme, a 'dry' pond feature to provide attenuation sized to provide an appropriate allowance for climate change would be provided.
24. Excess overburden and clay from the nearby Great Tew Quarry would be used to reinstate the excavation void to original ground levels. The restoration would be progressive with the overburden from the new working area used to reinstate ground in the western void and clay from Great Tew used to make up the deficit. Approximately 100,000m³ of clay would be brought to the site to assist reinstatement and restoration. A small area of tree planting and ephemeral pond is proposed to create an island in the field. The trees would be planted on the edge of the pond, so it would be scrubby, wet woodland species. Additional tussocky grass/scrub field margin would be provided along the southern border to increase the biodiversity gain provided.
25. The proposed quarry is accessed via a haul road onto Green Lane, via a pre-existing field access in a break in the tree line. The extracted limestone would be removed by lorries to a proposed processing and storage site (covered by

application 2). The mineral would only traverse a limited segment of the eastern part of Green Lane, therefore mineral from the quarry doesn't need to travel by the wider public highway other than this limited eastern segment. However once processed the mineral would travel on the public highway. The Transport Statement estimates that the traffic generated between both the quarry and processing site would see between 28 to 32 movements per day, approximately 3 movements per hour.

26. The applicant states that the development would generate six additional employees for the duration of the operation and a further five employees associated with transportation.
27. The application proposes no fixed infrastructure either in the form of buildings, plant or lighting.
28. No formal landscaping is proposed for screening purposes for the duration of the excavation, the application states this is due to the short duration of working and the lack of public viewpoints into the site.
29. The restored land would be subject to a full programme of cultivation and management to return the site to the same agricultural use as the surrounding field farmed by the applicant.

Application 2 (MW.0102/21)

30. The applicant seeks retrospective planning permission for 'temporary change of use to mineral storage and processing operation'. The proposal would see the use of the hardstanding area on the airfield to process and storage limestone extracted from the nearby Quarry Farm to the north of the airfield. It is proposed that operations would continue for a further 18 months from the date of consent. Approximately 150,000 tonnes of limestone from the quarry would be accepted to site for processing. Two thirds of the processed material would be for use on the Great Tew Estate farm, and the remaining one third exported.
31. The processing would take place using a mobile plant. In addition, building stone products would involve dressing of stone by hand tool and guillotine. Aggregate and agricultural lime would be produced by crushing and screening, using a Powerscreen X400 jaw crusher, Powerscreen Maxtrax 1000 cone crusher and Warrior 1800 screen together with loading shovels. The crushing

plant has a Part B environmental permit issued by the West Oxfordshire District Council which controls emissions to air.

32. Mineral would be stored on site in both unprocessed and processed form, in stockpiles not exceeding 5m high to ensure no conflict with aviation interests of the adjoining airstrip.
33. No fuel storage is proposed on site. Existing fuel facilities at Enstone Airfield would be used.
34. The application proposes no fixed infrastructure either in the form of buildings, plant or lighting. The site already has offices and welfare facilities at the airfield owned by the applicant.

Transport

35. The applicant states that the development would generate 10 additional site employees for the duration of the operations, and a further 5 employees associated with transportation.
36. The applicant proposes an average of 38 HGV movements per day. Two thirds of the movements would not leave the estate but would still use part of the highway to move the mineral.
37. No formal landscaping is proposed for screening purposes, the applicant states this is given the short duration of the development and the lack of public viewpoints into the site. Upon cessation of operations the site would be returned to its original state, with all material and plant removed from the site. The application site is in due course envisaged by the applicant to be transferred to the Mullin Development.

Both Applications

38. The noise created from the proposed developments would be managed by measures to be implemented to minimise and control noise. This includes restricting operation of one plant at any one time, no on-site processing, site vehicles fitted with silencers, use of directional reversing alarms with routing of vehicles to minimise requirement for reversing, limiting working hours, and daily recording site activities and conditions.

39. Dust management measures would be implemented to minimise and control dust including using water on internal roads when conditions are dry, no soil movements in very dry and windy conditions, no on-site processing and daily recording site activities and conditions. The water supply is available at Enstone airfield for use on site.
40. The applicant proposes hours of operation for all activities on site including transportation to be 7.00am to 4.30pm Monday to Fridays, with no operations on Saturdays, Sundays or Bank/Public Holidays except for work required in emergencies.

Additional and Revised Information

PART 2 – OTHER VIEWPOINTS

41. There were two periods of public consultation. The full text of the consultation responses can be seen on the e-planning website¹, using the references MW.0100/21 and MW.0102/21. These are also summarised in Annex 3 to this report.
42. No third-party representations were received during the consultation period.

PART 3 – RELEVANT PLANNING DOCUMENTS

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

43. In accordance with Section 70 of the Town and Country Planning Act 1990, planning applications must be decided in accordance with the Development Plan unless material considerations indicate otherwise.

Development Plan Documents

44. The Development Plan for this area comprises:
 - Oxfordshire Minerals and Waste Local Plan Part 1: Core Strategy (OMWCS)
 - Oxfordshire Minerals and Waste Local Plan 1996 saved policies (OMWLP)
 - The West Oxfordshire Local Plan 2031 (WOLP)

¹Click here to view applications [MW.0100/21](#) and [MW.0102/21](#)

45. The **Oxfordshire Minerals and Waste Local Plan Part 1: Core Strategy** (OMWCS) was adopted in September 2017 and covers the period to 2031. The Core Strategy set out the vision, objectives, spatial planning strategy and policies for meeting development requirements for the supply of minerals and the management of waste in Oxfordshire.
46. The **Oxfordshire Minerals and Waste Local Plan 1996** (OMWLP) was adopted in July 1996 and covered the period to 2006. Some policies of the OMWLP were replaced following adoption of the OMWCS in 2017 but 16 policies continue to be saved. They are due to be replaced on the adoption of the Oxfordshire Minerals and Waste Local Plan Part 2: Site Allocations. The saved policies are site-related policies and none of them apply to the area proposed in this planning application. Therefore, they are not relevant to the determination of this planning application.
47. The **West Oxfordshire Local Plan 2031** (WOLP) was adopted on 27th September 2018. The plan contains detailed development management policies.

Emerging Plans

48. The **Oxfordshire Minerals and Waste Local Plan Part 2: Site Allocations** (OMWSA) (upon adoption) will set out those mineral and waste sites needed to deliver the Core Strategy and may include further development management policies. The Site Allocations Document is currently being prepared, and very limited weight can be given to the emerging plan in decision-making. There has been a delay in the production of the Preferred Options consultation, which was expected in August 2021, whilst a Review of the Core Strategy is undertaken. An updated Minerals and Waste Development Scheme setting out the revised timetable, including the Core Strategy Review, was approved in October 2021.
49. The **Oxfordshire Minerals and Waste Local Development Scheme** (12th Edition) (OMWDS) contains a number of key changes to ensure that the Oxfordshire Minerals and Waste Local Plan is in conformity with the National Planning Policy Framework and based on a sound evidence base. The key changes are:
 - Inclusion of a Review of the Oxfordshire Minerals and Waste Local Plan Part 1 Core Strategy;
 - Inclusion of a Partial Update including an update to policy M2 to the Minerals and Waste Local Plan: Part 1 - Core Strategy and updating the

figures for mineral extraction to feed into the Part 2 - Site Allocations Document; and

- Delay to the production of the Minerals and Waste Local Plan: Part 2 - Site Allocations Document.

50. The OMWDS now programmes the adoption of both the Partial Update of the Part 1 - Core Strategy and the Part 2 - Site Allocations Document for the winter of 2024. The Council was due to undertake consultation on the Core Strategy Review and the Partial Update of it in November 2021 to January 2022 with a further consultation on the Preferred Options on the Site Allocations and Partial Update in the summer of 2022. However, there has been a delay in this consultation and the implications of this delay are currently being explored and an updated timetable is being prepared.

Other Policy Documents

51. The **National Planning Policy Framework (NPPF)** was first published in 2012 and revised on the 20th July 2021. This is a material consideration in taking planning decisions.
52. The **National Planning Policy for Waste (NPPW)** was published in 2014 and is a material consideration in taking planning decisions.
53. The **National Planning Practice Guidance (NPPG)** contains specific advice on matters including determining a planning application and the natural environment.
54. There is no adopted neighbourhood plan that encompasses the application site area.

Relevant Development Plan Policies

55. The OMWCS polices most relevant to this development are:
- Policy M2: Provision for Working Aggregate Minerals
 - Policy M3: Principal locations for working aggregate minerals
 - Policy M4: Site for working aggregates minerals
 - Policy M5: Working of aggregates minerals
 - Policy M7: Non aggregate mineral working
 - Policy M10: Restoration of mineral workings
 - Policy W6: Landfill and other permanent deposit of waste to land
 - Policy C1: Sustainable development

- Policy C2: Climate Change
- Policy C4: Water environment
- Policy C5: Local environment, amenity and economy
- Policy C6: Agricultural land and soils
- Policy C7 – Biodiversity and Geodiversity
- Policy C8: Landscape
- Policy C9: Historic environment and archaeology
- Policy C10: Transport
- Policy C11: Rights of way

56. The WOLP polices most relevant to this development are:

- Policy EH2 – Landscape Character
- Policy EH3– Biodiversity and Geodiversity
- Policy EH8 - Environmental Protection
- Policy OS1 - Presumption in favour of sustainable development
- Policy OS3 - Prudent use of natural resources

PART 4 – ASSESSMENT AND CONCLUSIONS

Comments of the Assistant Director for Strategic Infrastructure and Planning

57. The NPPF sets out a presumption in favour of sustainable development (paragraph 10), which is supported by policy C1 of the OMWCS. This means taking a positive approach to development and approving an application which accords with the development plan without delay unless material considerations indicate otherwise.

58. All planning applications must be determined in accordance with the Development Plan, unless material considerations indicate otherwise, in accordance with the Town and Country Planning Act 1990. The key planning policies are set out above and discussed below in accordance with the key planning issues.

59. Application MW.0100/21 proposes the extraction of limestone and restoration with inert material. No mineral processing and storage will take place within the quarry, instead it is proposed under Application MW.0102/21 on the nearby disused airfield to the south-east of Green Lane. It is therefore considered that the two applications serve to deliver one overall development and so should be considered together. The key planning issues are:

- i. Mineral
- ii. Waste
- iii. Landscape and visual impacts
- iv. Restoration
- v. Biodiversity
- vi. Transport
- vii. Rights of way and public access
- viii. Archaeology
- ix. Amenity and health
- x. Flood risk and water environment
- xi. Carbon emissions, natural resources and waste
- xii. Sustainable development

Mineral

Application 1

60. Subject to compliance with policy M5 of the OMWCS, policy M2 of the OMWCS requires that provision will be made to maintain a landbank for crushed rock reserves of at least ten years over the plan period in accordance with the annual requirement rates in the most recent Local Aggregate Assessment (LAA 2021). The estimated landbank for crushed rock in the LAA 2021 as of 31st December 2021 is 6.983 million tonnes which equates to 8.86 years. On this basis, there is therefore a calculated shortfall of 1.14 years in the Council's landbank for crushed rock at the end of 2021. This is a not an insignificant amount of mineral and it is reasonable to conclude that there is a need for further permissions to be granted in order to address this deficit. A grant of planning permission to this application would therefore contribute to this.
61. Policy M5 of the OMWCS states that prior to the adoption of the Minerals & Waste Local Plan: Part 2 – Site Allocations Document, permission will be granted for the working of aggregate minerals where this would contribute towards meeting the requirement for provision in policy M2 and provided that the proposal is in accordance with the locational strategy in policy M3 and the requirements of policies C1-C12. In this case the working would contribute to the crushed rock reserve however the site is not within an identified strategic resource area (SRA) for crushed rock as set out in policy M3. These SRAs are expanded on in paragraph 4.22 of the Core Strategy, and the context of the SRAs in the overall mineral strategy is set out in paragraph 4.2 of the Core Strategy. The site would therefore contribute to meeting the requirement for provision in policy M2 but is not within the locational strategy in policy M3.

62. There is a contingency in policy M5 that allows for sites to be granted permission outside the sites allocated in the OMWSA in accordance with policy M4 of the OMWCS if there is a need to provide a steady supply of mineral, and this would be for such a situation as this where the landbank has dropped below the 10 years required for crushed rock. However, this still requires that the site meets the locational strategy in policy M3. In this case this part of policy M5 is not directly applicable because the sites have yet to be allocated in the Site Allocations Document but the situation that pertains at the current time is that there is a shortfall in the crushed rock landbank.
63. Policy M7 of the OMWCS states permission will be granted for new quarries for extraction of building stone where a need for material has been demonstrated and scale, extent and location of the proposed quarrying are such that adverse impacts upon the environment and amenity can be avoided, minimised or adequately mitigated.
64. With regard to the production of crushed rock proposed in the application, it is clear that there is a not insignificant deficit in the landbank and so a need for crushed rock in Oxfordshire which is not being met through existing planning permissions. A grant of planning permission to this application would help to address this but would be contrary to development plan policies M2, M3 and M5 as set out above. Planning permission could then be refused to this application as being contrary to these policies. However, the deficit in the landbank of over one year is not insignificant and there is therefore a case for considering whether planning permission should be granted to this application as an exception to policy on the grounds that there is an over-riding need for further planning permissions to be granted in order to, at least in part, address this deficit. This would of course be subject in the planning balance to there being no other over-riding reasons for refusal to the application.
65. The application states that two-thirds of the mineral extracted will be used on the Great Tew estate to supply its farming operations, with approximately 50,000 tonnes exported beyond the estate. This would nonetheless still contribute to the overall demand for crushed rock of which that of the estate would be a part. The application site does not lie within an area which would normally be granted planning permission if the landbank were sufficient, and the applicant has explicitly stated that the primary use of the mineral would be for developments within the Great Tew Estate. As a departure from development plan policy, if the committee is minded to grant planning permission, a condition could be attached to any planning permission granted requiring that no more

than a third of the total limestone extracted is exported for use outside the Great Tew estate boundary.

66. The application is put forward on the grounds that it would primarily supply farming operations within the Great Tew Estate. Permitted development rights exist for the winning and working on land held or occupied with land used for the purposes of agriculture of any minerals reasonably necessary for agricultural purposes within the agricultural unit of which it forms part (Town and Country Planning (General Permitted Development) (England) Order 2015 as amended, (Schedule 2 Part 6 Class C). It has been stated by the applicant that the area of the agricultural unit is the same as that of the Great Tew estate. It would be concerning if planning permission were to be granted to this application as a departure from the development plan, which is primarily intended to meet the agricultural needs of the Great Tew estate and then other areas of limestone extraction were to occur within the same agricultural unit contemporaneously leading to a concentration of mineral workings with additional environmental impacts. One way to address this would be that any planning permission granted should also be subject to a condition removing these permitted development rights in order to avoid an over-concentration of mineral workings within the estate.
67. With regard to policy M7 of the OMWCS, although the application refers to high quality stone, and agricultural lime, it sets out that the quarry would be principally for type 1 aggregate, and this is borne out by the quantity of mineral to be worked. This building stone would be incidental to the aggregate working but to the extent that it would be extracted it needs to be considered against this policy. It is considered that there will be a need for building stone within the Great Tew Estate for both other developments and maintenance of existing structures. Subject to consideration that adverse impacts upon the environment and amenity can be avoided, minimised or adequately mitigated as discussed below it is considered that the application would be broadly in compliance with this policy.

Application 2

68. The use of the land at Enstone Airfield North is not for mineral extraction and so the above referenced policies do not apply. The application is ancillary to the mineral extraction proposed in application 1 and whilst it is a separate planning unit, it is very closely located to the source of the mineral that would be stored and processed. Therefore, if the committee is minded to grant planning permission to application 1, it is considered that there are no additional mineral policy issues arising with regard to this application. A condition should though be attached to require that records are kept and made available to the MPA to

show that no more than one-third of the mineral brought to the site for storage and processing is exported for use outside the Great Tew estate.

Waste

Application 1

69. The proposal has an element of landfilling. OMWCS Policy W6 states that priority will be given to the use of inert waste that cannot be recycled as infill material to achieve the satisfactory restoration of active and unrestored quarries subject to compliance with other plan policies.

70. The need for the landfill is dependent on the decision on the application for quarrying. The use of waste to restore the land if permission is granted for extraction would comply with policy W6 subject to consideration of other development plan policies as set out below.

Application 2

71. No waste management is proposed as part of Application 2 and so development plan waste policies are not relevant.

Landscape and Visual Impacts

72. OMWCS policy C8 states that minerals and waste development shall demonstrate that it respects and where possible enhances the local landscape character and shall be informed by landscape character assessment. Proposals shall include adequate and appropriate measures to mitigate adverse impacts.

73. WOLP Policy EH2 requires the quality, character and distinctiveness of West Oxfordshire's natural environment, including its landscape and tranquillity to be conserved and enhanced.

Application 1

74. Initially the Landscape Specialist had objections to the proposal. No Landscape Assessment had been carried out, and the officer felt that the clump of trees proposed for the centre of the field would be isolated. But after a Landscape and Visual Appraisal (LVA) was submitted, the officer removed their objections to the proposal, subject to a condition related to implementation and management of restoration in addition, the restoration scheme was revised to provide a strip of scrubby woodland planting and tussocky grassland along the southern boundary. This could be conditioned should planning permission be granted to the application.

75. The proposed development set out in the application is therefore considered to be in accordance with policy C8 of the OMWCS and policy EH2 of the WOLP.

Application 2

Initially the Landscape Specialist had objection to the proposal. A LVA was provided in relation to Application 1, and this included some information included that related to this application. The officer removed their objection, stating that airfield already comprises a variety of uses and that it is also subject to a number of planning permissions. In addition, the case officer has included a condition limiting the height of stockpiles to 5 metres. The proposed development is temporary and is not expected to be visible in public views.

76. The proposed development set out in the application is therefore considered to be in accordance with policy C8 of the OMWCS and policy EH2 of the WOLP.

Restoration

77. OMWCS policy M10 states that mineral workings shall be restored to a high standard and in a timely and phased manner. It lists criteria which the restoration and afteruse of mineral workings must take into account, including the character of the landscape, the conservation and enhancement of biodiversity and the quality of agricultural land. It states that planning permission will not be granted for mineral working unless satisfactory proposals have been made for the restoration, aftercare and afteruse of the site. The proposed restoration would also need to be judged against policies C1 – C12.

Application 1

78. The proposed development is partly retrospective, and extraction would take place over an additional 18 months, with restoration completed within 6 months of extraction. The application proposes progressively restoring the site with onsite materials and material imported from the nearby Great Tew Quarry within the estate. The restoration scheme has raised no objections from the Landscape Specialist or the County Ecologist, after the scheme was enhanced as set out elsewhere in this report.
79. As the restoration would be delivered 'in a timely and phased manner', it has been judged to be in accordance with policy M10 of the OMWCS subject to consideration of other development plan policies.

Application 2

80. No restoration is proposed as part of Application 2 as the development would cease at the end of the temporary period and the plant and machinery and any remaining stockpiles would be removed. The land would then revert to a hardstanding as part of the former runway.

Biodiversity

81. NPPF paragraph 174 states that the planning system should contribute to and enhance the natural and local environment by minimising impacts on biodiversity and providing net gains in biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures.
82. NPPF paragraph 180 states that when determining planning applications, planning authorities should refuse planning permission if significant harm to biodiversity cannot be avoided. Development resulting in the loss or deterioration in irreplaceable habitats should be refused unless there are wholly exceptional reasons and a suitable strategy for compensation. Opportunities to incorporate biodiversity improvements in and around developments should be encouraged, especially where this can secure measurable net gains for biodiversity.
83. OMWCS policy C7 states that minerals development shall, where possible, lead to a net gain in biodiversity. It also states that all minerals development shall make an appropriate contribution to the maintenance and enhancement of local habitats, biodiversity or geodiversity and satisfactory long-term management for the restored site shall be included in proposals.
84. WOLP policy EH3 states that biodiversity of West Oxfordshire shall be protected and enhanced to achieve an overall net gain in biodiversity and minimise impacts on geodiversity.

Application 1

85. Initially the County Ecologist objected to the application, stating they would like the development to be covered by a long-term management plan secured by a Section 106 Agreement, and requested a biodiversity metric, in order to assess whether the development showed a biodiversity gain. After further discussions with the applicant, a more detailed scheme was supplied, and the County Ecologist created a biodiversity metric. The end result showed the development was not showing a biodiversity gain. Further enhancements were then provided which included a strip of scrubby woodland planting and tussocky grassland

along the southern boundary. The outcome of the enhancement led to the County Ecologist removing their objection, subject to a condition requiring a Landscape and Environmental Management Plan (LEMP), which includes the commitment to retain and manage the habitats for a minimum of 20 years, after the initial five years of aftercare. The site was previously agricultural land which was actively cultivated and would be restored to the same use. In this circumstance, it is the officer view that a 20-year long-term management of the site is not justified based on the size and nature of the restoration scheme in order to make the development acceptable. The submission of a LEMP to cover the five years of aftercare which would in any instance be required by condition would though be appropriate. A LEMP was later provided, which was sent out to consultation to the County Ecologist. The Ecologist was happy with the document provided and removed the need for the condition. Overall, the proposals are considered to be in accordance with policies related to biodiversity including OMWCS policy C7 and WOLP policy EH3.

Application 2

86. The proposals are for processing and storage on an existing hardstanding area. Therefore, there is little or no existing biodiversity which is likely to be impacted. Once extraction is completed in Application 1 and the stored mineral processed, all stockpiles and plant would be removed. It not proposed to include biodiversity enhancements as the development is for a temporary use of land which will then revert back to its previous state as a hardstanding forming part of a former runway.

Transport

87. NPPF paragraph 113 states that all development that generates significant amounts of movement should be supported by a Transport Statement or Transport Assessment. Paragraph 111 states that development should only be refused on transport grounds where there would be an unacceptable impact on highway safety or the residual cumulative impacts on the road network would be severe.
88. OMWCS policy C10 states that minerals development will be expected to make provision for safe and suitable access to the advisory lorry routes shown in the plan and if possible, lead to improvements in the safety of all road users, the efficiency and quality of the network and residential and environmental amenity. Where practicable minerals shall be transported by rail, water or conveyor. Where minerals are to be transported by road, they should be in locations which minimise road distances.

Both Applications

89. Initially the Highways officer objected to the applications, but after a technical note was supplied the officer was happy to remove his objection subject to conditions relating to highway safety and mud on the road: Signage to drivers to be aware of pedestrians and signage to non-motorised users to keep to the side of the carriageway and provision of wheel wash facilities to prevent mud on the road. As there is no water supply, the applicant has suggested a Euro Rumble Decks system in order to remove mud from the wheels. In addition, signage details were provided. The Highways officer reviewed the details and removed his requirement for the conditions.

90. Enstone Parish Council also objected to the application, requesting a Routeing Agreement if the County Council is minded to approve to prevent HGV traffic passing through Middle Barton. The Highways Officer did not require a Routeing Agreement. With two thirds of the mineral to be used within the Great Tew Estate, then there would only be approximately 19 HGV movements per day using the wider road network. Considering the likelihood of vehicles using the route via Middle Barton, it is not considered that a Routeing Agreement would be required in order to make the impacts of the development acceptable. Overall, the development is considered to comply with these policies.

Rights of Way and Public Access

91. NPPF paragraph 100 states that planning policies should protect and enhance public rights of way and access and local authorities should seek opportunities to provide better facilities for users, for example by adding links to existing rights of way networks.

92. OMWCS policy C11 states that the integrity and amenity value of the rights of way network shall be maintained and if possible, it shall be retained in situ in a safe and useable condition. Diversions should be safe, attractive and convenient and, if temporary, shall be reinstated as soon as possible. Improvements and enhancements to the rights of way network will generally be encouraged.

Both Applications

93. There are no public rights of way within the application boundaries for both applications, but Green Lane can be used by non-motorised users. There have been no objections from the OCC Rights of Way Team, but they request via Section 106 agreement, the creation of a new bridleway along the length of Green Lane. Under the outline planning permission for the new Mullin

Development, there is a requirement to create a new bridleway, the request would bring forward the creation of the new right of way.

94. As the development is only temporary in nature proposed over an 18-months period, it is the officer view that the right of way proposed could not be justified in order to render the development acceptable. It is also not related to the Mullin Development. The proposals are considered to be in accordance with relevant development plan policy relating to rights of way.

Archaeology

95. Policy C9 of the OMWCS states Proposals for minerals and waste development will not be permitted unless it is demonstrated, including where necessary through prior investigation, that they or associated activities will not have an unacceptable adverse impact on the historic environment.

Application 1

96. The County Archaeologist objected to Application 1 in the first round of consultation, requesting a further archaeological investigation to be undertaken. The applicant's consultant produced an Archaeological Evaluation Report. After amendments were made, the County Archaeologist removed his objection to the application, subject to conditions. The conditions require an Archaeological Written Scheme of Investigation to be submitted, then once approved, a programme of archaeological mitigation to be carried out by the commissioned archaeological organisation in accordance with the approved Written Scheme of Investigation. The report for publication is then required to be produced and submitted within two years of the completion of the archaeological fieldwork. A Written Scheme of Investigation has now been submitted and is with the County Archaeologist for consideration and officers will update the committee on this at the committee meeting.

Application 2

97. There is no objection to Application 2 which does not involve any ground disturbance being a temporary on an existing area of hardstanding.
98. Therefore, the proposals, subject to conditions, are considered to be in accordance with Policy C9 of the OMWCS.

Amenity and health

99. NPPF paragraph 185 states that decisions should ensure new development is appropriate for the location by taking into account the likely effects (including cumulative effects) on health, living conditions and the natural environment. This includes mitigating and reducing to a minimum potential noise impacts and limiting the impact of light pollution on amenity, intrinsically dark landscapes and nature conservation.
100. OMWCS policy C5 states that proposals for mineral and waste development shall demonstrate that they will not have an unacceptable adverse impact on the local environment, human health and safety, residential amenity and the local economy, including from a range of factors including noise, dust, visual intrusion, light, traffic, air quality and cumulative impact. Where necessary, appropriate buffer zones between working and residential development will be required.
101. WOLP EH8 states proposals which are likely to cause pollution or result in exposure to sources of pollution or risk to safety, will only be permitted if measures can be implemented to minimise pollution and risk to a level that provides a high standard of protection for health, environmental quality, and amenity.

Both Applications

102. OCC Public Health were consulted and recommended a Dust Management Plan (DMP) is produced. The applicant submitted both a DMP and Noise Management Plan (NMP). The Public Health officer has no objections. No objections have been received from the Environmental Health Officer. Both application sites are well located from major receptors like residential properties and public rights of way. The nearest developments are the others at Enstone Airfield and the Soho Farmhouse developments. No objections have been received from these or other third parties and it is not considered that either application would have an unacceptable impact on amenity or health. The developments proposed in the applications are considered to be in accordance with policy EH8 of the WOLP and policy C5 of the OMWCS.

Flood risk and water environment

103. OMWCS policy C3 states that minerals and waste development will, where possible, take place in areas with the lowest probability of flooding. Where development takes place in areas of flood risk, this should only be where other areas have been discounted using the sequential and exception tests as

necessary and where a flood risk assessment demonstrates that risk of flooding is not increased from any source. The opportunity should be taken to increase flood storage capacity in the flood plain where possible.

104. OMWCS policy C4 states that proposals for mineral and waste development will need to demonstrate that there would be no unacceptable adverse impact on surface or groundwater resources. Watercourses of significant value should be protected.
105. WOLP EH8 states that proposals for development will only be acceptable provided there is no adverse impact on water bodies and groundwater resources, in terms of their quantity, quality and important ecological features.

Application 1

106. After the first round of consultation, the Lead Local Flood Authority (LLFA) did not object to the scheme after reviewing the Flood Risk Assessment. The site is located in an area that is unlikely to flood, the water table lies 40m+ below ground levels. The final restoration includes an ephemeral pond, which would likely hold water in the autumn and winter. No comments were received from the Environment Agency.
107. The proposed development is considered to be in accordance with OMWCS policies C3 and C4, and WOLP policy EH8.

Application 2

108. The Lead Local Flood Authority have no objections to the scheme. The site is located on a hardstanding area, no water will be used in the process of crushing and storing the mineral.
109. The proposed development is considered to be in accordance with OMWCS policies C3 and C4, and WOLP policy EH8.

Carbon Emissions, Natural Resources and Waste

Both Applications

110. OMWCS policy C2 states that all developments should seek to minimise their carbon emissions. WOLP policy OS3 states that developers should make effective use of natural resources, including by minimising waste, efficient use of water, improvements to water and air quality. Two thirds of the mineral extracted would be used locally within the Great Tew Estate, therefore reducing

the need to transport mineral over longer distances and so minimising carbon emissions created. The quarry would be infilled with clay and overburden sourced locally from an existing consented quarry within the estate. The processing and storage area is not located within the quarry but is located in close proximity on an existing hardstanding area, with only a short distance to travel along Green Lane in order for the mineral to be stored and processed. Therefore, it is considered that the developments proposed minimise carbon emissions and make effective use of natural resources in accordance with OMWCS policy C2 and WOLP policy OS3.

Sustainable Development

111. OMWCS policy C1 states that a positive approach will be taken to minerals and waste development in Oxfordshire, reflecting the presumption in favour of sustainable development in the NPPF. It states that planning applications that accord with the policies in OMWCS will be approved unless material considerations indicate otherwise. WOLP policy OS1 also reflects the presumption in favour of sustainable development. NPPF paragraph 10 states that a presumption in favour of sustainable development is at the heart of the NPPF. NPPF paragraph 11 states that for decision taking this means approving development proposals that accord with an up-to-date development plan without delay.

Application 1

112. The development is contrary to minerals policies M2, M3 and M5. However, it is considered that the over-riding need for further permissions to be granted for crushed rock leads to a position of an exception to development plan policy being made. The application also proposes that two-thirds of the mineral would be used locally within the Great Tew Estate and that the infill material would also be sourced locally from Great Tew Quarry. Subject to these controls which would serve to minimise the distance over which the mineral and infill material would be transported and so limiting the associated environmental impacts, being required by conditions, it is considered that on balance the development is rendered to be sustainable.

Application 2

113. For the reasons rehearsed above, it is the officer's view that Application 2 does accord with these sustainable development plan policies.

Financial Implications

114. Not applicable as the financial interests of the County Council are not relevant to the determination of planning applications.

Legal Implications

115. Legal comments and advice have been incorporated into the report.

Equality & Inclusion Implications

116. In writing this report due regard has been taken of the need to eliminate unlawful discrimination, harassment and victimisation, advance equality of opportunity and foster good relations between different groups. It is not however considered that any issues with regard thereto are raised in relation to consideration of this application.

Conclusions

Application 1 (MW.0100/21)

117. Whilst it is highly disappointing that the development commenced prior to making a planning application, the planning application should be considered on its own merits in reference to the local development plan and any other material considerations in accordance with the planning judgement of section 38(6) of the 1990 Act. Although the application is contrary to policies M2, M3 and M5 of the OMWCS, there is a significant shortage in the county's landbank for crushed rock which supports a departure from the development plan. In addition, two thirds of the materials extracted are for use within the estate, with only a third exported beyond the estate with the fill material also being sourced locally. Therefore, there is justification for approving the development as it will contribute to the shortfall in the crushed rock land bank, minimise transportation of limestone and use clay and overburden from the ironstone quarry within the estate for restoration.

Application 2 (MW.0102/21)

118. Again, this development commenced prior to making a planning application and equally the planning application should be considered on its own merits in reference to the local development plan and any other material considerations in accordance with the planning judgement of section 38(6) of the 1990 Act. The processing area is well located away from residential properties, on site with commercial and industrial uses, and is well screened. The processing and storage area will be removed at the end of the life of the quarry. It is considered to be in accordance with development plan policies.

RECOMMENDATION

It is RECOMMENDED that planning permission for application MW.0100/21 be approved subject to conditions set out in Annex 1.

It is RECOMMENDED that planning permission for application MW.0102/21 be approved subject to conditions set out in Annex 2.

Rachel Wileman

Assistant Director for Strategic Infrastructure and Planning

Annex:	1	Conditions (MW.0100/21)
	2	Conditions (MW.0102/21)
	3	Consultee Responses
	4	European Protected Species

Background papers: Nil.

Annex 1 – Conditions (MW.0100/21)

1. Development shall be carried out in accordance with the approved drawings and details.
2. Time limit for extraction 18 months from the date of the permission and time limit for restoration within 6 months of completion of extraction.
3. Hours of operation 0700 hours to 1700 hours Mondays to Fridays; No operations on Saturdays, Sundays, Public or bank holidays, except for work required in emergencies.
4. Reversing vehicles to use white noise only.
5. No blasting.
6. No mud on the highway, and wheel wash to be installed.
7. Internal haul roads to be maintained for duration of active use then removed.
8. Archaeological Written Scheme of Investigation to be submitted and approved by the Mineral Planning Authority.
9. Following the approved Archaeological Written Scheme of Investigation, a programme of archaeological mitigation shall be carried out in accordance with it and a full report of the findings for publication shall be submitted to the Mineral Planning Authority within two years of completion of archaeological fieldwork.
10. Removal of permitted development rights for the extraction of limestone pursuant to Schedule 2 Part 6 Class C of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended within the rest of the agricultural unit (the Great Tew Estate) in which the quarry would be situated.
11. Signage in accordance with the plans shall be provided in order to protect both motorised and non-motorised users of Green Lane.
12. Planting to be carried out as per the Restoration Scheme.
13. Existing and approved planted hedgerows and trees on site to be maintained.
14. Trees and shrubs planted as approved shall be maintained.
15. Retained trees and shrubs shall be protected and fencing erected and maintained for the duration.
16. No discharge of polluted water off site.
17. Noise and Dust levels shall be managed by the Dust and Noise Management Plan.
18. No unsheeted lorries.
19. No floodlights.
20. Soil handling in accordance with the approved scheme.
21. Soil handling, stockpiling and replacement when dry and friable.
22. Soil storage bunds to be kept weed free.
23. All topsoil, subsoil and overburden to be kept for site restoration only.
24. Sightlines to the public highway shall be provided and maintained for the development's duration.
25. No more than one-third of the extracted mineral to be exported for use outside the Great Tew estate.
26. No infill material to be imported other than from Great Tew Quarry.

Annex 2 - Conditions (MW.0102/21)

1. Development shall be carried out in accordance with the approved drawings and details.
2. Processing and storage area to be moved after 18 months from the date of the permission.
3. Hours of operation 0700 hours to 1700 hours Mondays to Fridays;
No operations on Saturdays, Sundays, Public or bank holidays, except for work required in emergencies.
4. Reversing vehicles to use white noise only.
5. No mud on the highway.
6. Internal haul roads to be maintained for duration of active use then removed.
7. Signage in accordance with the plans shall be provided in order to protect both motorised and non-motorised users of Green Lane. 16. No discharge of polluted water off site.
8. Noise and Dust levels shall be managed by the Dust and Noise Management Plan.
9. No unsheeted lorries.
10. No floodlights.
11. Sightlines to the public highway shall be provided and maintained for the development's duration.
12. Stockpiles limited to 5 metres in height.
13. Records to be kept and provided to the MPA to show that no more than a third of the mineral brought to the site for storage and processing has been exported beyond the estate.

Annex 3 – Consultation Responses Summary

West Oxfordshire District Council - Planning

MW.0100/21

First Response - Officers are of the opinion that there are there is no reason to object the above application. WODC does not object to this scheme subject to OCC Highways raising no objection.

MW.0102/21 – No response received

West Oxfordshire District Council – Environmental Health

All Applications

Email 1

I write to confirm that we have no objection to this application with regard to air quality and noise considerations.

Email 2

Yes I confirm no objection in relation to dust concerns

Enstone Parish Council

Application 1 (MW.0100/21)

Enstone Parish Council unanimously objects to this planning application on the basis that it must go to the Planning Committee for discussion.

Enstone Parish Council raises the following concerns.

1. That the work should not have been carried out without prior permission.
2. That it is part-retrospective.
3. The Ecology Survey states that there is no vegetation but this is because it has all been dug out with the works.
4. An archaeological study should have been carried out prior to mineral extraction taking place.
5. Movement of vehicles - the Parish Council agrees with the email from Mr. Paul Harris, Rights of Way Dept. that with the Green Lane being used as a haulage route is very dangerous for non-motorised road users. The Parish Council endorses his recommendations that the Green Lane being "joined up" be accomplished.
6. Transport Plan and lorries through Middle Barton - have neighbouring Parish Councils been informed of this planning application?
7. Has Soho Farmhouse been approached as the works taking place are 250 m from the new glamping pods.
8. The sleeping policemen on the Green Lane (now removed) - was permission sought for this?
9. There was also concern that soil is being stored on the Mullen site.

Application 2 (MW.0102/21)

Enstone Parish Council objects to this planning application on the basis that it needs to be discussed at the Planning Committee.

Natural England

Both Applications - No objection.

Environment Agency

Both Applications - We regret that Thames Area Sustainable Places is unable to provide a detailed response to this application at this time. We are currently only providing bespoke responses to the highest risk cases.

Public Health (OCC)

Both Applications

Many thanks for the opportunity to review these two applications. I have read the two applications and think that they are unlikely to have significant implications for human health from dust due to the relatively few nearby receptors (noting the Soho Farmhouse Complex approximately 150m N of the processing area with the nearest accommodation 450m away – although no other information about possible sensitive receptors is given, and the site is not in an air quality management area). The list of actions proposed by the applicant to manage dust is welcome, particularly complaints monitoring which should provoke subsequent actions as part of the planning consent.

I note that a formal EIA may not be required for this application with dust control measures usually managed and controlled by environmental permit conditions, however industry standard and best practice approaches to managing the impact of dust and pollution are available and should/are assumed to be followed. This application would be strengthened by a dust management plan that specifies dust monitoring plans and dust thresholds at which a particular action should be taken.

Second Response

After a Dust Management Plan and Noise Management Plan, the officer removed its objection for both applications.

OCC Transport Development Control (Full Response)

First Response – Objection

This is an interim response to the above consultations as I have yet to receive a response from the County's Road Agreements team regarding the condition of Green Lane. I have chased them and will add to this response when I hear back from them. In the meantime, my comments are set out below.

These are separate planning applications but the sites are close to each other and their operations will be closely linked with limestone extracted at the Quarry Farm site (MW.0100/21) being transported to the Enstone airfield (MW.0102/21) site for

storage and processing. As such it is appropriate that the two planning applications are considered together. In recognition of this the applicant has submitted a single Transport Statement (TS) which details transport activity generated by both sites. This is considered to be an appropriate approach.

The TS presents observed traffic flows on Green Lane and projected HGV movements associated with the proposed quarry and processing plant, and concludes that there would be on average some 3 - 4 HGV movements per hour on Green Lane. On the face of it this would appear to be a moderate and acceptable impact if properly managed. However, the following points should be noted.

- No consideration is given to the possibility of peaks and troughs in HGV activity generated by quarrying and processing. It is noted that these are retrospective applications and there has been recent quarrying and processing activity. Records of this activity could be used to identify a worst case HGV movement scenario. This should be explored and presented.
- No consideration is given to the safety and convenience of non-motorised users of Green Lane which does not offer any segregation for pedestrians, cyclists and equestrians. This should be addressed.
- The TS makes no commitment to the provision of wheel wash facilities for vehicles exiting the quarry and processing sites. Observations on site reveal that Green Lane is muddy, especially in the area between the two application sites, and it is likely that this is as a result of previous and on-going operations at the sites. A commitment should be made to the provision and use of wheel wash facilities.
- Section 3.4 of the TS presents a lengthy narrative on road safety. This would best be accompanied by a plan showing the locations of the collisions that are being discussed.
- Paragraph 4.3.5 of the TS states that "...no allowance is made for is made for vehicle moving quarried material between the quarry and the processing plant, as these movements will be wholly undertaken off the highway network." This appears to be inaccurate as there is a section Green Lane between the two application sites. This section is close to the Soho Farmhouse back of house delivery area and staff car park which see a significant amount of vehicle activity. The interface between quarrying and processing activity and Soho Farmhouse activity should be addressed and managed.
- Paragraph 4.3.6 of the TS states that "...60% of the material is to be used within the Estate and therefore not all of this material is required to leave the site on the local highway network." However, there appears no obvious route from the quarry and processing plant other than Green Lane and it is suspected that most if not all material will be transported via this route. If there are suitable internal routes which keep material transport off the highway network then these should be identified and their suitability evaluated.
- Significant routes on the highway network between the application sites and other destinations within and outside the Great Tew estate should be identified for the County to review. The County will seek routing agreements to ensure that suitable routes are adhered to at all times.
- Paragraph 5.4.1 of the TS identifies 8 HGV movements onto the highway network in each direction per day. In relation to the above point it is considered that in reality this number of movements is likely to be greater unless internal routes can be identified and demonstrated.

- Paragraph 5.4.3 identifies 32 HGV movements per day predicted to head north. It is not clear where this number has been derived from. Transport Development Control would not recommend granting permission for these two planning applications until the above matters have been satisfactorily addressed.

Second Response

After a technical note was supplied by the applicant. The Transport officer removed its objection subject to conditions requiring signage to protect both motorised and non-motorised users and a wheel wash to stop mud entering the road. The details on the of the wheel wash and signage has been supplied to the officer.

OCC Rights of Way and Countryside access

Both Applications:

I am concerned about the impact of using Green Lane public highway as a haul road. This route gives service access to the Soho Farmhouse development as well as being shared with walkers, cyclists and horseriders as a quiet road – albeit at the moment as a cul-de-sac.

The Mullins Development (18/03319/OUT) proposed to create a parallel bridleway route to Green Lane including an improved crossing facility of the B4022 and a through route along the historic line of the Lane on a reopened section through what is currently airfield. Given this minerals and waste application will increase HGV and contractor vehicle access along this highway, it seems reasonable that this parallel bridleway creation should be brought forward as a necessary condition to any permission before any operation of the site in order to ensure safety of NMUs and adequate separation. The design and specification details of the bridleway and road crossing facility should be agreed in advance with OCC Access Strategy.

It would also be advantageous to reopen the Lane through the airfield section and to use this development to set out, protect, enhance and reopen the whole route as a bridleway. This would deliver road safety improvements as NMUs would have a mostly traffic-free route to use instead of roads.

OCC Drainage Team and Lead Local Flood Authority

First Response (Full Response)

Both Applications: Requested a Flood Risk Assessment, this had already been supplied. After the second round of consultation objections were removed.

OCC Biodiversity

MW.0100/21

First Response

I'm just reviewing application MW.0100/21 and some further information is required.

They will need to submit a biodiversity metric to demonstrate that a measurable net gain in biodiversity will be achieved. The ecology report states this isn't required, however in line with national planning policy, a measurable net gain must be secured. While no set percentage is provided for Oxfordshire, they must nonetheless demonstrate that a net gain will be achieved, and how this will be managed for 20 years post completion of aftercare.

Second Response

Further information was supplied in the form of a more detailed restoration scheme, which allowed the County Ecologist to create their own Biodiversity metric. The outcome was the scheme proposed did not show a biodiversity gain.

Third Response

Amended scheme was submitted, including additional biodiversity gain in the form of tussocky grass/scrub field margin along the southern border. The County Ecologist was happy to remove its objection subject to condition requiring a LEMP prior to restoration completion. This includes management of the site for an additional 20-years after the initial 5 years of aftercare.

Requires a European Protected Species Informative (See Annex 3)

Applicant Response

A Landscape Environmental Management Plan was provided in order to remove the need for a condition.

Fourth Response

The officer was happy with the LEMP, and removed the need for a condition.

OCC Landscape

First Response

MW.00100/21 – Further Information Needed

In summary (Full response on Website):

The application does not include any landscape and visual assessment, or appraisal as required under the Council's validation requirements. Please provide a Landscape and Visual Appraisal.

An Arboricultural Survey is required, in order to assess the impact on the trees and hedgerows located on the southern and western boundaries.

The soil properties could potentially change with the infilling of the development with clay and overburden; therefore this could impact on the landscape character of the area. Recommends that the Council's drainage officer is consulted on potential implications of this.

The officer questions the benefits of a small area of planting in the middle of the field, as this would be an isolated location for biodiversity with poor connectivity. Recommends this scheme is revised to deliver greater infrastructure and ecological connectivity and enhancements.

MW.0102/21:

Objected, due to its association with the application 1, requesting a LVA which covers both sites.

Second Response (Full Response)

MW.0100/21

After the LVA was supplied covering predominately application 1 was supplied. The Landscape Specialist removed its objection based on the information supplied subject to condition. This included a additional Arboricultural information relating to protecting the existing trees. This information was supplied, and the officer removed the need for the condition. In addition, the officer requested information relating to aftercare and restoration. This information can be covered under LEMP.

MW.0102/21

After the LVA was supplied, the Landscape Specialist removed their objection.

Second Response (Full Response)

OCC Archaeology

MW.0100/21

First Response

The proposed site is located in an area of archaeological interest and a later prehistoric 'Banjo' enclosure has been recorded from aerial photographs 450m west of the site and an Iron Age pottery scatter has been recorded in the same area. A number of other enclosures and settlement sites have been recorded in the vicinity of this site from aerial photographs. Iron Age settlement has also been recorded 800m east of the site from an archaeological evaluation.

It is therefore likely that further later prehistoric features could survive on this site and would be impacted by this proposal.

The applicant's planning statement states that a heritage/archaeological statement has not been provided as the site is remote from any archaeological or historical site but it is unclear how the applicant determined this. The NPPF makes it clear that the Historic Environment Record should be consulted 'as a minimum' (NPPF 2021, para 194). This HER data is held by our team, but we have no record of this data set being consulted.

An archaeological desk-based assessment will need to be submitted along with any planning application for the site in line with the National Planning Policy Framework (NPPF 2021) paragraph 194. This assessment will need to be undertaken in line with the Chartered Institute for Archaeologists standards and guidance for desk-based assessments including the submission of an appropriate written scheme of investigation to agree the scope of the assessment.

A programme of archaeological investigation will be required ahead of the determination of any planning application for the site. This investigation must be undertaken in line with the Chartered Institute for Archaeologists standards and guidance for archaeological evaluation including the submission and agreement of a suitable written scheme of investigation.

Applicant Response

The applicant's consultant emailed the County Archaeologist stating sufficient information was submitted subject to condition. No further information would be needed prior to determination.

Second Response

I do not agree that there is sufficient information in the desk based assessment to understand the significance of any heritage assets on the site that would be disturbed by this development in line with paragraph 194 of the NPPF. As such this desk based assessment does not alter our original advice.

There is nothing in the NPPF that states the purpose of such evaluation is only to determine whether or not any national important monument are present and the purpose of such assessment and evaluation is to determine the significance of any assets before a decision is taken over their disturbance.

The archive is open and other archaeological consultancies are able to assess aerial photographs for their assessments. There are only about 8 aerial photographs available on Google Earth Pro for this site and none of them were taken in conditions favourable for cropmarks to be visible. The photographs from the 1940s and 1980s are of a very low resolution. There is a possible ring ditch on the site shown on the FAS 1961 AP for instance which is not visible on any of the google earth images. Even where google does show cropmarks such as the banjo enclosure these are not as clear as the cropmarks visible on the 1961 series of photographs held at the Historic England Archive. I note for instance that the screenshot from google you included in the DBA does not show the ring ditch adjoining the western side of the Banjo enclosure which is very clear on the '61 AP.

The assessment should have certainly included a plan showing the HLC data, this was why it was provided to you at no extra cost in addition to the HER data we

provided. The NPPF requires this assessment is submitted to describe the historic environment baseline not only for my purpose, I already have this information, but also for the benefit of other consultees and members of the public who may wish to comment.

We did not however recommend that the assessment would need to be amended but highlighted that these matters had been omitted and as such it does not change our original advice than the results of an archaeological field evaluation will need to be submitted along with any planning application for the site.

Third Response

The evaluation report we had requested for this site has now been agreed and submitted.

This report demonstrates that archaeological deposits do survive on part of the site and a programme of archaeological mitigation will be required in this area.

We would, therefore, recommend that, should planning permission be granted, the applicant should be responsible for ensuring the implementation of a staged programme of archaeological investigation to be undertaken in advance of any development. This can be ensured through the attachment of a suitable negative condition along the lines of:

1. Prior to any demolition and the commencement of the development a professional archaeological organisation acceptable to the Local Planning Authority shall prepare an Archaeological Written Scheme of Investigation, relating to the application site area, which shall be submitted to and approved in writing by the Local Planning Authority.

Reason - To safeguard the recording of archaeological matters within the site in accordance with the NPPF (2021).

2. Following the approval of the Written Scheme of Investigation referred to in condition 1, and prior to any demolition on the site and the commencement of the development within the area of archaeological interest, as set out in the agreed Written scheme of Investigation, (other than in accordance with the Written Scheme of Investigation), a programme of archaeological mitigation shall be carried out by the commissioned archaeological organisation in accordance with the approved Written Scheme of Investigation. The programme of work shall include all processing, research and analysis necessary to produce an accessible and useable archive and a full report for publication which shall be submitted to the Local Planning Authority within two years of the completion of the archaeological fieldwork.

Reason – To safeguard the identification, recording, analysis and archiving of heritage assets before they are lost and to advance understanding of the heritage assets in their wider context through publication and dissemination of the evidence in accordance with the NPPF (2021).

Annex 4 – 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 2017 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, survey results and consideration of the habitats within the site area indicate that, with appropriate mitigation, European Protected Species are unlikely to be harmed as a result of the proposals.

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Policy Annex (Relevant Development Plan and other Policies)

Oxfordshire Minerals and Waste Local Plan – Core Strategy 2031 (OMWCS)

POLICY M2: PROVISION FOR WORKING AGGREGATE MINERALS

Provision will be made through policies M3 and M4 to enable the supply of:

- sharp sand and gravel - 1.015 mtpa giving a total provision requirement of 18.270 million tonnes
- soft sand - 0.189 mtpa giving a total provision requirement of 3.402 million tonnes
- crushed rock - 0.584 mtpa giving a total provision requirement of 10.512 million tonnes from land-won sources within Oxfordshire for the period 2014 – 2031 inclusive.

Permission will be granted for aggregate mineral working under policy M5 to enable separate landbanks of reserves with planning permission to be maintained for the extraction of minerals of:

- at least 7 years for sharp sand and gravel;
 - at least 7 years for soft sand;
 - at least 10 years for crushed rock;
- in accordance with the annual requirement rates in the most recent Local Aggregate Assessment, taking into account the need to maintain sufficient productive capacity to enable these rates to be realised.

POLICY M3: PRINCIPAL LOCATIONS FOR WORKING AGGREGATE MINERALS

The principal locations for aggregate minerals extraction will be within the following strategic resource areas, as shown on the Policies Map:

Sharp sand and gravel

in northern Oxfordshire (Cherwell District and West Oxfordshire District):

- The Thames, Lower Windrush and Lower Evenlode Valleys area from Standlake to Yarnton;
- in southern Oxfordshire (South Oxfordshire District and Vale of White Horse District):
- The Thames and Lower Thame Valleys area from Oxford to Cholsey;
 - The Thames Valley area from Caversham to Shiplake.

Soft sand

- The Corallian Ridge area from Oxford to Faringdon;
- The Duns Tew area.

Crushed rock

- The area north west of Bicester;
- The Burford area south of the A40;
- The area east and south east of Faringdon.

Specific sites (new quarry sites and/or extensions to existing quarries) for working aggregate minerals within these strategic resource areas will be allocated in the Minerals & Waste Local Plan: Part 2 – Site Allocations Document, in accordance with policy M4.

Specific sites for extensions to existing aggregate quarries (excluding ironstone) outside the strategic resource areas may also be allocated in the Minerals & Waste Local Plan: Part 2 – Site Allocations Document provided they are in accordance with policy M4.

Sites allocated for sharp sand and gravel working (including both new quarry sites and extensions to existing quarries, including any extensions outside the strategic resource areas), to meet the requirement in policy M2 will be located such that approximately 25% of the additional tonnage requirement is in northern Oxfordshire and approximately 75% of the additional tonnage requirement is in southern Oxfordshire, to achieve an approximately equal split of production capacity for sharp sand and gravel between northern and southern Oxfordshire by 2031.

POLICY M4: SITES FOR WORKING AGGREGATE MINERALS

Specific sites for working aggregate minerals in accordance with policy M3, to meet the requirements set out in policy M2 will be allocated in the Minerals & Waste Local Plan: Part 2 – Site Allocations Document, taking into account the following factors:

- a) the quantity and quality of the mineral resource;
- b) priority for the extension of existing quarries, where environmentally acceptable (including taking into consideration criteria c) to l)), before working new sites;
- c) potential for restoration and after-use and for achieving the restoration objectives of the Plan in accordance with policy M10;
- d) suitability & accessibility of the primary road network;
- e) proximity to large towns and other locations of significant demand to enable a reduction in overall journey distance from quarry to market;
- f) ability to provide more sustainable movement of excavated materials;
- g) avoidance of locations within or significantly affecting an Area of Outstanding Natural Beauty;
- h) avoidance of locations likely to have an adverse effect on sites and species of international nature conservation importance and Sites of Special Scientific Interest; in the case of locations within the Eynsham / Cassington / Yarnton part of the Thames, Lower Windrush and Lower Evenlode Valleys area, it must be demonstrated that there will be no change in water levels in the Oxford Meadows Special Area of Conservation and the proposal must not involve the working of land to the north or north east of the River Evenlode; in the case of locations within the Corallian Ridge area, it must be demonstrated that there

will be no change in water levels in the Cothill Fen Special Area of Conservation;

- i) avoidance of locations likely to have an adverse effect on the significance of designated heritage assets, including World Heritage Sites, Scheduled Monuments, Conservation Areas, Registered Parks and Gardens and Registered Battlefields, or on archaeological assets which are demonstrably of equivalent significance to a Scheduled Monument;
- j) avoidance of, or ability to suitably mitigate, potential significant adverse impacts on:
 - i. locally designated areas of nature conservation and geological interest;
 - ii. non-designated heritage assets;
 - iii. local landscape character;
 - iv. water quality, water quantity, flood risk and groundwater flow;
 - v. best and most versatile agricultural land and soil resources;
 - vi. local transport network;
 - vii. land uses sensitive to nuisance (e.g. schools & hospitals);
 - viii. residential amenity & human health; and
 - ix. character and setting of local settlements;
- k) potential cumulative impact of successive and/or simultaneous mineral development, including with non-mineral development, on local communities; and
- l) ability to meet other objectives and policy expectations of this Core Strategy (including policies C1 – C12) and relevant policies in other development plans.

POLICY M5: WORKING OF AGGREGATE MINERALS

Prior to the adoption of the Minerals & Waste Local Plan: Part 2 – Site Allocations Document, permission will be granted for the working of aggregate minerals where this would contribute towards meeting the requirement for provision in policy M2 and provided that the proposal is in accordance with the locational strategy in policy M3 and that the requirements of policies C1 – C12 are met.

Permission will be granted for the working of aggregate minerals within the sites allocated further to policy M4 provided that the requirements of policies C1 – C12 are met.

Permission will not be granted for the working of aggregate minerals outside the sites allocated further to policy M4 unless the requirement to maintain a steady and adequate supply of aggregate in accordance with policy M2 cannot be met from within those sites and provided that the proposal is in accordance with the locational strategy in policy M3 and the requirements of policies C1 – C12 are met.

Permission will exceptionally be granted for the working of aggregate minerals outside the sites allocated further to policy M4 where extraction of the mineral is required prior to a planned development in order to prevent the mineral resource being sterilised, having due regard to policies C1 –C12.

Permission will exceptionally be granted for borrow pits to supply mineral to associated construction projects, having due regard to policies C1 – C12, provided that all of the following apply:

- the site lies on or in close proximity to the project area so that extracted mineral can be conveyed to its point of use with minimal use of public highways and without undue interference with footpaths and bridleways;
- the mineral extracted will only be used in connection with the project;
- it can be demonstrated that supply of the mineral from the borrow pit would have less environmental impact than if the mineral were supplied from an existing source;
- the borrow pit can be restored without the use of imported material, other than that generated by the project; and
- use of the borrow pit is limited to the life of the project.

Notwithstanding the preceding paragraphs, permission for working of ironstone for aggregate use will not be permitted except in exchange for an agreed revocation (or other appropriate mechanism to ensure the non-working) without compensation of an equivalent existing permission in Oxfordshire containing potentially workable resources of ironstone and where there would be an overall environmental benefit.

POLICY M7: NON-AGGREGATE MINERAL WORKING

All proposals for the working of non-aggregate minerals, including exploration and appraisal, shall meet the requirements of policies C1 – C12.

Building Stone

Permission will be granted for extensions to existing quarries and new quarries for the extraction of building stone where a need for the material has been demonstrated and the scale, extent and location of the proposed quarrying are such that adverse impacts upon the environment and amenity can be avoided, minimised or adequately mitigated.

Clay

The extraction of clay will be permitted in conjunction with the working of sharp sand and gravel from the locations in policy M3. The extraction of clay will not be permitted in other locations unless it can be demonstrated that there is a local need for clay which:

- cannot be met by extraction in conjunction with sharp sand and gravel working; or
- would be met with less overall environmental impact than by extraction in conjunction with sharp sand and gravel working.

Chalk

The extraction of chalk for agricultural or industrial use in Oxfordshire will be permitted provided the proposed quarrying is small-scale and a local need for the material has been demonstrated. Extraction of chalk for wider purposes, including as an aggregate or for large scale engineering will not be permitted unless the proposal is demonstrated to be the most sustainable option for meeting the need for the material.

Fuller's Earth

The working of fuller's earth will be permitted provided that a national need for the mineral has been demonstrated.

Oil and Gas (conventional and unconventional)

Proposals for the exploration and appraisal of oil or gas will be permitted provided arrangements are made for the timely and suitable restoration and after-care of the site, whether or not the exploration or appraisal operation is successful.

The commercial production of oil and gas will be supported in the following circumstances:

- A full appraisal programme for the oil or gas field has been successfully completed; and
- The proposed location is the most suitable, taking into account environmental, geological, technical and operational factors; and
- For major development in an Area of Outstanding Natural Beauty it is clearly demonstrated that there are exceptional circumstances and the proposal is in the public interest, in accordance with the 'major developments test' in the NPPF (Paragraph 116).

POLICY M10: RESTORATION OF MINERAL WORKINGS

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

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

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

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

POLICY W6: LANDFILL AND OTHER PERMANENT DEPOSIT OF WASTE TO LAND

Non-hazardous waste

Provision for disposal of Oxfordshire's non-hazardous waste will be made at existing non-hazardous landfill facilities which will also provide for the disposal of waste from other areas (including London and Berkshire) as necessary. Further provision for the disposal of non-hazardous waste by means of landfill will not be made.

Permission may be granted to extend the life of existing non-hazardous landfill sites to allow for the continued disposal of residual non-hazardous waste to meet a recognised need and where this will allow for the satisfactory restoration of the landfill in accordance with a previously approved scheme.

Permission will be granted for facilities for the management of landfill gas and leachate where required to fulfil a regulatory requirement or to achieve overall environmental benefit, including facilities for the recovery of energy from landfill gas. Provision should be made for the removal of the facilities and restoration of the site at the end of the period of management.

Inert waste

Provision for the permanent deposit to land or disposal to landfill of inert waste which cannot be recycled will be made at existing facilities and in sites that will be allocated in the Minerals and Waste Local Plan: Part 2 – Site Allocations Document. Provision will be made for sites with capacity sufficient for Oxfordshire to be net-self-sufficient in the management of inert waste.

Priority will be given to the use of inert waste that cannot be recycled as infill material to achieve the satisfactory restoration and after use of active or unrestored quarries. Permission will not otherwise be granted for development that involves the permanent deposit or disposal of inert waste on land unless there would be overall environmental benefit.

General

Proposals for landfill sites shall meet the requirements of policies C1 – C12.

Landfill sites shall be restored in accordance with the requirements of policy M10 for restoration of mineral workings.

POLICY C1: SUSTAINABLE DEVELOPMENT

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

Planning applications that accord with the policies in this plan will be approved, unless material considerations indicate otherwise. Where there are no policies relevant to the application, or relevant plan policies are out of date, planning permission will be granted unless material considerations indicate otherwise, taking into account whether:

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

POLICY C2: CLIMATE CHANGE

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

POLICY C3: FLOODING

Minerals and waste development will, wherever possible, take place in areas with the lowest probability of flooding. Where development takes place in an area of identified flood risk this should only be where alternative locations in areas of lower flood risk have been explored and discounted (using the Sequential Test and Exceptions Test as necessary) and where a flood risk assessment is able to demonstrate that the risk of flooding is not increased from any source, including:

- an impediment to the flow of floodwater;
- the displacement of floodwater and increased risk of flooding elsewhere;
- a reduction in existing floodwater storage capacity;
- an adverse effect on the functioning of existing flood defence structures; and
- the discharge of water into a watercourse.

The opportunity should be taken to increase flood storage capacity in the flood plain where possible, particularly through the restoration of sand and gravel workings.

POLICY C4: WATER ENVIRONMENT

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

- The quantity or quality of surface or groundwater resources required for habitats, wildlife and human activities;

- The quantity or quality of water obtained through abstraction unless acceptable provision can be made;
- The flow of groundwater at or in the vicinity of the site; and
- Waterlogged archaeological remains.

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

POLICY C5: LOCAL ENVIRONMENT, AMENITY AND ECONOMY

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

- the local environment;
- human health and safety;
- residential amenity and other sensitive receptors; and
- the local economy;
 - including from:
 - noise;
 - dust;
 - visual intrusion;
 - light pollution;
 - traffic;
 - air quality;
 - odour;
 - vermin;
 - birds;
 - litter;
 - mud on the road;
 - vibration;
 - surface or ground contamination;
 - tip and quarry-slope stability;
 - differential settlement of quarry backfill;
 - subsidence; and
 - the cumulative impact of development.

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

POLICY C6: AGRICULTURAL LAND AND SOILS

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

Significant development leading to the permanent loss of best and most versatile agricultural land will only be permitted where it can be shown that there is a need for the development which cannot reasonably be met using lower grade land and where

all options for reinstatement without loss of quality have been considered taking into account other relevant considerations.

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

POLICY C7: BIODIVERSITY AND GEODIVERSITY

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

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

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

- (i) Development that would be likely to have an adverse effect on a Site of Special Scientific Interest (either individually or in combination with other development) will not be permitted except where the benefits of the development at this site clearly outweigh both the impacts that it is likely to have on the Site of Special Scientific Interest and any broader impacts on the national network of Sites of Special Scientific Interest.
- (ii) Development that would result in the loss or deterioration of irreplaceable habitats, including ancient woodland and aged or veteran trees, will not be permitted except where the need for and benefits of the development in that location clearly outweigh the loss.
- (iii) Development shall ensure that no significant harm would be caused to:
 - Local Nature Reserves;
 - Local Wildlife Sites;
 - Local Geology Sites;
 - Sites of Local Importance for Nature Conservation;
 - Protected, priority or notable species and habitats,except where the need for and benefits of the development in that location clearly outweigh the harm.

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

ecological monitoring and remediation (should habitat creation and/or mitigation prove unsuccessful).

POLICY C8: LANDSCAPE

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

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

POLICY C9: HISTORIC ENVIRONMENT AND ARCHAEOLOGY

Proposals for minerals and waste development will not be permitted unless it is demonstrated, including where necessary through prior investigation, that they or associated activities will not have an unacceptable adverse impact on the historic environment.

Great weight will be given to the conservation of designated heritage assets: Blenheim Palace World Heritage Site; scheduled monuments; listed buildings; conservation areas; historic battlefields; registered parks and gardens; and non-designated archaeological assets which are demonstrably of equivalent significance to a scheduled monument; and the setting of those assets.

Where an application would affect a non-designated heritage asset, the benefits of the proposal will be balanced against the scale of harm to or loss of the heritage asset and its significance.

Where, following assessment of an application, the loss (wholly or in part) of a heritage asset is considered acceptable in principle, the applicant will be required to record and advance understanding of that asset, proportionate to the nature and level of the asset's significance, and to publish their findings.

Proposals for mineral working and landfill shall wherever possible demonstrate how the development will make an appropriate contribution to the conservation and enhancement of the historic environment.

POLICY C10: TRANSPORT

Minerals and waste development will be expected to make provision for safe and suitable access to the advisory lorry routes shown on the Oxfordshire Lorry Route Maps in ways that maintain and, if possible, lead to improvements in:

- the safety of all road users including pedestrians;
- the efficiency and quality of the road network; and
- residential and environmental amenity, including air quality.

Where development leads to a need for improvement to the transport network to achieve this, developers will be expected to provide such improvement or make an appropriate financial contribution.

Where practicable minerals and waste developments should be located, designed and operated to enable the transport of minerals and/or waste by rail, water, pipeline or conveyor.

Where minerals and/or waste will be transported by road:

- a) mineral workings should as far as practicable be in locations that minimise the road distance to locations of demand for the mineral, using roads suitable for lorries, taking into account the distribution of potentially workable mineral resources; and
- b) waste management and recycled aggregate facilities should as far as practicable be in locations that minimise the road distance from the main source(s) of waste, using roads suitable for lorries, taking into account that some facilities are not economic or practical below a certain size and may need to serve a wider than local area.

Proposals for minerals and waste development that would generate significant amounts of traffic will be expected to be supported by a transport assessment or transport statement, as appropriate, including mitigation measures where applicable.

POLICY C11: RIGHTS OF WAY

The integrity and amenity value of the rights of way network shall be maintained and if possible it shall be retained in situ in safe and useable condition. Diversions should be safe, attractive and convenient and, if temporary, shall be reinstated as soon as possible. If permanent diversions are required, these should seek to enhance and improve the public rights of way network.

Improvements and enhancements to the rights of way network will generally be encouraged and public access sought to restored mineral workings, especially if this can be linked to wider provision of green infrastructure. Where appropriate, operators and landowners will be expected to make provision for this as part of the restoration and aftercare scheme.

Cherwell Local Plan 2031 Part 1 (CLP)

POLICY PSD 1: PRESUMPTION IN FAVOUR OF SUSTAINABLE DEVELOPMENT

When considering development proposals the Council will take a proactive approach to reflect the presumption in favour of sustainable development contained in the National Planning Policy Framework. The Council will always work proactively with applicants to jointly find solutions which mean that proposals can be approved wherever possible, and to secure development that improves the economic, social and environmental conditions in the area.

Planning applications that accord with the policies in this Local Plan (or other part of the statutory Development Plan) will be approved without delay unless material considerations indicate otherwise.

Where there are no policies relevant to the application or relevant policies are out of date at the time of making the decision then the Council will grant permission unless material considerations indicate otherwise – taking into account whether:

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

POLICY SLE3: SUPPORTING TOURISM GROWTH

The Council will support proposals for new or improved tourist facilities in sustainable locations where they accord with other policies in the plan, to increase overnight stays and visitor numbers within the District.

POLICY ESD 3: SUSTAINABLE CONSTRUCTION

All new residential development will be expected to incorporate sustainable design and construction technology to achieve zero carbon development through a combination of fabric energy efficiency, carbon compliance and allowable solutions in line with Government policy.

Cherwell District is in an area of water stress and as such the Council will seek a higher level of water efficiency than required in the Building Regulations, with developments achieving a limit of 110 litres/person/day.

All new non-residential development will be expected to meet at least BREEAM 'Very Good' with immediate effect, subject to review over the plan period to ensure the target remains relevant. The demonstration of the achievement of this standard should be set out in the Energy Statement.

The strategic site allocations identified in this Local Plan are expected to provide contributions to carbon emissions reductions and to wider sustainability.

All development proposals will be encouraged to reflect high quality design and high environmental standards, demonstrating sustainable construction methods including but not limited to:

- Minimising both energy demands and energy loss
- Maximising passive solar lighting and natural ventilation
- Maximising resource efficiency
- Incorporating the use of recycled and energy efficient materials
- Incorporating the use of locally sourced building materials
- Reducing waste and pollution and making adequate provision for the recycling of waste
- Making use of sustainable drainage methods
- Reducing the impact on the external environment and maximising opportunities for cooling and shading (by the provision of open space and water, planting, and green roofs, for example; and
- Making use of the embodied energy within buildings wherever possible and re-using materials where proposals involve demolition or redevelopment.

Should the promoters of development consider that individual proposals would be unviable with the above requirements, 'open-book' financial analysis of proposed developments will be expected so that an independent economic viability assessment can be undertaken. Where it is agreed that an economic viability assessment is required, the cost shall be met by the promoter.

POLICY ESD7: SUSTAINABLE DRAINAGE SYSTEMS (SuDS)

All development will be required to use sustainable drainage systems (SuDS) for the management of surface water run-off.

Where site specific Flood Risk Assessments are required in association with development proposals, they should be used to determine how SuDS can be used on particular sites and to design appropriate systems.

In considering SuDS solutions, the need to protect ground water quality must be taken into account, especially where infiltration techniques are proposed. Where possible,, SuDS should seek to reduce flood risk, reduce pollution and provide landscape and wildlife benefits. SuDS will require the approval of Oxfordshire County Council as LLFA and SuDS Approval Body, and proposals must include an agreement on the future management, maintenance and replacement of the SuDS features.

POLICY ESD 8: WATER RESOURCES

The Council will seek to maintain water quality, ensure adequate water resources and promote sustainability in water use.

Water quality will be maintained and enhanced by avoiding adverse effects of development on the water environment. Development proposals which would adversely affect the water quality of surface or underground water bodies, including

rivers, canals, lakes and reservoirs, as a result of directly attributable factors, will not be permitted.

Development will only be permitted where adequate water resources exist, or can be provided without detriment to existing uses. Where appropriate, phasing of development will be used to enable the relevant water infrastructure to be put in place in advance of development commencing.

POLICY ESD 10: PROTECTION AND ENHANCEMENT OF BIODIVERSITY AND THE NATURAL ENVIRONMENT

Protection and enhancement of biodiversity and the natural environment will be achieved by the following:

- In considering proposals for development, a net gain in biodiversity will be sought by protecting, managing, enhancing and extending existing resources, and by creating new resources
- The protection of trees will be encouraged, with an aim to increase the number of trees in the district
- The reuse of soils will be sought
- If significant harm resulting from a development cannot be avoided (though locating on an alternative site with less harmful impacts), adequately mitigated, or as a last resort, compensated for, then development will not be permitted
- Development which would result in damage to or loss of a site of international value will be subject to the Habitats Regulations Assessment process and will not be permitted unless it can be demonstrated that there will be no likely significant effects on the international site or that effects can be mitigated
- Development which would result in damage to or loss of a site of biodiversity or geological value of national importance will not be permitted unless the benefits of the development clearly outweigh the harm it would cause to the site and the wider national network of SSSIs, and the loss can be mitigated to achieve a net gain in biodiversity/geodiversity
- Development which would result in damage to or loss of a site of biodiversity or geological value of regional or local importance including habitats of species of principal importance for biodiversity will not be permitted unless the benefits of the development clearly outweigh the harm it would cause to the site, and the loss can be mitigated to achieve a net gain in biodiversity/geodiversity
- Development proposals will be expected to incorporate features to encourage biodiversity, and retain and where possible enhance existing features of nature conservation value within the site. Existing ecological networks should be identified and maintained to avoid habitat fragmentation, and ecological corridors should form an essential component of green infrastructure provision in association with new development to ensure habitat connectivity
- Relevant habitat and species surveys and associated reports will be required to accompany planning applications which may affect a site, habitat or species of known or potential ecological value
- Air quality assessments will also be required for development proposals that would be likely to have a significantly adverse impact on biodiversity by generating an increase in air pollution

- Planning conditions/obligations will be used to secure net gains in biodiversity by helping to deliver Biodiversity Action Plan targets and/or meeting the aims of Conservation Target Areas. Developments for which these are the principal aims will be viewed favourably
- A monitoring and management plan will be required for biodiversity features on site to ensure their long term suitable management

POLICY ESD 13: LOCAL LANDSCAPE PROTECTION AND ENHANCEMENT

Opportunities will be sought to secure the enhancement of the character and appearance of the landscape, particularly in urban fringe locations, through the restoration, management or enhancement of existing landscapes, features or habitats and where appropriate the creation of new ones, including the planting of woodlands, trees and hedgerows.

Development will be expected to respect and enhance local landscape character, securing appropriate mitigation where damage to local landscape character cannot be avoided. Proposals will not be permitted if they would:

- Cause undue visual intrusion into the open countryside
- Cause undue harm to important natural landscape features and topography
- Be inconsistent with local character
- Impact on areas judged to have a high level of tranquillity
- Harm the setting of settlements, buildings, structures or other landmark features, or
- Harm the historic value of the landscape.

Development proposals should have regard to the information and advice contained in the Council's Countryside Design Summary Supplementary Planning Guidance, and the Oxfordshire Wildlife and Landscape Study (OWLS), and be accompanied by a landscape assessment where appropriate.

Cherwell Local Plan 1996 (Saved Policies) (CLP 1996)

POLICY C7: LANDSCAPE CONSERVATION

Development will not normally be permitted if it would cause demonstrable harm to the topography and character of the landscape.

POLICY C28: DESIGN CONSIDERATIONS

Control will be exercised over all new development, including conversions and extensions, to ensure that the standards of layout, design and external appearance, including the choice of external-finish materials, are sympathetic to the character of the urban or rural context of that development. In sensitive areas such as conservation areas, the area of outstanding natural beauty and areas of high landscape value, development will be required to be of a high standard and the use of traditional local building materials will normally be required.

POLICY ENV1: POLLUTION CONTROL

Development which is likely to cause materially detrimental levels of noise, vibration, smell, smoke, fumes or other type of environmental pollution will not normally be permitted.

West Oxfordshire District Council Local Plan 2031

POLICY EH2: LANDSCAPE CHARACTER

The quality, character and distinctiveness of West Oxfordshire's natural environment, including its landscape, cultural and historic value, tranquillity, geology, countryside, soil and biodiversity, will be conserved and enhanced.

New development should conserve and, where possible, enhance the intrinsic character, quality and distinctive natural and man-made features of the local landscape, including individual or groups of features and their settings, such as stone walls, trees, hedges, woodlands, rivers, streams and ponds. Conditions may be imposed on development proposals to ensure every opportunity is made to retain such features and ensure their long-term survival through appropriate management and restoration.

Proposals which would result in the loss of features, important for their visual, amenity, or historic value will not be permitted unless the loss can be justified by appropriate mitigation and/or compensatory measures which can be secured to the satisfaction of the Council.

Proposed development should avoid causing pollution, especially noise and light, which has an adverse impact upon landscape character and should incorporate measures to maintain or improve the existing level of tranquillity and dark-sky quality, reversing existing pollution where possible.

Special attention and protection will be given to the landscape and biodiversity of the Lower Windrush Valley Project, the Windrush in Witney Project Area and the Wychwood Project Area.

POLICY EH3: BIODIVERSITY AND GEODIVERSITY

The biodiversity of West Oxfordshire shall be protected and enhanced to achieve an overall net gain in biodiversity and minimise impacts on geodiversity, including by:

- giving sites and species of international nature conservation importance and nationally important sites of special scientific interest the highest level of protection from any development that will have an adverse impact;
- requiring a Habitats Regulations Assessment to be undertaken of any development proposal that is likely to have a significant adverse effect, either alone or in combination, on the Oxford Meadows SAC, particularly in relation to air quality and nitrogen oxide emissions and deposition;

- protecting and mitigating for impacts on priority habitats, protected species and priority species, both for their importance individually and as part of a wider network;
- avoiding loss, deterioration or harm to locally important wildlife and geological sites and sites supporting irreplaceable habitats (including ancient woodland, Plantations on Ancient Woodland Sites and aged or veteran trees), UK priority habitats and priority species, except in exceptional circumstances where the importance of the development significantly and demonstrably outweighs the harm and the harm can be mitigated through appropriate measures and a net gain in biodiversity is secured;
- ensuring development works towards achieving the aims and objectives of the Conservation Target Areas (CTAs) and Nature Improvement Areas (NIAs);
- promoting the conservation, restoration and re-creation of priority habitats, ecological networks and the protection and recovery of priority species populations, particularly within the CTAs and NIAs;
- taking all opportunities to enhance the biodiversity of the site or the locality, especially where this will help deliver networks of biodiversity and green infrastructure and UK priority habitats and species targets and meet the aims of CTAs;
- ensuring that all applications that might adversely affect biodiversity are accompanied by adequate ecological survey information in accordance with BS 42020:2013 unless alternative approaches are agreed as being appropriate with the District Council's ecologist;
- all major and minor applications demonstrating a net gain in biodiversity where possible. For major applications this should be demonstrated in a quantifiable way through the use of a Biodiversity Impact Assessment Calculator (BIAC) based on that described in the DEFRA Biodiversity Offsetting guidance or a suitably amended version. For minor applications a BIAC will not usually be required but might be requested at the Council's discretion;
- all development incorporating biodiversity enhancement features.

All developments will be expected to provide towards the provision of necessary enhancements in areas of biodiversity importance.

POLICY EH8: ENVIRONMENTAL PROTECTION

Proposals which are likely to cause pollution or result in exposure to sources of pollution or risk to safety, will only be permitted if measures can be implemented to minimise pollution and risk to a level that provides a high standard of protection for health, environmental quality and amenity. The following issues require particular attention:

Air quality

The air quality within West Oxfordshire will be managed and improved in line with National Air Quality Standards, the principles of best practice and the Air Quality Management Area Action Plans for Witney and Chipping Norton. Where appropriate, developments will need to be supported by an air quality assessment.

Contaminated land

Proposals for development of land which may be contaminated must incorporate appropriate investigation into the quality of the land. Where there is evidence of contamination, remedial measures must be identified and satisfactorily implemented.

Hazardous substances, installations and airfields

Development should not adversely affect safety near notifiable installations and safeguarded airfields.

Artificial light

The installation of external lighting and lighting proposals for new buildings, particularly those in remote rural locations, will only be permitted where:

- the means of lighting is appropriate, unobtrusively sited and would not result in excessive levels of light;
- the elevations of buildings, particularly roofs, are designed to limit light spill;
- the proposal would not have a detrimental effect on local amenity, character of a settlement or wider countryside, intrinsically dark landscape or nature conservation.

Noise

Housing and other noise sensitive development should not take place in areas where the occupants would experience significant noise disturbance from existing or proposed development.

New development should not take place in areas where it would cause unacceptable nuisance to the occupants of nearby land and buildings from noise or disturbance.

Water resources

Proposals for development will only be acceptable provided there is no adverse impact on water bodies and groundwater resources, in terms of their quantity, quality and important ecological features.

Waste

Proposals for development that make provision of the management and treatment of waste will need to be in accordance with the Oxfordshire Minerals and Waste Local Plan.

POLICY OS1: PRESUMPTION IN FAVOUR OF SUSTAINABLE DEVELOPMENT

Planning applications that accord with the policies in this Local Plan (and, where relevant, with policies in Neighbourhood Plans) will be approved, unless material considerations indicate otherwise.

Where there are no policies relevant to the application or relevant policies are out of date at the time of making the decision then the Council will grant permission unless material considerations indicate otherwise – taking into account whether:

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

POLICY OS3: PRUDENT USE OF NATURAL RESOURCES

All development proposals (including new buildings, conversions and the refurbishment of existing building stock) will be required to show consideration of the efficient and prudent use and management of natural resources, including:

- making the most efficient use of land and buildings, whilst having regard to the character of the locality;
- delivering development that seeks to minimise the need to travel;
- minimising use of non-renewable resources, including land and energy, and maximising opportunities for travel by sustainable means;
- minimising their impact on the soil resource*
- minimising energy demands and energy loss through design, layout, orientation, landscaping, materials, and the use of technology;
- minimising summer solar gain, maximising passive winter solar heating, lighting, natural ventilation, energy and water efficiency and reuse of materials;
- maximising resource efficiency, including water. All new residential development will be expected to achieve the optional building regulations requirement for water efficiency of 110 litres/person/day;
- minimising risk of flooding;
- making use of appropriate sustainable drainage systems;
- using recycled and energy efficient materials;
- minimising waste and making adequate provision for the re-use and recycling of waste and causing no deterioration and, where possible, achieving improvements in water or air quality.

*Guidance includes the 2011 DEFRA publication: Construction Code of Practice for the Sustainable Use of Soils on construction sites.

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