



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

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

**Monday, 23 May 2016 at 2.00 pm**

**County Hall, New Road, Oxford**

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

Peter G. Clark  
Head of Paid Service

May 2016

**Contact Officer:** **Graham Warrington**  
Tel: (01865) 815321; E-Mail:  
graham.warrington@oxfordshire.gov.uk

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*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.*

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**Membership**

Chairman – Councillor Mrs Catherine Fulljames  
Deputy Chairman - Councillor Neil Owen

**Councillors**

David Bartholomew  
Mark Cherry  
Patrick Greene  
Bob Johnston

Stewart Lilly  
James Mills  
Glynis Phillips  
Anne Purse

G.A. Reynolds  
John Tanner

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**Notes:**

- ***There will be a site visit for Item 7 (Great Tew Ironstone Quarry) on Monday 23 May 2016***
- ***Date of next meeting: 11 July 2016***
- ***Councillors appointed at Annual Council on Tuesday 16 May will be sent the papers***

## Declarations of Interest

### The duty to declare.....

Under the Localism Act 2011 it is a criminal offence to

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

### Whose Interests must be included?

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

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

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

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

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

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

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

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

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

### List of Disclosable Pecuniary Interests:

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

For a full list of Disclosable Pecuniary Interests and further Guidance on this matter please see the Guide to the New Code of Conduct and Register of Interests at Members’ conduct guidelines. <http://intranet.oxfordshire.gov.uk/wps/wcm/connect/occ/Insite/Elected+members/> or contact Glenn Watson on (01865) 815270 or [glenn.watson@oxfordshire.gov.uk](mailto:glenn.watson@oxfordshire.gov.uk) for a hard copy of the document.

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

# AGENDA

1. **Apologies for Absence and Temporary Appointments**
2. **Declarations of Interest - see guidance note opposite**
3. **Minutes (Pages 1 - 8)**

To approve the minutes of the meeting held on 11 April 2016 (**PN3**) and to receive information arising from them.

4. **Petitions and Public Address**
5. **Chairman's Updates**
6. **Section 73 application for the continuation of the winning and working of sand and gravel with restoration using suitable imported materials without complying with the requirements of condition 2 of the planning permission 10/01929/CM in order to extend the time period for extraction until December 2020 and the time period for restoration until December 2022 to allow sufficient time for the working of material from beneath the plant site at Cassington Quarry, Worton, Witney - Application No MW.0158/15 (Pages 9 - 30)**

Report by the Deputy Director for Environment & Economy (Strategy & Infrastructure Planning) (PN6)

This application seeks an extension of time to December 2020, to complete mineral extraction beneath the plant site. The time for restoration would consequently be extended to December 2022.

***It is RECOMMENDED that planning permission for application no. MW.0158/15 be approved subject to conditions to be determined by the Deputy Director (Strategy & Infrastructure Planning) but to include the following:***

1. ***The development shall be carried out solely in accordance with details submitted with the application unless modified by the conditions of this permission. The details submitted consist of:***
  - a. ***Application form dated 23/11/15***
  - b. ***Covering Letter dated 23/11/2015***
  - c. ***Email dated 04/12/15***
  - d. ***Drawing W92m/130 - S73 application Plan dated March 2011***
  - e. ***Drawing W92m/127a - S73 application dated November 2010***

- f. Drawing 001-OX Proposed New sand and gravel processing plant dated 26/07/89.*
  - g. Drawing 011-OX Proposed weighbridge and accommodation dated 08/11/89*
  - h. Drawing 6010/0/1 - Key plan ( for junction) dated April 1984.*
  - i. Drawing 6010/0/2 - Plan and profiles for the proposed junction dated April 1984*
  - j. Aftercare scheme dated 04/01/95.*
  - k. Aftercare scheme dated 21/02/95.*
  - l. Aftercare scheme dated 22/03/95.*
  - m. Aftercare scheme dated 12/04/95.*
  - n. Drawing W92a/10- Revised advanced screening proposal dated February 1984.*
  - o. Drawing W92e/15a - Restoration of Working stages 1- 4.*
  - p. Drawing W92e/16c - Operational plan dated August 1988*
  - q. Drawing W92m/22a - New processing plant, location and details dated November 1989.*
  - r. Drawing 3 (ref CHS 458/83) - Working plan*
  - s. Drawing W92m/25 - Restoration proposals dated August 1994*
  - t. Drawing W92m/27a - Working arrangements following archaeological dig dated March 1995*
  - u. Drawing W92m/42a - Working arrangements stage 5-9 sailing lake dated November 2000*
  - v. Drawing W92m/43 - Stages 10-12 working arrangements dated January 2001*
  - w. Drawing Wgzm/44 - Stages 10-12 restoration concept (as modified on approval) dated January 2001*
  - x. Drawing W92m/133 – Composite Restoration Scheme*
  - y. Cassington Quarry Stage 10 Five Year Aftercare Scheme dated 12/3/2012*
  - z. Drawing W93/92c*
- 2. No excavations shall be undertaken or continued after 31 December 2020.**
- 3. All restoration shall be carried out and completed not later than 31 December 2022.**
- 7. Proposed extension of ironstone extraction, revocation of existing consented mineral extraction, export of clay, construction of temporary and permanent landforms, retention of an existing overburden store, relocation of consented stone saw shed, replacement quarry, farm and estate office building, erection of a new shoot store and multi-purpose building at Great Tew Ironstone Quarry, Butchers Hill, Great Tew, Chipping Norton - Application No.MW.0078/15 (Pages 31 - 82)**

Report by the Deputy Director for Environment & Economy (Strategy & Infrastructure Planning) (PN7)

The proposal is to allow the brown ironstone quarry extension containing approximately 700,000 tonnes of mineral over a 21 year period. In exchange revocation of existing

consented mineral in area labelled 'Clay Bank'. Also wish to export clay extracted from the extension (approx. 300,000m<sup>3</sup>), construct both temporary and permanent landforms, and retain an existing overburden store to the south of the existing quarry. As well as relocate the consented stone saw shed, construct a new four storey office building, construct a new multi-purpose agricultural building and construct a new shooting store.

***It is RECOMMENDED that subject to a legal agreement to secure that the mineral permitted under the "clay bank" is not further worked and a 20 years long term management plan that planning permission for application MW.0078/15 be approved subject to conditions to be determined by the Deputy Director for Environment & Economy (Strategy and Infrastructure Planning) including those set out in Annex 3 to the report PN7.***

## **8. Minerals and Waste Site Monitoring & Enforcement (Pages 83 - 116)**

Report by the Deputy Director for Environment & Economy (Strategy & Infrastructure Planning) (PN8).

This report updates members on the regular monitoring of minerals and waste planning permissions and on the progress of enforcement cases for the period 1 September 2015 to 31 March 2016. All sites with planning permission are regularly visited on a formal basis with a written report produced following a site visit and shared with the site occupant. Where elements of non-compliance with a consent are identified this can result in subsequent compliance with matters that are outstanding or in a planning application being made to regularise unauthorised activities on site.

Of all the sites, 45 fall within the remit of Government Regulations that allow the council to charge a fee for conditions monitoring, in that they relate directly to the winning and working of mineral permissions or directly to land filling permissions. The remaining non-chargeable sites include scrap yards, recycling operations, waste transfer stations, sewage works and composting operations. The routine monitoring programme benefits the county's environment by increasing compliance with planning conditions, and in identifying and rectifying matters where conditions are not being complied with on all mineral and waste planning permissions.

***It is RECOMMENDED that the Schedule of Compliance Monitoring Visits in Annex 1 and the Schedule of Enforcement Cases in Annex 2 to the report PN8 be noted.***

## **9. Relevant Development Plan and other Policies (Pages 117 - 136)**

Paper by the Deputy Director for Environment & Economy (Strategy & Infrastructure Planning) (PN9).

The paper sets out policies in relation to Items 6 and 7 and should be regarded as an annex to each report.

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### **Pre-Meeting Briefing**

There will be a pre-meeting briefing at County Hall on **Monday 23 May 2016** at **12 midday** for the Chairman, Deputy Chairman and Opposition Group Spokesman.

## PLANNING & REGULATION COMMITTEE

**MINUTES** of the meeting held on Monday, 11 April 2016 commencing at 2.00 pm and finishing at 2.55 pm

**Present:**

**Voting Members:** Councillor Mrs Catherine Fulljames – in the Chair

Councillor David Bartholomew  
Councillor Mark Cherry  
Councillor Patrick Greene  
Councillor Bob Johnston  
Councillor James F. Mills  
Councillor Glynis Phillips  
Councillor Anne Purse  
Councillor G.A. Reynolds  
Councillor John Tanner  
Councillor Lawrie Stratford (In place of Councillor Stewart Lilly)

**Officers:**

Whole of meeting G. Warrington and D. Mytton (Law & Governance); D. Periam; M. Case and C. Rossington (Environment & Economy)

*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 and decided as set out below. Except as insofar as otherwise specified, the reasons for the decisions are contained in the agenda, reports and schedule, copies of which are attached to the signed Minutes.*

### 11/16 APOLOGIES FOR ABSENCE AND TEMPORARY APPOINTMENTS

(Agenda No. 1)

<i>Apology for absence</i>	<i>Temporary Appointment</i>
Councillor Stewart Lilly Councillor Neil Owen	Councillor Lawrie Stratford -

**12/16 MINUTES**

(Agenda No. 3)

Subject to the following amendments to Minutes 9/16 and 10/16 the minutes of the meeting held on 22 February 2016 were approved and signed.

*Minute 9/16 – Proposed extension to waste transfer apron and provision of a waste picking station at Ferris Hill Farm, Sibford Road, Hook Norton – Application No. MW.0132/15*

Paragraph 8, line 3 “trammel” to read “trommel”

*Minute 10/16 – Proposed Importation and processing of material on land at Enstone shooting range, Enstone for placement on the permitted bunds as per planning permission 14/1178/P/FP at Enstone Airfield, Enstone – Application No. MW.0160/15*

Paragraph 13, line 3 “B430” to read “B4030”

**13/16 PETITIONS AND PUBLIC ADDRESS**

(Agenda No. 4)

<i>Speaker</i>	<i>Item</i>
Robert Johnston ( <i>Enstone Uplands District &amp; Conservation Trust</i> )	)
Deborah Caedel ( <i>Knights</i> )	)
Jeremy Hurlstone ( <i>Transport Consultant for Applicant</i> )	) 6. Enstone Shooting Range – Application No. MW.0160/15
Dee McDonald ( <i>Agent</i> )	)

**14/16 CHAIRMAN'S UPDATES**

(Agenda No. 5)

*Appeal against application no. MW.0003/14 for proposed extension to site area of aggregate recycling facility for processing and stockpiling waste materials and recycled products and variation of conditions 1 and 15 of planning permission MW.0184/12 to provide for revisions to the approved site fencing, landscaping and drainage system at the Sheehans Recycled Aggregates Plant, Dix Pit, Stanton Harcourt.*

An appeal lodged against a decision by the Planning & Regulation Committee on 1 December 2014 to refuse permission had been allowed by an Inspector following an Inquiry held on 26 & 27 January. No costs had been applied for by any party.



*Finmere Recycling Centre*

The Chairman reported details regarding a fire on 28 February 2016 at Finmere Recycling Centre.

**15/16 UPDATE REPORT - PROPOSED IMPORTATION AND PROCESSING OF MATERIAL ON LAND AT ENSTONE SHOOTING RANGE, ENSTONE FOR PLACEMENT ON THE PERMITTED BUNDS AS PER PLANNING PERMISSION 14/1178/P/FP AT ENSTONE AIRFIELD, ENSTONE - APPLICATION MW.0160/15**

(Agenda No. 6)

On 22 February 2016 the Planning & Regulation Committee had deferred an application for the importation and processing of material on land at Enstone Shooting Range, for the placement of recycled waste to form the permitted bunds as per planning permission 14/1178/P/FP issued by West Oxfordshire District Council. That deferral allowed for a further 21 days of consultation on additional information relating to HGV movements and travel routes. The Committee now considered (PN6) the application in the light of that consultation.

Presenting the report together with additional comments received which had been set out on the addenda sheet Mr Case confirmed that although officers were not recommending a routing agreement the applicants had confirmed that they were happy to enter into one.

He then responded to questions from:

Councillor Bartholomew – officers had not recommended a routing agreement because they had felt that the number of proposed lorry movements at 40 per day would have a minimal impact particularly as those movements were being spread over a number of routes, one of which was also subject to restriction.

Councillor Greene – the concreted surface referred to in condition xiv related to the access track (old runway).

Councillor Cherry – it had been anticipated that the majority of journeys would be on A361 which was a strategic route.

Councillor Purse – it was difficult to predict accurately where material would come from but all proposed routes were acceptable.

Councillor Tanner – records kept by the operator would be available for inspection with monitoring and enforcement visits undertaken.

Robert Johnston emphasised the importance of the scheme to residents. Whilst appreciating the potential impact of vehicles this represented the end of a 4 year campaign for residents to alleviate a very serious noise issue.

He responded to questions from:

Councillor Reynolds – residents had exhausted all the normal channels for noise attenuation. That had also been hampered by the fact that as the noise problem could be influenced by wind direction different villages had been affected.

Deborah Caedel advised that the application was a temporary one to facilitate development already granted planning permission by West Oxfordshire District Council for the phased construction of bunds to specified sizes and heights. Therefore neither the principle of the construction of bunds, their size or the amount of material required was a matter for discussion today and the construction of the bunds and the importation of material to make them with would still go ahead even if the application now before this Committee was not approved. Implementation of the permission granted by WODC required the importation of 277,000m<sup>3</sup> of material with no limit on the number of vehicle movements to and from the site nor any time limit placed on the period of construction. The application would help streamline the development but if the application was not granted then the applicant's fall back position would be to construct the bunds from material which did not constitute waste with no limitation on vehicle movements, no time limit on the period of construction and no routeing agreement. That constituted a material consideration to be taken into account in determining the application.

Jeremy Hurlstone outlined the transportation process for the site. Approval of the proposal would mean reductions in waste, fuel, mileage and emissions. Refusal however would result in the double handling of recyclables needed to be separated from the source material prior to the soils being deposited in the bunds. With no on-site plant, materials would need to be transported from their source to a separate location for screening then transported back to the Shooting Ground. As approximately 20% of the source materials could not be used, this meant that 80% or 4/5ths of the materials would be double-handled and unnecessarily transported along Oxfordshire's road network for off-site screening. On-site screening however would mean only 20% was double handled, rather than the 80% under the approved scheme. That equated to approximately 3 loads per day over the project life, rather than 17 loads per day as approved. Allowing on-site screening would remove up to 990,000 HGV miles from Oxfordshire's road network over the project period representing a reduction of up to 53% in terms of overall distance, fuel consumed and emissions produced by vehicles. The proposed development would not result in any increase in HGV movements but would restrict daily impact based on a suggested limit of 20 loads/40 movements. In addition to the daily limit, the revised haul routes proposed in response to Members' concerns, avoided the more sensitive routes through local villages. Only the applicant's own vehicles, with employed drivers would be used with no incentive for them to take short cuts or divert from agreed routes and all HGVs being used would have trackers fitted so that their routes could be monitored and checked. This level of control was not imposed upon the existing planning permission, which used routes Members considered unacceptable. The proposal would result in a reduction of around 50% in terms of HGV mileage whilst providing additional controls on more preferable haul routes, which avoided villages, was more sustainable in terms of transport and amenity impacts and he asked that the planning application be approved.

Dee McDonald advised that the proposal would ensure a cleaner, safer and better controlled operation with a reduction in waste movements. The proposal aimed to

reduce overall traffic movements throughout Oxfordshire by more than half and the introduction of a screener/crusher on site would have huge environmental benefits and allow for increased highway efficiency as well as an improvement to the current permitted planning permission in terms of both highways and the environment. The operation would be streamlined offering a number of improvements with more accountability whereas refusal would mean reverting to the district council permission with no restrictions. The applicant was willing to enter into a routeing agreement and had already agreed to routes which would afford protection to local villages. The benefits of the Enstone location included siting on previously developed land, a good road network and helping move waste up the waste hierarchy by increasing recycling and diverting waste from landfill. The site was not in the green belt nor was it in an AONB area. This all amounted to an overriding need for the development and given the level of benefit that the site offered, she urged the Committee to grant planning permission.

She then responded to questions from:

Councillor Greene – material was tested before going to the site and if found to be of a poor standard then it would not go. The area housing the screener would be concreted.

Councillor Phillips – there would be no floodlighting on site.

Councillor Tanner considered the case a compelling one and he moved the officer recommendation. Councillor Greene seconded the motion.

Councillor Bartholomew expressed his frustration at the lack of protocol between the County and District Council as to what constituted waste disposal which needed to be clearly clarified to avoid this situation occurring again in the future. Although this particular situation had clearly been a waste of resources for all concerned he felt the deferral at the last meeting had been justified as it had enabled the Committee to be better informed. He was now able support the application.

Councillor Reynolds endorsed the comments regarding the need for a clearer demarcation of protocols. However, he still had reservations and had been surprised that noise nuisance appeared to have been dealt with by planning permission and he was not confident that the bunding would necessarily achieve what residents were seeking. He also had concerns regarding traffic through South Newington, Bloxham and Great Tew and whilst accepting that a lot had been done by the applicant to address many problems he felt he needed to support those communities listed above and therefore would not vote to support the application.

Councillor Cherry would be supporting the application but asked for his concerns regarding traffic in South Newington to be recorded.

The Chairman expressed some concern regarding the 2 sharp bends on the access road and moved an amendment that the developer should provide appropriate warning signs. That amendment was agreed by the mover and seconder of the motion.

However, a second amendment by the Chairman for a routeing agreement was not accepted by the mover of the original motion and so having been seconded by Councillor Johnston was put to the Committee and agreed by 8 votes to 2.

The motion as amended was then put to the Committee and carried by 9 votes to 1 (Councillor Reynolds recorded as voting against with one abstention).

**RESOLVED:** that:

- (a) subject to the applicant entering into a routeing agreement application MW.0160/15 (15/04481/CM) be approved subject to conditions to be determined by the Deputy Director for Environment & Economy (Strategy & Infrastructure Planning) to include the following:
  - i. The development should be carried out strictly in accordance with the particulars of the development, plans and specifications contained in the application except as modified by conditions of this permission.
  - ii. The development to be commenced within a period of three years from the date of the permission.
  - iii. Processing of waste to construct the noise attenuation bunds should cease within 5 years of the date of permission. All buildings, plant and machinery associated with the processing of waste should be removed within 5 years of the date of permission and the site restored in accordance with the restoration scheme specified in Planning Statement (dated December 2015) and Proposed Noise Attenuation Screen Bund Plan (Drawing No. 4C).
  - iv. No operations authorised or required by this permission should be carried out and plant should not be operated, other than during the following hours:
    - a. Between 0800 and 1630 hours Mondays to Fridays
    - b. Between 0800 and 1300 hours on Saturdays
    - c. No such operations should take place on Sundays and Public and Bank Holidays and Saturdays immediately following Public and Bank Holiday Fridays.
  - v. From the date of issuing permission the operator should maintain records of all waste entering and leaving the site for all operations within the red line area and should be made available to the Waste Planning Authority within 14 days on request.
  - vi. The output of residual waste from the processing operation should not exceed 20% of the total amount of waste imported to the site per annum.
  - vii. No waste should be imported on to the site, other than for the purposes of processing to create material for the construction of noise attenuation bunds as shown on the Noise Attenuation Screen Bund Plan (Drg No. 4C). All residual waste should be removed from the site.
  - viii. HGV movements related to importation and export of waste to and from the site should not exceed a maximum of 40 per day (20 in, 20 out).
  - ix. From the date of issuing permission the operator should maintain records of all HGV movements entering and leaving the site for all

operations within the red line area and should all be made available to the Waste Planning Authority within 14 days on request.

- x. The development to be carried out in accordance with an approved amended Travel Plan to include that:
    - a) HGVs to and from Bicester to travel via the A34, A44 and B4022;
    - b) HGVs to and from Oxford to travel via the A34, A44 and B4022;
    - c) HGVs to and from Banbury to travel via the A361 and B4022;and
    - d) HGVs to and from Chipping Norton to travel via the A44 and B4022.
  - xi. Stockpiles of waste should not exceed a height of 5 metres.
  - xii. All vehicles, plant and machinery operated within the site should be serviced and maintained in accordance with the manufacturer's instructions and, where silencers are specified by the manufacturer for any vehicles, plant or machinery; they should be installed and retained in use.
  - xiii. No mud or dust should be deposited on the public highway.
  - xiv. The concreted surface of the site and site access should be maintained in a good state of repair and kept clean and free from mud and other debris at all times until such time as the site was no longer required for these operations.
  - xv. All completed noise attenuation bunds should be sown with a grass seed mix and kept free of weeds within 6 months of completion.
  - xvi. No reversing beepers or other means of audible warning of reversing vehicles should be fixed to, or used on, any vehicle operating on the site, other than those which use white noise.
  - xvii. No development should take place except in accordance with the dust suppression measures specified in the Planning Statement (Dated December 2015), and Dust Management and Mitigation Plan approved under Planning Permission 14/1178/P/FP.
  - xviii. Noise emitted from on-site crushing and screening should not exceed the background noise level (LA90, 1h) by more than 10 dB(A) at the nearest noise sensitive façades during normal working hours
  - xix. All fuel tanks should be sited on a concrete base surrounded by bund walls capable of retaining at least 110% of the tank volume and any spillages from draw or fill pipes.
  - xx. The aftercare of the site should be undertaken for a period of 5 years in accordance with the Aftercare Scheme specified in the Planning Statement (dated December 2015).
  - xxi. Provision of additional signing at the site entrance and the two sharp bends on the access road to the site warning HGV drivers of other road users and vice versa.
- (b) officers be asked to clarify with all Oxfordshire district councils the need for the district councils to advise the County Council when they believed a planning application for a development which should legally be a county matter had been received by them and to this end seek to establish a protocol with the district councils to avoid them inadvertently determining county matter planning applications and to report back to a future meeting of this Committee on the outcomes

..... in the Chair

Date of signing .....

**For: PLANNING & REGULATION COMMITTEE – 23 May 2016**

**By: DEPUTY DIRECTOR FOR ENVIRONMENT AND ECONOMY  
(STRATEGY & INFRASTRUCTURE PLANNING)**

**Development Proposed:**

**Section 73 application for the continuation of the winning and working of sand and gravel with restoration using suitable imported materials without complying with the requirements of condition 2 of the planning permission 10/01929/CM in order to extend the time period for extraction until December 2020 and the time period for restoration until December 2022 to allow sufficient time for the working of material from beneath the plant site.**

**Divisions Affected:** Kidlington South, and Eynsham

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

**Location:** Cassington Quarry, Worton Farm, Witney, OX29 4EB.

**Applicant:** Hanson Quarry Products Europe Ltd

**Application No:** MW.0158/15 District ref No: 15/04415/CM

**District Council Area:** Cherwell and West Oxfordshire

**Date Received:** 4 December 2015

**Consultation Period:** 17 December 2015 – 12 January 2016

**Recommendation:**

**Contents:**

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

• **Part 1 – Facts and Background**

**Location (see site plan Annex 1)**

1. The permitted sand and gravel site is located off the A40 approximately 3km west of Oxford.

**Site and Setting (see site plan Annex 1)**

2. The area the subject of this proposal (which includes the processing plant) is located at the eastern end of the site. Immediately to the north of the plant area is the M&M waste recycling centre and to the west is the Anaerobic Digestion (AD) facility.
3. The site is within Oxford's designated Green Belt. Two Sites of Special Scientific Interest (SSSI) are located approximately 500 metres to the south of the plant and area remaining to be worked. They are – Pixey & Yarnton Mead and Cassington Meadow. Both these SSSIs also form part of the Oxford Meadows Special Area of Conservation which means they are of European importance. No sites of archaeological interest are affected by the proposal.
4. Cassington village is about 800 metres to the west and the nearest dwellings are in Yarnton and lie over 300m north east from the plant area beyond the railway embankment.
5. The small settlement of Worton lies 750m to the west, and Cassington village lies about 1.5km to the west.
6. There are belts of trees screening the plant area from Worton, Cassington and also from the A40.
7. The plant area is located just over 100 metres south of the mainline railway from Oxford to Banbury. Much of the surrounding area to the south and east has been worked for sand and gravel and has been restored to lakes.
8. The plant area is east of the haul road that leads to the A40.
9. Planning permission was granted in 1986 for sand and gravel extraction at Cassington Quarry. Since then sand and gravel has been extracted in line with this consent and various modifications to the original permission. Permission was granted in 2002 to complete the restoration of the site with inert waste materials. This consent allowed the applicant to undertake mineral working up to December 2010 and restoration to be completed by 2012.
10. Planning permission was granted in 2011 allowing the extraction to continue until 31 December 2015, and the restoration to be completed by 31 December 2017.



**Details of the Development**

11. There remain unextracted reserves of sand and gravel under the plant area totalling approximately 380,000 tonnes. The intention is that the existing plant would be dismantled and removed over a period of 6 months and the mineral then extracted and processed using mobile plant. The proposal is to amend condition 2 of the existing planning permission to allow the time limit for the extraction of the remaining mineral to December 2020 and the restoration of the site to be completed by December 2022.
12. Initially the application was submitted with the description of development reading that the extraction would be until 2022, and the restoration by 2024. It was publicised on that basis, but during the consultation period the applicant agreed to reduce the time period and amend the description of development. Further consultation was not necessary because no consultees would have been disadvantaged by the change.
13. The applicant has also put forward the case that if further working in the Standlake to Yarnton Area was identified in the emerging Oxfordshire Minerals and Waste Core Strategy, this would support the extension of time as the mineral could be worked through the existing plant site.
14. Should this variation be approved there would be commensurate changes necessary to other conditions including condition 6 which currently requires restoration in accordance with the approved scheme to be implemented by 31 December 2017.

**• Part 2 – Other Viewpoints**

**Representations**

15. There are no third party representations for this application.

**Consultations**

16. West Oxfordshire District Council – No objections subject to conditions protecting local residents from traffic.
17. West Oxfordshire District Council (Public Protection) – no observations.
18. Cassington Parish Council – Objects – unnecessary continuation of gravel extraction.
19. Environment Agency – No objections.

20. Thames water – No comment.
21. Natural England - No comment.
22. Oxford Green Belt Network
  1. Concern over the seven year period.
  2. Concerned that no EIA was thought to be needed in relation to the nearby Special Areas of Conservation (SACs), particularly in view of cumulative impacts with other developments such as Northern Gateway.
  3. Hope that monitoring will continue as the extraction continues and the restoration scheme is put in place.
23. Transport Development Control – No objection.
24. Minerals and Waste Policy:
  1. The remaining mineral forms part of the sand and gravel land bank which is currently at just over 12 years, well above the minimum of 7 years required by the NPPF.
  2. If this existing 380,000 tonnes reserve is not worked as part of the current quarrying operation (i.e. before Cassington Quarry is restored), it is unlikely that it would ever be commercially viable to work it at some future date. Therefore, if these sand and gravel deposits are not worked now they will effectively be sterilised and lost as a potential mineral resource. There is a sufficient landbank now, but the sand and gravel would have to be dug from elsewhere.
  3. Although outside the principal locations identified in the Minerals and Waste Core Strategy, Cassington Quarry is in a location where the acceptability of mineral working has been established, it is located close to the Oxford market, and it has good access from the A40.
  4. The delay in restoring the plant site area needs to be balanced against the benefit of enabling the remaining currently permitted reserves to be extracted.
  5. The application is to enable working of sand and gravel beneath the processing plant, the applicant's comments about retention of the existing plant for future working in the Eynsham and Yarnton area are not relevant.
25. County Ecologist:
  1. Discussed with Natural England the requirements for Habitats Regulation Assessment. Natural England has not stated that a new assessment needs to be carried out.

2. Agrees with the applicant's Ecology Report that a Great Crested Newt (GCN) Licence would be required from Natural England for works around the plant site.
3. Questions the quality of GCN habitat that would be provided by an angling lake.
4. Timing of reptile surveys are acceptable in these circumstances, but asked for clarification on the meaning of "in significant numbers" as included in 4.17 of the Ecology Report, which was subsequently supplied and found to be acceptable

• **Part 3 – Relevant Planning Documents**

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

26. Planning applications should be decided in accordance with the Development Plan unless material considerations indicate otherwise. The relevant development plan documents are: The Oxfordshire Minerals and Waste Local Plan 1996 Saved Policies; West Oxfordshire Local Plan 2011; and Cherwell Local Plan 2011 – 2031 incorporating the remaining saved policies of the Cherwell Local Plan 1996.

27. The relevant development plan policies are:

Oxfordshire Minerals and Waste Local Plan 1996 (OMWLP)

SD1 – Land banks for sharp sand and gravel

SD10 Safeguarding of mineral resources

PE13 – Restoration of mineral workings

PE14 – Nature Conservation

PE18 – Code of practice and conditions

CY1 – Area for sharp sand and gravel working.

PB1 – Plant and buildings - design and landscaping.

West Oxfordshire Local Plan 2011- saved policies (WOLP)

NE1 – Safeguarding the Countryside

NE5 – Oxford Green Belt.

Cherwell Local Plan 2031 (CLP)

PSD 1 – Presumption in favour of sustainable development.

ESD 9 – Protection of the Oxford Meadows SAC

ESD10 – Protection and enhancement of biodiversity and the natural environment.

ESD13 – Local landscape protection and enhancement.

ESD14 – The Oxford Green Belt

Cherwell Local Plan 1996 – saved policies as set out in appendix 7 of the Cherwell Local Plan 2031 (CLP1996)

ENV1 – Development likely to cause detrimental levels of pollution.

TR10 – Heavy goods vehicles.

28. The Draft Oxfordshire Minerals and Waste Local Plan Core Strategy (OMWCS) has been out to consultation. This document is now at a more advanced stage of preparation and as such further weight can be given to the policies it contains. At the meeting of the full County Council on 24<sup>th</sup> March 2015, the OMWCS was approved for publication and submission to the Secretary of State for independent examination following consideration of any representations received. Therefore it is appropriate to consider draft policies which are relevant to this development. Those policies are:

M2: Provision for working aggregate minerals  
M3: Principal locations for working aggregate minerals  
M4: Sites for working aggregates minerals  
M5: Working of aggregate minerals  
C1: Sustainable development  
C5: Local environment, amenity and economy  
C7: Biodiversity and geodiversity  
C10: Transport

29. The Draft West Oxfordshire Local Plan 2011- 2013 (DWOLP) is also a material consideration to which limited weight should be given. Relevant policies are  
Policy OS3: Prudent Use of Natural Resources  
Policy EH2: Biodiversity  
Policy EH6: Environmental Protection
30. The Government's National Planning Policy Framework (NPPF) is also a material consideration in taking planning decisions.

#### **Part 4 – Analysis and Conclusions**

##### **Comments of the Deputy Director (Strategy and Infrastructure Planning)**

31. Policy PSD 1 of the CLP states that a positive and proactive approach will be taken to reflect the presumption in favour of sustainable development. In addition policy C1 of the OMWCS states that a positive approach will be taken to minerals and waste development in Oxfordshire, reflecting the presumption in favour of sustainable development contained in the National Planning Policy Framework.
32. The main issues to be addressed in deciding this application are; Green Belt, potential effect on the SAC and biodiversity, potential loss of permitted reserves, effect on local amenity and countryside, and transport.

Green Belt

33. Policy NE5 of the WOLP and policy ESD14 of the CLP both state that development within the Green Belt will only be permitted for uses that maintain openness and do not conflict with the purposes of including land within it.
34. Paragraph 79 of the NPPF states that the Government attaches great importance to Green Belts. It then defines the essential characteristics of Green Belts as being their openness and their permanence.
35. Paragraph 80 of the NPPF sets out the five purposes of the Green Belt: to check the unrestricted sprawl of large built-up areas; to prevent neighbouring towns merging into one another; to assist in safeguarding the countryside from encroachment; to preserve the setting and special character of historic towns; and to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.
36. Paragraph 90 of the NPPF states that mineral extraction is not inappropriate development in the Green Belt provided the openness of the Green Belt is preserved, and that it does not conflict with the purposes of including land in the Green Belt.
37. The proposed development would involve the continued use of the Green Belt land for mineral extraction. A mobile processing plant would be brought onto the site, and the permanent plant would be removed. This would mean there would be no permanent structure remaining on the site.
38. The proposed development would be temporary and the land would be restored to a use compatible with the Green Belt. It would not lead to urban sprawl or neighbouring towns merging; it would not lead to any encroachment on the countryside; there would be no harm to the setting of Oxford; and there would be no impact on urban regeneration.
39. The proposal is therefore not inappropriate development in the Green Belt.

Potential Effect on the Special Area of Conservation (SAC) and Biodiversity

40. Concern has been raised about the lack of an EIA for the development. A screening opinion was carried out for the proposed development and it was determined that an EIA was not required because the proposal does not include any new development, only an extension of time to carry out the existing development which would not lead to any significant environmental effects.
41. Because of the potential for impacts on the Oxford Meadows SAC, prior to determining the planning application Oxfordshire County Council must

first determine whether these impacts are likely to be significant and if so, that an appropriate assessment of the implications for the SAC and its nature conservation objectives is carried out. An appropriate assessment was carried out in relation to the quarry development previously in 2003 which concluded that at that time, no further action was required apart from keeping abreast of monitoring results of groundwater levels as required under an existing legal agreement. The need for an appropriate assessment with regard to the current application has been assessed in Annex 2 of this report. The annex concludes that a further appropriate assessment is not required.

42. NPPF paragraph 9 states that sustainable development includes moving from a net loss in biodiversity towards achieving net gains for the future. OMWLP policy PE14 states that proposals which would affect a nature conservation interest will be assessed taking into account the importance of the affected interest, the degree of damage and the extent to which replacement habitat could preserve the interest in the long term. Policy ESD9 of the CLP specifically seeks to protect the Oxford Meadows SAC including that applicants must demonstrate that there will be no adverse effects on water quality and quantity of any adjacent water courses, and that groundwater flows will not be significantly altered. Policy ESD10 of the CLP states that a net gain in biodiversity will be sought. This is repeated in policy C7 of the OMWCS which adds that 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. DWOLP policy EH2 makes similar provision.
43. The plant area lies some 450 metres from the Pixey and Yarnton Meads and Cassington Meadows SSSIs and so the Oxford Meadows SAC. The Meads are south of the A40 and the gravels have been excavated between the Meads and the plant area. The existing permission includes an approved restoration plan for the area which is not proposed to be altered by this application and which will enhance biodiversity. The only change that this application proposes is in the timescale for restoration, and this would not have a negative effect on biodiversity.
44. The proposed development is in accordance with Policy ESD10 of the CLP, policy PE14 of the OMWLP and policy C7 of the OMWCS.

#### Potential Loss of Permitted Reserves

45. Policy SD1 of the OMWLP states that separate landbanks will be maintained for sharp sand and gravel and for soft sand at levels which accord with current Government advice and with the current regional apportionment. The NPPF requires that a landbank of at least 7 years be maintained. This is also covered in the emerging policy M2 of the OMWCS which seeks to maintain a landbank of at least 7 years.

46. The sand and gravel remaining within the Cassington Quarry site forms part of Oxfordshire's landbank, which currently stands at 12 years, which is well above the required level.
47. Policy CY1 of the OMWLP states that land for sharp sand and gravel working will be released in accordance with the other policies in the OMWLP in a small area at the eastern end of the existing permission south of Worton Rectory Farm. This area immediately adjoins the existing planning permission area to which the current application relates. The area covered by the existing permission and so the current application is shown as permitted mineral workings.
48. Policy M3 of the OMWCS states that the principal locations for aggregate minerals extraction will be within areas that include the, Lower Windrush and Lower Evenlode Valleys area from Standlake to Yarnton. The application site does not fall within one of these areas.
49. Policy M4 of the OMWCS states that specific sites for working aggregate minerals within the strategic resource areas identified in 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. It then goes on to state that in the case of locations within the Eynsham / Cassington / Yarnton area, proposals must not involve the working of land to the north or north east of the River Evenlode.
50. Policy M5 of the OMWCS states that 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 supply of aggregate in accordance with policy M2 cannot be met from within those sites.
51. If the application were for a new quarrying operation it would not be justified in terms of maintaining a landbank of seven years. However, this is not a new operation; it is an application for more time to extract mineral from an area of that has already been permitted and which forms part of the current landbank.
52. OMWLP policy SD10 seeks to avoid the sterilisation of mineral resources. OMWCS policy M5 states further that permission will exceptionally be granted for the working of aggregate minerals outside the sites allocated further to OMWCS policy M4 where extraction of the mineral is required prior to a planned development in order to prevent the mineral resource being sterilised. DWOLP policy OS3 seeks to see prudent use made of natural resources.
53. The land in question would be restored as part of the countryside within the Green Belt and not sterilised beneath built development. However, the reserve would be too small to reopen and work once the restoration has taken place, and so to refuse the application would be to effectively sterilise the mineral resource. Although it is not needed for the existing

landbank it would be a reserve 380,000 tonnes that would have to be dug from elsewhere.

54. The proposed development would be in accordance with the development plan. Although it is outside the principal areas of extraction in the emerging OMWCS, it accords with policy M5 of the OMWCS which allows exceptions where a mineral resource would be sterilised.
55. The applicant has commented in the application about the retention of the existing plant for future working in the Eynsham and Yarnton area. Those comments are not relevant to this application which would require the removal of the processing plant.

#### Effect on Local Amenity and Countryside

56. Proposals for minerals development should not have unacceptable adverse impacts on residential amenity and other sensitive receptors. Policy ENV1 of the CLP1996 states that development likely to cause detrimental levels of noise, vibration, smell, smoke, fumes or other type of environmental pollution will not be permitted. DWOLP policy EH6 makes similar provision. OMWLP policy PB1 seeks to see processing plant sited sympathetically to minimise environmental disturbance and its removal when no longer required.
57. Mineral extraction has taken place on the site for a substantial period and has not led to any serious concerns in terms of complaints of noise, dust, fumes and groundwater. Existing conditions relating to noise and dust should be applied to the new permission if granted.
58. Policy C5 of the OMWCS also states that proposals for minerals and waste development shall demonstrate that they will not have an unacceptable adverse impact on residential amenity. It also seeks demonstration of the same for the local environment; safety; and the local economy. OMWLP policy PE13 requires restoration of mineral workings within a reasonable timescale.
59. This proposal extends the life of the site by 5 years. Some respondents to the proposal consider that the area has suffered from mineral extraction for too long. Most of the wider mineral working site has been dug and restored to lakes within the timeframe planned. A five year period was granted to manage the processing of the final reserve, and this application seeks a further extension.
60. Policy NE1 of the WOLP states that proposals for development in the countryside should among other things maintain or enhance the value of the countryside for its own sake. Policy ESD13 of the CLP seeks enhancement to the character and appearance of the local landscape.
61. The extended life for the extraction of the plant area would not unduly harm the wider environment or jeopardise the opportunity to achieve



good quality restoration in line with present requirements. The existing plant is therefore not required for the processing of the mineral underlying it. The intention is that the existing plant would be removed and mobile plant brought in to process the mineral. Clearly if permission is granted to the extension of time requested, it is desirable for the development to be progressed as expeditiously as possible. I therefore consider that a condition should be attached to any planning permission granted requiring the removal of the existing plant within 6 months so as to not leave a feature in the landscape unnecessarily.

#### Transport

62. Policy TR10 of the CLP seeks to stop heavy-goods vehicle movements through residential areas or on unsuitable roads. Policy C10 of the OMWCS states that development will be expected to make provision for safe and suitable access to the advisory lorry routes shown on the Oxfordshire Lorry Route map.
63. The site has an access via a metalled haul road directly on to the A40 which is one of the roads for HGVs as shown on the Oxfordshire Lorry Routes map.
64. The proposal therefore accords with policy TR10 of the CLP and policy C10 of the OMWCS.

#### Other Issues

65. The proposed application seeks only to amend condition 2 of planning permission 10/01929/CM with commensurate amendments to other conditions including condition 6. Section 73 requires the planning authority to consider whether the application should be granted subject to the same conditions or whether there should be differing conditions. As the permission is well advanced the opportunity should be taken to review and update the conditions where they are out of date, but otherwise the same conditions should be applied.

#### Conclusion

66. The proposed development would allow the removal of an existing permitted resource to be worked. It would have no significant adverse impact on the local landscape or the local amenity. Its removal now would avoid the effective sterilisation of a resource that would otherwise have to be worked elsewhere at some time in the future. Permission should be granted subject to revised conditions.

#### RECOMMENDATION

67. **It is RECOMMENDED that planning permission for application no. MW.0158/15 be approved subject to conditions to be determined by**

**the Deputy Director (Strategy & Infrastructure Planning) but to include the following:**

- 1. The development shall be carried out solely in accordance with details submitted with the application unless modified by the conditions of this permission. The details submitted consist of:**
  - a. Application form dated 23/11/15**
  - b. Covering Letter dated 23/11/2015**
  - c. Email dated 04/12/15**
  - d. Drawing W92m/130 - S73 application Plan dated March 2011**
  - e. Drawing W92m/127a - S73 application dated November 2010**
  - f. Drawing 001-OX Proposed New sand and gravel processing plant dated 26/07/89.**
  - g. Drawing 011-OX Proposed weighbridge and accommodation dated 08/11/89**
  - h. Drawing 6010/0/1 - Key plan ( for junction) dated April 1984.**
  - i. Drawing 6010/0/2 - Plan and profiles for the proposed junction dated April 1984**
  - j. Aftercare scheme dated 04/01/95.**
  - k. Aftercare scheme dated 21/02/95.**
  - l. Aftercare scheme dated 22/03/95.**
  - m. Aftercare scheme dated 12/04/95.**
  - n. Drawing W92a/10- Revised advanced screening proposal dated February 1984.**
  - o. Drawing W92e/15a - Restoration of Working stages 1- 4.**
  - p. Drawing W92e/16c - Operational plan dated August 1988**
  - q. Drawing W92m/22a - New processing plant, location and details dated November 1989.**
  - r. Drawing 3 (ref CHS 458/83) - Working plan**
  - s. Drawing W92m/25 - Restoration proposals dated August 1994**
  - t. Drawing W92m/27a - Working arrangements following archaeological dig dated March 1995**
  - u. Drawing W92m/42a - Working arrangements stage 5-9 sailing lake dated November 2000**
  - v. Drawing W92m/43 - Stages 10-12 working arrangements dated January 2001**
  - w. Drawing Wgzm/44 - Stages 10-12 restoration concept (as modified on approval) dated January 2001**
  - x. Drawing W92m/133 – Composite Restoration Scheme**
  - y. Cassington Quarry Stage 10 Five Year Aftercare Scheme dated 12/3/2012**
  - z. Drawing W93/92c**
- 2. No excavations shall be undertaken or continued after 31 December 2020.**
- 3. All restoration shall be carried out and completed not later than 31 December 2022.**

- 4. All excavation shall re-commence and continue as indicated on the plans accompanying this application and the plans approved under planning permission W2001/1729 and 02/0062/CM, in an orderly and progressive manner, and leaving no humps of unexcavated land.**
- 5. No working shall take place except in accordance with the approved scheme and plans of working, landscaping and restoration indicated in the particulars of the permission.**
- 6. The composite restoration scheme approved as a detail pursuant to condition 6 of permission 10/01929/CM and shown on Drawing W92m/133 shall be implemented by 31<sup>st</sup> December 2022.**
- 7. Details of any mobile plant to be brought on site, and its location within the site shall be submitted to and approved in writing by the Mineral Planning Authority prior to being brought onto the site.**
- 8. The excavated areas shall be sloped at an angle not steeper than 1 in 1½ and in such a manner as to provide adequate support for adjoining land, and to prevent undercutting and scour.**
- 9. Except with the prior written consent of the Mineral Planning Authority, no excavations shall take place within:**
  - a. 8 metres of any watercourse;**
  - b. 6 metres of the entire length of the northern boundary of the land;**
  - c. 6 metres of the Cotswold railway line linking Oxford to Hereford;**
  - d. 10 metres from the extremity (i.e. wing walls) of any railway bridge along the northern boundary of the land or the bridge which carries the A40 over the disused Witney Branch railway line;**
  - e. 10 metres of the boundary of any highway which contains or comprises a carriageway;**
  - f. 6 metres either side of bridleway 21.**
- 10. (a) The margin of 8 metres between watercourses and the excavations required in accordance with condition 9(a) shall be preserved completely unobstructed and clear of any works, including drainage measured from the top of the nearest bank of the watercourse to the nearest edge of the workings.**  
**(b) an access at least 4 metres wide shall be provided to the margin in 10(a) from the access road to the site.**
- 11. Except with the prior written approval of the Mineral Planning Authority, no watercourses shall be incorporated in the**

excavations and no direct connection shall be made between any excavation and any watercourse.

12. All possible steps shall be taken to prevent any solid matter, sand or gravel, or excess amounts of suspended matter from passing into any watercourse from the excavation, conveyors, the washing process, or dewatering.
13. There shall be no discharge of polluted water, sand, gravel, solid matter, oil, grease, or any other offensive or injurious matter into any watercourse.
14. Oil storage tanks shall be sited on impervious bases surrounded by oil tight bund walls. The bunded areas shall be capable of containing 110% of the tank's volume and shall enclose all fill and draw pipes.
15. All stockpiles of overburden, topsoil and excavated materials in the flood plain shall be sited so as not to impede the flow of flood waters and retained for as short a period as possible.
16. No dewatering shall be undertaken while nearby watercourses are running bank full under flood conditions.
17. No operations permitted or required by this permission shall be carried out, lorries shall not enter or leave the site and plant shall not operate except between the following times:
  - a. 0700 hours to 1800 hours Mondays to Fridays;
  - b. 0700 hours to 1300 hours on Saturdays.
18. No operations permitted or required by this permission shall be carried out, lorries shall not enter or leave the site and plant shall not operate on Sundays or bank Holidays.
19. All plant and machinery used on the land and capable of being fitted with silencers shall be fitted to the satisfaction of the Minerals Planning Authority, and except in an emergency with the consent of the Mineral Planning Authority, pumping shall only be carried out by means of electric pumps or such alternatives the details of which shall first be submitted to and approved in writing by the Mineral Planning Authority.
20. Notwithstanding the provisions of the Town and Country planning (General Permitted Development) (England) Order 2015, as amended, no fixed buildings, plant or machinery or structure or erection in the nature of plant or machinery shall be erected, sited or placed on any of the land without the prior written consent of the Mineral planning Authority.

21. Except with the prior written consent of the Mineral Planning Authority, the total area of the site which for the purposes of mineral working is at any time stripped of topsoil and overburden, under excavation and excavated but which has not been restored in accordance with condition 6, excluding land in use for storage, silt beds, permanent processing plant or site roads shall not exceed 24 hectares.
22. Any land not in use at any time for the siting of plant or machinery, or for the excavation of minerals shall be retained so far as practicable in agricultural use.
23. No imported waste materials shall be deposited on the land except inert materials in the area bounded in red on approved plan W92m/44.
24. The existing hedges along the boundaries of the land shall be retained and properly maintained. Any plants which may die shall be replaced, and the replacements properly maintained. In particular the hedge along the boundary of the land adjacent to the A40 shall be allowed to grow, and shall not be cut back except with the prior written consent of the Mineral Planning Authority.
25. All trees on the land shall be preserved and properly maintained. In the event of any trees dying or being seriously damaged or destroyed, a new tree or equivalent number of trees, of a species first approved in writing by the Minerals Planning Authority shall be planted and properly maintained in positions first approved in writing by the Mineral Planning Authority.
26. Any fence or gate which is required by this permission to be retained or erected and which is destroyed or damaged during operations permitted or required by this permission shall be replaced or repaired.
27. All derelict material and all buildings, plant and machinery, and all structures erected or placed on the land in the course of the operations permitted by this permission, when no longer required for the purposes directly associated with the winning and working of the minerals, shall be removed and the land shall be restored in accordance with condition 6 of this permission.
28. Written notice shall be given to the Mineral Planning Authority of the completion of the development hereby permitted.
29. The junction between the internal haul route and A40 that has been constructed in accordance with the drawings numbered

6010/01 and 6010/02 dated April 1984 or such other scheme approved by the Mineral Planning Authority shall be kept pot hole and mud free whilst the development is in operation.

30. Facilities shall be provided on footpaths and bridleways to allow lorries to cross without obstructing or causing damage to the said footpaths and bridleways, and without causing damage to users thereof.
31. The old railway turntable between the disused Witney Branch railway line and the internal haul route shall be protected from the development hereby permitted.
32. The aftercare scheme approved on 10/5/95 shall be implemented.
33. The aftercare scheme approved as a detail pursuant to condition 33 of permission 10/01929/CM on 12/3/2012 and set out in "Cassington Quarry Stage 10 - Five Year Outline Aftercare Scheme" dated 12/3/2012 shall be implemented. That implementation shall be subject to any changes made as a result of any annual meeting, beginning when the restoration of the whole area bounded in red on approved plan W92m/44 is complete, and shall take place for a period of 5 years.
34. No waste shall be imported on to the site.
35. The area bounded in red on the approved plan W92m/44 shall be restored to agriculture in accordance with that plan by 31 December 2022.
36. The revised restoration and landscaping scheme approved as a detail pursuant to condition 38 of permission 10/01929/CM and shown on drawing W93m/92c shall be implemented by 31/12/2012.
37. Heavy goods vehicles shall leave or enter the site only by approved accesses on the A40 marked by the letter x on approved plan W92m/44.
38. No heavy goods vehicles shall enter the public highway unless the wheels and chassis have been sufficiently cleaned to prevent material being deposited on the highway.
39. Haul roads shall be sprayed with water sufficiently to suppress dust.
40. No reversing beepers or other means of audible warning of reversing vehicles shall be fixed to, or used on, any vehicle operating on the site, other than those which use white noise.

- 41. The existing processing plant shall be removed from the site within 6 months of the date of this permission.**

BEV HINDLE

Deputy Director (Strategy and Infrastructure Planning)

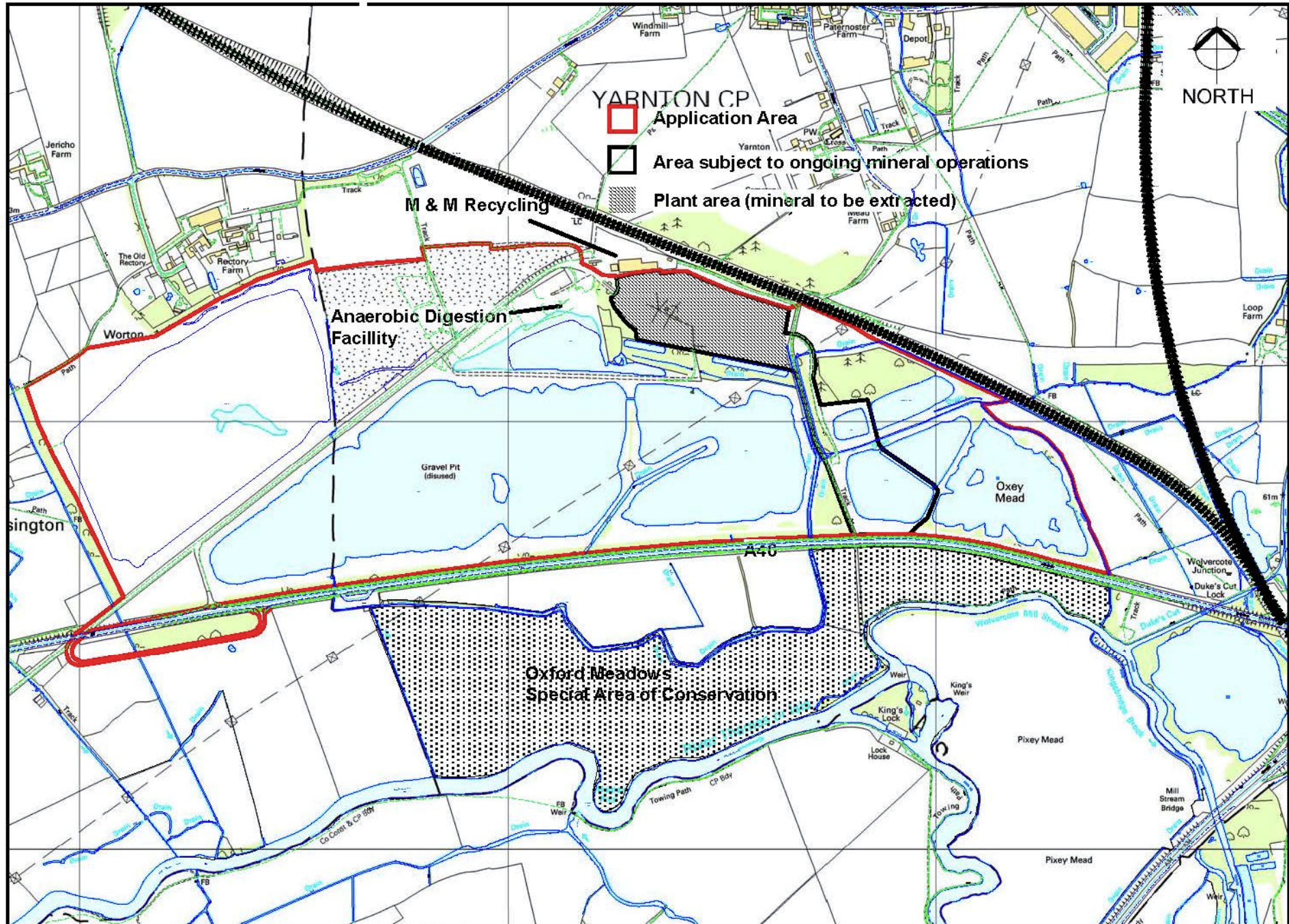
May 2016

Compliance with National Planning Policy Framework

In accordance with paragraphs 186 and 187 of the NPPF Oxfordshire County Council take a positive and proactive approach to decision making focused on solutions and fostering the delivery of sustainable development. We work with applicants in a positive and proactive manner by; offering a pre-application advice service. Throughout the consultation period the applicant has been given the opportunity to supply more information in order to satisfy the concerns raised by consultees. The issue of the effect on the nearby SAC is a particular example, and the applicant agreed to an extension to the determination date in order to give more time for the concerns to be addressed.

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## **Assessing the Need to Carry Out an Appropriate Assessment**

### History

Oxfordshire County Council is the competent authority as defined in Regulation 6(1) of the Conservation (Natural Habitats & c.) Regulations 1994.

On 19<sup>th</sup> May 2003, Planning and Regulation Committee approved Appropriate Assessments of the sand and gravel workings at Cassington and the effect it might have on the Special Areas of Conservation at Cassington Meadow and Pixey Mead.

The assessments are required by Regulation 48 of the Conservation (Natural Habitats & c.) Regulations 1994, implementing Article 6(3) of the Habitats Directive (92/43/EEC). The assessments at the time had been prepared by Oxfordshire County Council in partnership with English Nature.

At the time there were extant planning permissions for sand and gravel working in the vicinity of what were candidate SACs. The extraction of the sand and gravel involved dewatering the deposit in order to work the material dry. Dewatering draws down water levels on surrounding land and could have affected the SACs on which the maintenance of water levels is critical. A legal agreement to overcome the potential adverse effects of changes in ground water levels was drawn up in 1986 between the predecessors of the operator and Natural England.

The agreement involved the construction of bunding between the workings and the SACs with a recharge ditch on the SACs side, into which water from dewatering operations would be pumped in order to maintain groundwater levels on the SACs. Detailed groundwater monitoring had been undertaken following that agreement.

The appropriate assessments concluded that, at that time, no further action was required by Oxfordshire County Council apart from keeping abreast of the monitoring results.

Since that assessment the mineral has been almost completely worked and the areas of extraction closest to the SACs have been restored to lakes.

The operators had maintained ongoing dialogue with the Environment Agency (EA) and Natural England (NE) regarding hydrology of the Oxford Meadows SAC since extraction ceased in Stage 13 (see attached plan) in 2008. At EA's request the operators had undertaken installation of additional western extension of the discharge ditch in order to allow high groundwater levels in SAC to dissipate, along the A40 side of Stage 2 in 2008, and then de-silted previous Stage 2 discharge/recharge ditch in 2010.

In recent years the communication between the operator and NE appears to have been interrupted. There had been no hydrological monitoring reported to the last liaison meeting for the site. The operator has indicated a willingness to co-operate with the EA and NE.

Planning permission was granted in March 2011 to give a longer period for the extraction of the final reserves. There was no further development proposed at that time and a further appropriate assessment was not carried out.

### Current Application

The current application seeks a further extension of time, but again does not seek any new extraction, and is only for development that was contemplated in the 2003 permission when the Appropriate Assessment was carried out.

Both Natural England and the Environment Agency were consulted on the application and neither commented on the application. Further advice was sought from Natural England with the following points highlighted:

- The plant site is on a site that is already well through the process of digging and restoring.
- The plant site lies to the north of land that has already been extracted and restored to a lake.
- The proposed development would result in no change to the existing restoration, it would just give longer for the extraction to take place.
- A previous Section 73 to extend the time was granted in 2010, and it was not considered necessary to carry out an assessment at that time.

Natural England confirmed that under those circumstances a new full Appropriate Assessment was not required.

It is not clear whether the bunding that was put in place at the time of the Appropriate Assessment is still in place, but from the continuing dialogue between the two sides there do not appear to have been any issues raised in relation to the effect of dewatering on the extraction site.

### Conclusion

In view of the existing works, the existing legal agreement with the operator to mitigate any effects if they do arise, and the lack of concern raised by Natural England, a further Appropriate Assessment does not need to be carried out.

In order to ensure that the requirements of the 2003 Appropriate Assessment are adhered to, there should be a condition attached to any permission requiring hydrological surveys to be carried out prior to the recommencement of extraction, and annually during the extraction process. The Survey results to be shared with the Mineral Planning Authority and Natural England. This would allow any mitigation to be sought through the legal agreement if necessary.

**For: PLANNING AND REGULATION COMMITTEE – 23 MAY 2016**

**By: DEPUTY DIRECTOR FOR ENVIRONMENT & ECONOMY  
(STRATEGY & INFRASTRUCTURE PLANNING)**

**Development Proposed:**

Proposed extension of ironstone extraction, revocation of existing consented mineral extraction, export of clay, construction of temporary and permanent landforms, retention of an existing overburden store, relocation of consented stone saw shed, replacement quarry, farm and estate office building, erection of a new shoot store and multi-purpose building.

**Division Affected:** Chipping Norton  
**Contact Officer:** Matthew Case **Tel:** 01865 815819  
**Location:** Great Tew Ironstone Quarry, Butchers Hill, Great Tew, Chipping Norton  
**Application No:** MW.0078/15 **District Ref:** 15/02678/CM  
**Applicant:** Great Tew Farms  
**District Council Area:** West Oxfordshire DC  
**Date Received:** 16 June 2015  
**Consultation Period:** 2 July to 23 July 2015

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## **Part 1 – Facts and Background**

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

1. Great Tew Quarry is located 500 metres to the west of the village of Great Tew, which is 8 km (5 miles) east of Chipping Norton. The nearest residential property is Home Farm which lies approximately 80 metres to the south of the application area. An Oxfordshire Local Wildlife site adjoins the site to the north. Little Tew Meadows Site of Special Scientific Interest (SSSI) lies approximately 1.1 Km to the south. The site contains approximately 16.6 hectares of grades 3a (0.6 ha) and 3b (16 ha) agricultural land. A public bridleway runs to the west of the woodland on the western boundary of the application area.

### **Site and Setting (see site plan Annex 1)**

2. The proposed extension to the area of mineral extraction is to the west of the existing quarry site. The field where it is proposed to deposit overburden material from the proposed extension area lies to the north of the existing quarry. An existing soil/overburden storage area which the application seeks to regularise lies to the south of the existing quarry. The existing quarry access is to the east onto the B4022. The existing quarry lies effectively in a valley with the landform rising immediately to the south and more gently to the north. The proposed extension area is on land rising to the west and which also rises to the south. Areas of woodland lie both to the north of the existing quarry and to the west of the proposed extension area which also contains two areas of woodland within it. The new buildings would be located in the eastern part of the application area.
3. The proposed temporary overburden and topsoil store areas are located to the south of the quarry, immediately south of the Phase 2 & 1B areas.

### **Details of the Development**

4. The applicant is proposing an extension to the west of the existing ironstone quarry covering approximately 6 hectares, although the total red line application area is 33.2 hectares. The western extension proposed has a potential reserve of approximately 700,000 tonnes of mineral: 425,000 tonnes of dimension stone, 137,500 tonnes of chopped building and walling stone and 137,500 tonnes of aggregate which would be used solely within the Great Tew Estate. At the current levels of production this reserve would be worked over a period of approximately 21 years.
5. The proposed works exclude the extraction of part of the consented Phase 3 in the existing quarry. The consented area excluded includes part of 'clay bank' an area of woodland and individual trees, which would now be retained.

6. The development also proposes to retain an area of overburden store outside the consented existing planning permission to the south of the existing quarry which is currently unauthorised. Proposing further tree planting on the overburden mound to soften the structure in the landscape.
7. The total volume of overburden requiring excavation within the extension site is approximately 1.15 million m<sup>3</sup>. Much of the overburden is clay. In order to access the full range of stone types within the proposed extension, the initial phase of works would be to extract the overburden and its placement in permanent new landforms (including restoration of the existing consented quarry). One landform would be created as a mounded landform in the north-western part of the application area to the north of the proposed extraction area. To this end the application proposes to partly infill a field which forms a shallow valley to the north-east of the existing quarry. The existing soil from the field has already been stripped and stored and some overburden material from the existing quarry has already been deposited in it and the application also seeks to regularise this. A surface water attenuation pond would be created in the north-western corner of the application area. Temporary topsoil storage mounds would be provided to the north of both the north-western and north-eastern mounded landforms as well as to the south of the new extension area.
8. The applicant also proposes that a proportion of the clay extracted would be removed from the site, approximately 300,000 m<sup>3</sup>. The clay extracted would not be exported during the existing site's peak harvest period when the site's other use as a grain store is at its peak.
9. The applicant proposes to construct a multi-purpose building just to the south of the existing grain stores. The facility would provide vehicle maintenance and potential agricultural storage. The building would be very similar in construction and appearance to the existing grain stores and workshop with a pitched roof. The pitched roof would be constructed with fibre cement sheeting, with green plasisol coated profiled metal cladding for the walls. The south elevation would contain 5 pairs of aluminium roller shutter doors. It would be set at a low level in approximate location of the consented stone saw shed, and accessed from the quarry farm yard area. The multi-purpose building would have a floor space of 2198m<sup>2</sup>, and would be 11 metres in height.
10. The applicant proposes the erection of a storage unit. The proposed unit would create a floorspace of 282m<sup>2</sup> and a maximum pitched roof height of 0.067 metres. It would primarily be used to store agricultural vehicles and equipment. The external appearance of the building would replicate the existing grain stores and workshop with green platisol metal cladding walls and grey aluminium roller shutter doors on the east elevation. The pitched roof would be of grey fibre cement sheeting. Along with the construction of the storage unit, the applicant proposes to relocate the consented stone saw shed further south within the existing consented quarry. This would provide 551 m<sup>2</sup> of new floorspace and have a maximum pitched roof height of 9.8 metres. The walls would be of

concrete panels at the bottom with green plastisol steel sheeting above and galvanised roller shutter doors on three elevations. Currently all stone is exported off site for processing elsewhere. The proposed scheme allows for relocation of a dedicated platform away from the main mineral haul routes. A stone stock area will be located to the east of the stone shed for processing.

11. The applicant proposes the erection of a replacement office building. The development proposes the replacement of the existing 'portacabin' office with a new office development which would create a central hub for the wider estate business, this includes both the quarry and agricultural sectors. The office building would have a gross internal floorspace of 664m<sup>2</sup> over four storeys to a maximum height of 11.572 metres including a light well and including a basement . The basement and ground floor would be faced with cut stone, the first floor with horizontal cedar cladding and the second floor with glass curtain walling with a colourless glass balustrade with stainless steel capping rail. The pitched roof would be of metal cladding with a metal clad light well. The office would be located on the existing office car park, to the east of the existing office building. The development would be accompanied by approximately 18 car parking spaces with the new car park located approximately on the site of the existing office building.
12. The applicant does not propose any changes to the operating hours which would remain in accordance with the consented scheme – 07:00 – 18:00 Mondays to Fridays and 07:00 – 13:00 on Saturdays. Access to the site would be as existing to and from the B4022.
13. The extraction of stone would generate an average of 8 movements per day and 42 per week. The extraction of clay for export would generate an average of 22 per day and 110 per week. In addition during the harvest period (August to October), the site access would also serve an average of 52 movements per day and 260 per week. No clay would be exported during the harvest period. The overall average mineral movements in the non-harvest period would therefore be 30 per day and 152 per week.
14. It is proposed that the site would be restored to a mixture of agricultural land, scrubland and woodland with biodiversity enhancements.
15. The application is supported by an Environmental Impact Assessment (EIA) and an Environmental Statement (ES) was submitted along with the application. This covers the key environmental impacts of the proposal. Details can be found in Annex 2.

## **Part 2 – Other Viewpoints**

### **Representations**

16. No letters of objection have been received to this application.



## **Consultations**

17. A summary of consultation responses received in relation to this application can be found at Annex 4. They are also available to read in full on the eplanning website <http://myeplanning.oxfordshire.gov.uk> using the reference number MW.0078/15.

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

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

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

19. The relevant Development Plan policies are:

- i) West Oxfordshire Local Plan 2011(WOLP):
  - Policy BE2 (General Development Standards)
  - Policy BE19 (Noise)
  - Policy NE1 (Safeguarding the Countryside)
  - Policy NE3 (Local Landscape Character)
  - Policy NE6 (Retention of Trees, Woodlands and Hedgerows)
  - Policy NE7 (Water Environment)
  - Policy NE9 (Surface Water)
  - Policy NE11 (Water Quality)
  - Policy NE13 (Biodiversity Conservation)
- ii) Oxfordshire Mineral and Waste Local Plan 1996 (OMWLP):
  - Policy PE2 (proposals for mineral workings that are located outside the areas identified in the OMWLP)
  - Policy PE3 (Buffer Zones)
  - Policy PE4 (Groundwater)
  - Policy PE10 (Woodland)
  - Policy PE13 (Restoration)
  - Policy PE14 (Sites of nature conservation importance)
  - Policy PE18 (Code of Practice)
  - Policy SD4 (Additional Ironstone Extraction)
  - Policy SD5 (Clay Extraction)

20. Other material considerations are:

- i) The Draft West Oxfordshire Local Plan 2031 (DWOLP) is also a material consideration to which limited weight should be given. Relevant policies are:
  - Policy EH1 (Landscape Character)
  - Policy EH2 (Biodiversity)

- Policy EH5 (Flood Risk)
  - Policy EH6 (Environmental Protection)
  - Policy OS4 (High Quality Design)
- ii) Draft Oxfordshire Minerals and Waste Local Plan Core Strategy (Proposed Submission Document 24th March 2015). The Draft Oxfordshire Minerals and Waste Local Plan Core Strategy (OMWCS) has been out to consultation. This document is now at a more advanced stage of preparation and as such further weight can be given to the policies it contains. At the meeting of the full County Council on 24<sup>th</sup> March 2015, the OMWCS was approved for publication and submission to the Secretary of State for independent examination following consideration of any representations received. Therefore it is appropriate to consider draft policies which are relevant to this development. Those policies are:
- Draft Policy M5 (Working of aggregate minerals)
  - Draft Policy M7 (Non-aggregate Mineral Working)
  - Draft Policy M10 (Restoration of mineral workings)
  - Draft Policy C1 (Sustainable Development)
  - Draft Policy C5 (Local environment, amenity and economy)
  - Draft Policy C7 (Biodiversity and Geodiversity)
  - Draft Policy C8 (Landscape)
  - Draft Policy C10 (Transport)
- iii) The Government's National Planning Policy Framework (NPPF) was published on 27 March 2012.

#### **Part 4 – Analysis and Conclusions**

##### **Comments of the Deputy Director for Environment & Economy (Strategy & Infrastructure Planning)**

21. The key policy issues to consider in determining this application are:

- i) Working of Ironstone
- ii) Site Restoration and Biodiversity
  - Restoration
  - Arboriculture
  - Hydrology
- iii) Landscape
- iv) Export of Clay
- v) Transport
- vi) Impacts on Local Amenity
- vii) Office, Workshops and Agricultural Buildings

##### Working of Ironstone

22. OMWLP policy PE2 states that permission should not normally be granted outside the areas identified in the plan unless demand for the mineral cannot be met from within areas identified in the plan. Draft OMWCS

Policy M7 states that permission will be granted for extensions to existing quarries and new quarries for the extraction of traditional local building stone where a need for the material has been demonstrated and the proposed quarrying is small-scale.

23. The application site is the only quarry in the County that produces brown ironstone for dimension stone (other permitted ironstone reserves in the county are only producing aggregate) and the existing permitted reserves at the site are nearing exhaustion. Therefore the need for this mineral cannot be met from areas identified in the OMWLP or from existing ironstone permissions, and the proposal accords with Policy PE2 of OMWLP, and Policy M7 of the OMWCS in this respect.
24. OMWLP policy SD4 states that planning permission for additional ironstone extraction will only be granted in exchange for an agreed revocation, without compensation, of an existing planning permission containing workable reserves. OMWCS policy M5 states that the extraction of ironstone for aggregate purposes will only be permitted where it is in exchange for the revocation of an equivalent permission and where there would be environmental benefits.
25. The proposal does make provision for the retention of the consented 'Clay Bank', an area of woodland and individual trees. Therefore the application is considered to be generally in accordance with Policy SD4 of the OMWLP. I do not consider that it accords with OMWCS policy M5 which requires for the aggregate element of the application that an equivalent revocation is provided and that there is environmental benefit. However, provided that the aggregate is only used for the maintenance of works within the adjoining Great Tew Estate, then I do not consider that refusal of the application on this ground could be sustained. This matter could be conditioned should planning permission be granted.
26. Policy SD5 of the OMWLP states that clay extraction will only normally be permitted from set areas where sand and gravel extraction is identified. The proposed development does not fall within any of the set areas identified in the existing local plan. With regard to clay extraction, OMWCS policy M7 similarly states that clay extraction will not be permitted other than in conjunction with sand and gravel extraction from identified areas unless it is to meet an identified local need or the impacts would be less than from such areas. The site does not lie within one of the areas for sand and gravel and so possibly clay extraction identified in policy M3 of the OMWCS. The applicant has not identified a local need for the clay. At this point in time, the OMWCS has been submitted for examination, but until the outcome of the examination is known, the weight that can be given to the policies in it is limited. NPPF paragraph 144 states that local planning authorities should give great weight to the benefits of mineral extraction. In this case the ironstone extracted is from the only quarry of its type extracting this particular type ironstone. It is considered that there is a need for further sources of building stone to be permitted. Therefore the need for ironstone from the quarry is considered to be acceptable and,

provided that the clay would be extracted in conjunction with the ironstone and would not give rise to unacceptable adverse impact including as a result of additional mineral vehicle movements, refusal of the application on the grounds of it being contrary to OMWLP Policy SD5 and/or OMWCS Policy M7 with respect to the proposed working of clay is unlikely to be justified.

Site Restoration, Hydrology and Biodiversity and Arboriculture

Restoration

27. Draft Policies M10 and C7 of the OMWCS and policy PE13 of the OMWLP, discuss the need to restore mineral working sites to a high standard and in a timely and phased manner, with satisfactory restoration proposals. Policy C7 seeks a biodiversity or geodiversity net gain. OMWLP policy PE14 states that proposals which would affect a nature conservation interest will be assessed taking into account the importance of the affected interest, the degree of damage and the extent to which replacement habitat could preserve the interest in the long term. The WOLP has a similar policy NE13 which states the Council will seek to safeguard, maintain and enhance priority habitats and species within the District. Development proposals should include measures to mitigate any effects upon features of nature conservation value, including where appropriate the provision of compensatory habitats or management.
28. The proposed extension will be split into two phases (phases 4&5). Generally the working direction will move in a north-western direction. As much of the ironstone is under overburden and clay, the initial stage involves extraction of clay and overburden, moving and infilling of the north-east landform with overburden, which involves partially infilling a slight valley landform. Much of the work of the north-east landform will be completed before the extraction of the lower and upper quarries of Phase 5. The site will be progressively restored, starting with the existing quarry, and then moving to Phase 4 (Upper Quarry).
29. At the current rates of extraction, the extension would have approximately 21 years of ironstone reserves. The restoration scheme which involves a mixture of woodland and hedgerow planting, grassland scrub and arable farmland split into four by two small woodland blocks and connecting hedgerows would provide an overall biodiversity net gain from the existing use of arable farmland. Both BBOWT's Ecologist and OCCs Planner Ecologist withdrew objections after modifications and additional information were provided by the applicant, providing conditions are applied to any permission granted. The applicant has also agreed to enter into 20 year long term management plan with Oxfordshire County Council via a Section 106 legal Agreement.
30. Therefore in terms of achieving a good and diverse restoration the application is considered to be in accordance with draft policies M10 and

C7 of the OMWCS, policies PE13 and PE14 of the OMWLP and policy NE13 of the WOLP.

Hydrology & Biodiversity

31. Policy NE7 of the WOLP states that development should not have an adverse impact on the water environment. Initiatives which seek to restore or enhance the natural elements of this environment will be supported. Policy NE9 of the WOLP states new development or intensification of existing development will not be permitted where the additional surface water run-off would result in adverse impacts such as an increased risk of flooding, river channel instability or damage to habitats, unless appropriate attenuation and pollution control measures are provided. Policy NE11 of the WOLP states development should not have an adverse impact on the quality of surface or ground water supplies and resources. Policy EH2 of the DWOLP states the biodiversity of West Oxfordshire shall be protected and enhanced to achieve an overall net gain in biodiversity.
32. Policy PE4 of OMWLP states proposals for mineral extraction and restoration will not be permitted where they would have an impact on groundwater levels in the surrounding area which would harm existing water abstraction, river flow, canal, lake or pond levels or important natural habitats. Proposals must not put at risk the quality of groundwater.
33. Policy PE14 of the OMWLP states sites of nature conservation importance should not be damaged. Proposals which would affect a nature conservation interest will be assessed by taking into account the importance of the affected interest; the degree and permanence of the projected damage; and the extent to which replacement habitat can be expected to preserve the interest in the long-term. Draft Policy EH5 of the DWOLP states sustainable drainage systems to manage run-off will be integrated into the site design, maximising their habitat value and ensuring their long term maintenance. West Oxfordshire District Council has raised objection to the application on ecology grounds.
34. Valley West of Great Tew Local Wildlife Site (LWS) lies immediately adjacent to the application site and supports a range of priority habitats including wet woodland, lowland mixed deciduous woodland, lowland meadows and fen. The LWS includes the River Tomwell/Deddington Brook. Dewatering of the quarry extension is proposed in order to excavate the brown ironstone, this has the potential to reduce and/or remove the groundwater flow across the site, which would normally enter the Deddington Brook to the north of the site. The proposal would see the pumped groundwater discharged into the Brook via a settling pond to allow the removal of excess suspended solids. There were concerns as to how the system would cope in extreme weather conditions and impact of soil erosion on habitats within the LWS.
35. After discussion the applicant has agreed to use a silt buster to prevent silt and other solids travelling from the site and entering the brook. Conditions

have been proposed by the county's Ecologist Planner require a Water Monitoring, Maintenance and Action Plan including programmes to monitor water quality & quantity in Deddington Brook, monitoring habitats within the LWS, monitoring of groundwater levels, monitoring of silt loading within ditches, and maintaining the silt buster. The Ecologist Planner has also recommended an additional condition requiring that annual groundwater monitoring data is sent in the form of a report to the MPA. If the development is shown to be harming the groundwater quality or quantity, remedial action shall be proposed by the operator.

36. To prevent heavy soil erosion impacting on the LWSs hydrology and habitats, the applicant proposes a temporary dense ryegrass crop to be planted to the north of the extension's proposed clay and ironstone extraction area to intercept and filter runoff and provide enhanced mitigation to the LWS.
37. Therefore, subject to these conditions, notwithstanding the comments of the District Council, in terms of hydrology and related biodiversity, the application is considered to be in accordance with Policies NE7, NE9 & NE11 of the WOLP, EH2 & EH5 of the DWOLP, and Policies PE4 & PE14 of the OMWLP.

#### Arboriculture

38. Policy PE10 of the OMWLP states mineral working should not damage or destroy woodland and forestry. Proposals which would affect woodland will be assessed by taking into account the importance of the affected woodland, economically, scenically and ecologically; the local abundance or scarcity of woodland; the remaining life of the woodland; the extent of replacement proposed; and the time which it can be expected to take for replacement woodland to make a positive contribution to the landscape. Policy NE6 of the WOLP states planning permission will not be granted for proposals that would result in the loss of trees, woodlands or hedgerows, or their settings, which are important for their visual, historic, or biodiversity value. Removal will only be allowed where it can be demonstrated that the proposed development would enhance the landscape quality and nature conservation value of the area. West Oxfordshire District Council has raised objection on arboricultural grounds.
39. The proposed development would see the removal of a small block of woodland in the Upper Quarry extension and most of the woodland block in the Lower Quarry. The tip of the Lower Quarry woodland would remain with new hedgerows splitting the proposed arable restoration from the grassland scrub in the south. There would also be additional hedgerow running in a north-west direction joining the proposed hedgerow with the remaining woodland tip in the north. The applicant also proposes additional planting to the south of the extension and around the proposed pond in the north-eastern corner of the proposed extension as well as additional planting on the currently unauthorised landform to the south of the existing quarry.

40. Early comments from the county's Arboricultural Officer requested further information linked to the attached Arboriculture report including additional information relating to woodland management practices. Arboricultural Impact Assessment was also requested for areas around the proposed new office building, due to the proposed removal of three Sycamore trees and one Ash tree.
41. After the additional information was supplied the Arboricultural Officer was happy with the additional information, but requested a pre-commencement condition to be attached to any planning permission which requires the submission and approval of an Arboricultural Method Statement and Tree Protection Plan to protect the existing trees on site.
42. Overall the development would see an increase in the number of trees on both the existing site and extension once restoration is complete. Therefore, whilst I note the objections raised by the District Council, the application is considered to be in accordance with policy PE10 of the OMWLP and policy NE6 of the WOLP.

#### Landscape

43. WOLP policy NE3 states that development will not be permitted if it would harm the local landscape character. Policy NE1 of the WOLP seeks to maintain or enhance the value of the countryside for its own sake, in particular its local character and agricultural values. Draft OMWCS policy C8 seeks to see development respect and where possible enhance local landscape character. Proposals should include adequate and appropriate measures to mitigate adverse impacts on landscape, including careful siting, design and landscaping. Draft policy EH1 of the DWOLP seeks to conserve and enhance the District's landscape quality, character and distinctiveness.
44. The application site is located on and surrounded by gently sloping and relatively flat valley plateau and escarpment, becoming steeper and more heavily vegetated nearer the valley centre, providing a significant level of visual containment locally. The nearby settlement, the village of Great Tew is located to the east of the application site, due to tree cover and topography, the village is well screened from the quarry.
45. The proposed development would see extended mineral extraction further west, and increase the level of built development. It would also see the creation of two new permanent screening landforms and result in a significant level of additional woodland. The most significant new landform would be created to the north of the proposed extension including a temporary screening mound in the north-west corner, which would help screen the development from views from the north. The temporary screening mound created from the overburden from Phase 4 will later be used in the restoration, and re-landscaped, with the overburden as backfill and restored to approximate original landform.

46. Part of the proposed development would see the regularising of an unauthorised landform to the south of the existing permitted development. The proposal would see a woodland belt created along the southern edge of the unauthorised landform.
47. West Oxfordshire District Council has objected to the application due to a number of concerns related to the cumulative visual impact caused by the quarry works and associated ground modelling, in particular from the north. The original proposal saw a restoration scheme in the extension area to create parkland on the southern slopes. This was questioned by the County's Environmental Strategy Officer, leading the applicant to modify the proposal to show grassland scrub, and extended hedgerow, which are both considered more in keeping with the surrounding landscape character and show a higher biodiversity gain than the original scheme.
48. Although the development proposal would see a short term detrimental impact on the landscape character, the long term restoration scheme would see a number of landscape enhancements with the inclusion of arable scrub, additional hedgerow and tree planting. The additional buildings, including shoot store, new office and workshops proposed to the east of the site in the existing quarry would be in keeping with the existing agricultural buildings, and would be well screened from the surrounding landscape. Therefore the proposed development would enhance the value of the countryside as the proposed land use would match the character of the surrounding area and also enhance the agricultural value of the local area. Therefore, whilst I note the objections raised by the District Council, whilst there would be some short term detrimental impacts, there would be overall enhancements and I consider that the application is generally in accordance with policies NE1 and NE3 of the WOLP, draft OMWCS policy C8 and draft policy EH1 of the DWOLP.

#### Transport

49. Policy PE18 of the OMWLP and Policy C10 of OMWCS require that developments will among other things provide safe and convenient access to the highway network. Access to and from the mineral site should be laid out and constructed to the satisfaction of the County Council as the highway authority. The rate of extraction of Brown Ironstone will not increase beyond the existing rates. The significant difference with the proposed development is the additional clay exportation, which involves approximately 300,000 m<sup>3</sup> on an ad-hoc basis over 21 year period. A Transport Statement was submitted with the application. The Transport Development Control Officer has stated that providing the clay exportation is not carried out during the harvest period when the agricultural business is at its peak, the proposal would have similar traffic implications to the existing site and subject to conditions has not objected to the application. The Transport Development Control Officer has recommended the



inclusion of a condition which requires clay exportation to be restricted to outside the harvest season (August to October).

50. The code of practice attached to Policy PE18 of the OMWLP states 'measures should be taken by the operator to keep mud, dust and other material off the public highway'. The proposed extension is located further west to the existing quarry, allowing for a longer internal haul road. The long haul road will allow more time to knock off any loose mud off HGV tyres.
51. In addition, Draft Policy C10 also states "mineral workings should as far as practicable be in locations of demand for the mineral, using roads suitable for lorries". The access road joins the B4022, HGVs can either take a left turn and head north to the A361, an approved lorry route, or take a right turn and access the A44 south to Oxford. The site is the only brown Ironstone quarry extracting and exporting block building stone of its type. The location of the traditional local building stone is geologically located in the north of Oxfordshire. The proposed development is for an extension on existing quarry, with similar levels of extraction of ironstone as currently permitted.
52. Providing the clay exportation is carried outside the harvest period, the proposal would be in accordance with policy PE18 of the OMWLP and policy C10 of the OMWCS.

#### Impacts on Local Amenity

53. OMWLP policy PE18 states that in determining applications the County Council will have regard to the appropriate provisions in the Code of Practice. This sets out details of measures to protect amenity to dwellings and other noise sensitive buildings and uses, including buffer zones, landscaping, standard hours, noise, dust and odour. Draft Policy C5 of the OMWCS concludes there should be 'no unacceptable adverse impacts on the environment, residential amenity and other sensitive receptors', this includes noise, dust and visual intrusion and also requires where appropriate the provision of buffer zones. Policy BE19 of the WOLP states planning permission will not be granted if occupants would experience 'significant noise disturbance'. Policy PE3 of the OMWLP requires the safeguarding of appropriate 'buffer zones' around the site to protect against unacceptable losses of residential or natural amenity and NPPF paragraph 123 states that planning decisions should aim to avoid noise giving rise to significant adverse effects as a result of new developments, whilst recognising that development will often create some noise.
54. Policy EH6 of the DWOLP states 'Proposals which are likely to cause pollution or result in exposure to sources of pollution or risk to safety', in this case noise, '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.'

55. The nearest residential property is located approximately 80 metres to the south-west of the proposed quarry extension (Home Farm), although in terms of the area proposed for ironstone extraction boundary it is approximately 225 metres from Home Farm. No objections have been received from the Environmental Health Officer (EHO), providing the existing controls on noise and dust continue to be implemented. Whilst a right of way passes alongside the site to the west, the use of this is by its nature transitory. The development also proposes bunding to the southern boundary of the proposed extension to help mitigate any noise and visual intrusion created to both the right of way and Home Farm.
56. Providing existing conditions are replicated in any new permission that may be granted, the development will be in accordance with policies PE3 and PE18 of the OMWLP, draft policy C5 of the OMWCS, policy EH6 of the DWOLP and policy BE19 of the WOLP.

New office, workshops, agricultural buildings

57. Policy BE2 of WOLP states new development should respect and, where possible, improve the character and quality of its surroundings and provide a safe, pleasant, convenient and interesting environment. Proposals for new buildings and land uses should clearly demonstrate how they will relate satisfactorily to the site and its surroundings, incorporating a landscape scheme and incidental open space as appropriate. Policy OS4 of the DWOLP states 'high design quality is central to the strategy for West Oxfordshire. New development should respect and contribute to local distinctiveness and, where possible, enhance the character and quality of the surroundings.
58. As mentioned in the report, the applicant wishes to replace the existing one storey portacabin office building with a four storey office, which includes the basement level, largely below ground. This will allow wider estate business within one location, including the quarry and agricultural sectors. The office building appears to be relatively well screened from the surrounding area and will be constructed with high quality materials including the brown ironstone for the basement and ground floors, cedar cladding for the first floor and glass curtain for the second floor. The roof is clad with metal to match the surrounding agricultural buildings. The office building mixes both traditional building techniques (ironstone walling and cut stone dressing) with contemporary design to blend with the surrounding agricultural buildings.
59. The applicant also wishes to erect a storage unit, a large multi-purpose building, and relocate the stone saw shed. The buildings would be similar in construction and appearance to the existing grain stores and workshop. The proposed buildings are well screened to properties to the north and south by a mixture of trees, existing agricultural buildings and topography. Therefore I see no conflict with policy BE2 of the WOLP and draft policy OS4 of the DWOLP.

### **Sustainable Development**

60. The NPPF contains a presumption in favour of sustainable development which has environmental, economic and social roles, which is reflected in OMWCS policy C1. This development would contribute towards the environmental aspect of sustainable development by the provision of ironstone for building purposes and as a local source of aggregate material for use on the Great Tew Estate. It would have an economic role through its contribution towards providing the materials necessary for the provision of buildings and infrastructure and a social role through the provision of employment to the local community and the resources necessary for the creation of a high quality built environment.

### **Conclusions**

61. The development contains a number of elements including the additional new area of extraction, areas to be used for permanent overburden disposal and so changes to the landform and new buildings. The application and associated environmental information has been subject to three periods of consultation and the majority of objections have been overcome subject to conditions. Subject to a legal agreement to provide that the “clay bank” area of the existing planning permission will not be further worked and to the provision of a 20 years long term management scheme, I consider that the application is generally in accordance with development plan and national policy and would be sustainable development in environmental, economic and social terms in accordance with the NPPF.

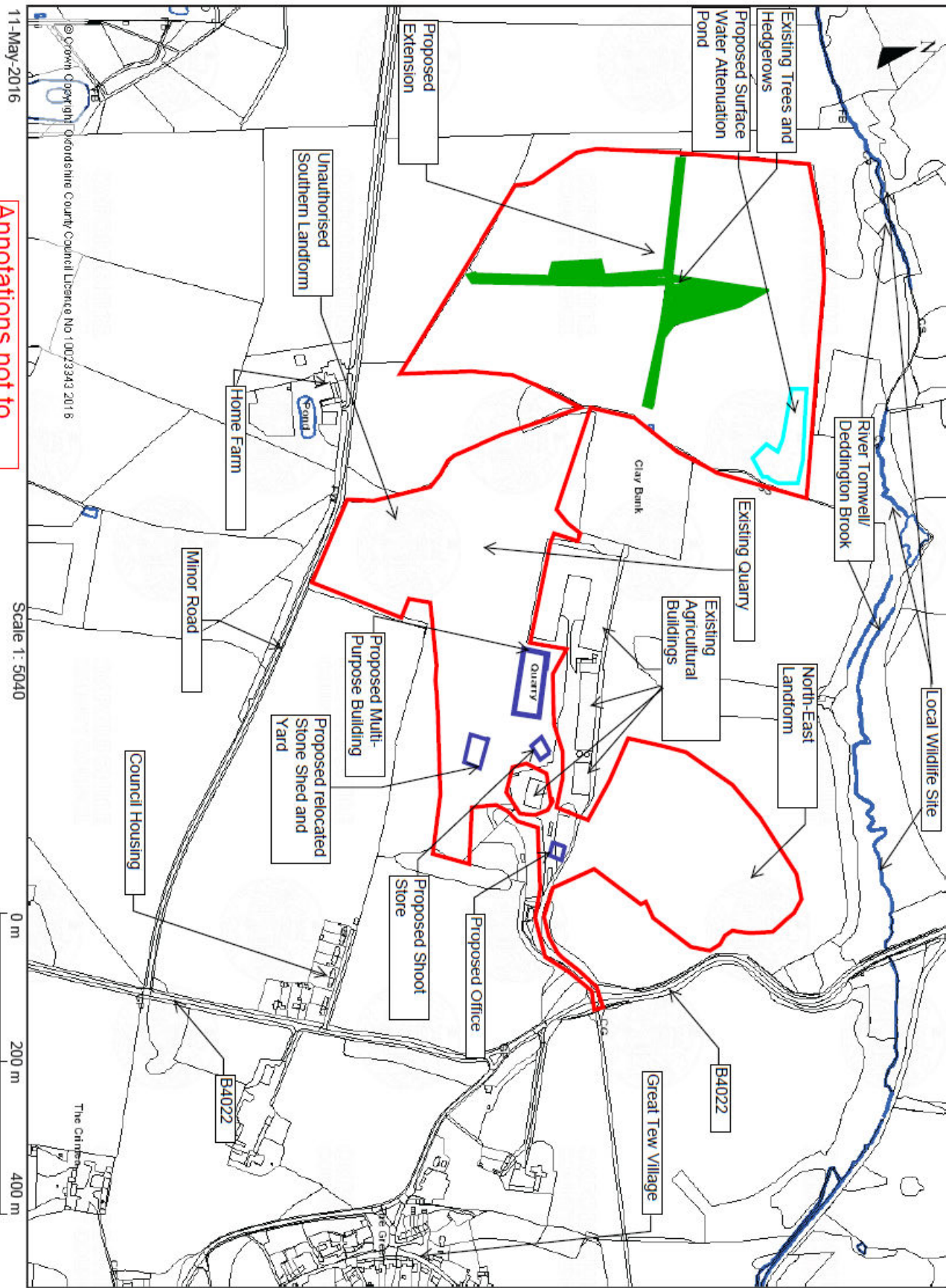
### **RECOMMENDATION**

62. It is **RECOMMENDED** that subject to a legal agreement to secure that the mineral permitted under the “clay bank” is not further worked and a 20 years long term management plan that planning permission for application MW.0078/15 be approved subject to conditions to be determined by the Deputy Director for Environment & Economy (Strategy and Infrastructure Planning) including those set out in Annex 3.

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# Annex 1: Committee Plan

Map Legend  
No overlays selected



11-May-2016

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Scale 1: 5040



Annotations not to scale

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**Environmental Statement**

An Environmental Statement (ES) was submitted with the planning application.

**Chapter 1** - Introduces the application, states the Environmental Impact Assessment (EIA) regulations, and sets the scope of the Environment Statement (EA) and format.

**Chapter 2-** Gives a site description of the existing quarry and proposed extension. Also gives a brief summary of the planning history.

**Chapter 3** – Gives details on the proposed development, which includes the geological context, brown ironstone mineral, proposed new landforms, new multi-purpose building, relocation of consented stone saw shed, proposed sequence and method of working for the new extension and restoration of the existing quarry. Concludes the need to create new landforms due to the large amount of excess overburden and clay on site.

**Chapter 4** – Outlines national and local planning policy relevant to the proposed development.

**Chapter 5** – This is a short chapter which evaluates the process of understanding ‘alternatives’ in terms of alternative locations and method of working. Due to the nature and locality of the mineral (brown ironstone), it would be very restricted where the mineral would be extracted in terms of alternative sites. The methods of extraction are well established on site, therefore it is not considered necessary to propose an alternative method of working.

**Chapter 6** – Considers the potential environmental impacts from the development including hydrology, landscape and visual impact, ecology, agricultural quality and soil resources, arboriculture, and highways and transport. In terms of hydrology, by providing flood attenuation and clarification of surface runoff during operational phases, the scheme will prevent any deterioration to the LWS’s ecology. The proposal has mitigated landscape character impact by construction of temporary bunds and landforms during the operational phases, and the planting of trees and hedgerows at the restoration phase. As mentioned with landscape impact, the loss of trees in the extension will be mitigated by additional planting to the south of the existing quarry, and to the north and south of the new extension once restored. The proposed buildings including office and multi-purpose building have been designed with high quality materials and proposed in locations well screened from the surrounding landscape.

NB A Transport Statement was later requested and submitted as an additional document. The impact arising from the traffic generated would be mitigated by restricting clay exportation during the harvest period.

**Chapter 7-** This chapter gives an assessment of potential cumulative impacts, carried out in line with the Scoping Opinion. The conclusion of the chapter was there will be no cumulative environmental impacts caused by the proposed development.

**Chapter 8 –** Summarises and concludes the ES, discussing key issues linked to the development including the impact on ecology, hydrology and landscape character.

**Appendix 1-** Copy of the Scoping Opinion provided and completed by Oxfordshire County Council.

**Appendix 2 –**Hydrogeological Impact Assessment completed by GWP Consultants.

The assessment was completed in June 2015. The report describes the local hydrogeological setting of the proposed extension and identifies the potential impacts relating to quarrying activity and subsequent restoration, on the hydrogeological baselines. Mitigation measures are proposed for each potential impact.

Consultation process requested additional information resulted in:

- Hydrological and Hydrogeological Addendum Report (December 2015)
- Summary of changes made after first Consultation (January 2016)
- Hydrological and Hydrogeological Responses (5<sup>th</sup> April 2016)

**Appendix 3-** Landscape and Visual Impact Assessment (June 2015)

This assessment concerns the predicted potential landscape and visual effects of the proposed development.

Consultation process requested additional information resulted in:

- Response to Environmental Strategy Officer (January 2016)
- Amendments to the Operational Phase Plans (January 2016)
- Amendments to final Restoration Scheme (January 2016)  
David Jarvis Associates Response, dated April 2016, to address comments made by the Environmental Strategy Officer, County Ecologist and matters relating to the French Drain.
- Amendments to the Operational Phase Plans (April 2016)
- Additional Ecology and Landscape information (13th April 2016)

**Appendix 4 –** Ecological Assessment (13<sup>th</sup> June 2015)

The assessment was completed by Philip Parker Associates. The assessment evaluates the existing ecological interest, and how the proposal will impact on the existing ecological interest for both the site and surrounding area. The assessment includes details of all the initial surveys and recommended ecological mitigation and enhancements.

Consultation process requested additional information resulted in:

- Summary of changes made after first Consultation (January 2016)



- Additional Ecological Assessment (11<sup>th</sup> February 2016)
- Response to Ecological Queries raised by Planning Authority in their Response (March 2016)
- Additional Ecology and Landscape information (13<sup>th</sup> April 2016)

**Appendix 5 – Agricultural Quarry and Soil Resources (27<sup>th</sup> April 2016)**

The report provides information on the soils and agricultural quality of the 16.6ha of farmland proposed as an extension. The land is dominantly of subgrade 3b agricultural quality limited by wetness, droughtiness or slope, with small areas of subgrade 3a land over limestone. The applicant plans to strip the soils in early June or early October. The different topsoil and subsoil resources will be stored separately and placed accordingly in the restoration process.

**Appendix 6 – Arboricultural Impact Assessment (May 2015)**

The AIA includes arboricultural assessment of the proposed extension to the existing quarry.

Consultation process requested additional information resulted in:

- Arboricultural Report (relating to office parking area) July 2015
- Summary of changes made after first Consultation (January 2016)
- Amendments to the Operational Phase Plans (January 2016)
- Amendments to final Restoration Scheme (January 2016)

**Appendix 7 – Plans and Elevations of Proposed Buildings**

Includes plans for proposed replacement office and Shoot Store layout and elevations.

Consultation process requested additional information resulted in:

- Elevation plans of Stone Saw Shed
- New Multi-Purpose Building

Conditions

- i. The development shall be carried out strictly in accordance with the particulars of the development, plans and specifications contained in the application except as modified by conditions of this permission.
- ii. The development to which this permission relates shall be begun not later than the expiration of three months beginning with the date of this permission. The date of commencement of development shall be notified to the planning authority within 7 days of commencement.
- iii. Extraction of brown ironstone in the western extension area (the subject of this planning permission) shall cease by 31<sup>st</sup> December 2037 and buildings, plant and machinery to which this permission relates shall be removed by 30<sup>th</sup> June 2038 or within 6 months of the completion of extraction, whichever is the earlier. Restoration shall be completed by 30<sup>th</sup> June 2039 or within 12 months of the completion of extraction, whichever is the earlier.
- iv. Notwithstanding the provisions of part 17 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order amending, replacing or re-enacting that Order), no fixed plant or machinery, buildings, structures and erections, or private ways shall be erected, extended, installed, rearranged, replaced, repaired or altered at the site without prior planning permission from the Mineral Planning Authority.
- v. No operations associated with the mineral working, including HGVs entering and leaving the site, other than water pumping or environmental monitoring, shall be carried out at the site except between the following times:-
  - i. 7.00 am to 6.00 pm Mondays to Fridays
  - ii. And
  - iii. 7.00 am to 1.00 pm Saturdays
  - iv. No operations shall take place on Sundays, Public or Bank Holidays.
- vi. No winning or working of any mineral other than brown ironstone in block form or clay shall take place on the site other than for use as aggregate for the repair of farm roads within the Great Tew Estate and of the quarry access road.
- vii. The output of brown ironstone in block form from the site shall not exceed a level of 24,500 tonnes per annum.
- viii. No crushing of reject stone shall take place within the application area.
- ix. Crushing of reject stone shall not take place on more than 8 weeks of any calendar year to produce aggregate. This aggregate material shall be only used for the repair of the internal farm roads of the Great Tew Estate, as shown outlined in blue on the Site Location (Drawing No. 2239/PA/A) dated June 2015, and of the quarry access road.

- x. **No crushing of reject stone shall take place until the details of the location in which it will take place and the plant and machinery to be used are submitted to and approved by the Mineral Planning Authority.**
- xi. **No winning or working of any mineral other than brown ironstone in block form or clay shall take place on the site.**
- xii. **The dust management scheme for the quarry submitted to the Mineral Planning Authority dated 15th May 2012 and approved by the Mineral Planning Authority on 3rd August 2012 pursuant to planning permission no. 11/0237/P/CM shall be applied to the site the subject of this planning permission and implemented during the operation of the development.**
- xiii. **Noise from the crushing operations referred to in conditions 9 and 10 shall not exceed 55dB (A) Leq 1 hour when measured freefield at residential properties within 350 metres of the site. Such measures as may be necessary, including insulation and silencing of vehicles, plant and machinery and acoustic screening, shall be taken to ensure that this level is not exceeded.**
- xiv. **Noise levels arising from the development shall not exceed 45 dB(LAeq) (1 hour), freefield at the Council House and 35 dB(LAeq) (1 hour) freefield at Home Farm identified in the Environmental Noise Assessment Report (WBM) dated 18 December 2009 approved pursuant to planning permission no. 11/0237/P/CM.**
- xv. **No mud or dust shall be deposited on the public highway.**
- xvi. **No reversing beepers or other means of audible warning of reversing vehicles shall be fixed to, or used on, any vehicle operating on the site, other than those which use white noise.**
- xvii. **No hydraulic rock splitters shall be used at the site for the breaking up of stone.**
- xviii. **No materials shall be used for restoration other than wholly inert materials.**
- xix. **All topsoil and subsoil shall be retained on site and used in restoration.**
- xx. **No blasting shall be carried out on the site, as detailed in Section 4.2 of the 'Additional Ecological Assessment' (Report Ref: P2014 – 48 R2 Final).**
- xxi. **No noisy operations shall be undertaken between 1st March and 31st May in any year within 30 metres of any woodlands with nesting potential for Lesser Spotted Woodpecker, including the central woodlands W5 and W6 (as set out in Section 3.1 of the Ecology Response (March 2016)). Noisy operations include soil stripping, bund creation and stone cutting/extraction. In the event a suitably qualified ecologist confirms absence of Lesser Spotted Woodpecker by the end of April in a given year, based on robust survey effort, noisy works can recommence within May. Where this is the case, evidence must be submitted to the Mineral Planning Authority.**
- xxii. **No external lighting shall be used on the site unless or until the details of the location, height, design, sensors, and luminance of external lighting (which shall be designed to minimise the**

potential nuisance of light spillage on adjoining properties, highways, wildlife corridors and pollution of the sky), has been submitted to and approved in writing by the Mineral Planning Authority. Any scheme that is approved shall be implemented for the duration of the development and no development shall take place other than in accordance with the approved scheme.

xxiii. No works of site clearance or development shall commence unless or until a Water Monitoring, Maintenance and Action Plan has been submitted and approved in writing by the Minerals Planning Authority. The Plan shall include programmes for:

- monitoring water quality and quantity in the Deddington Brook
- monitoring habitats within the Local Wildlife Site
- proposals for annual monitoring of groundwater levels during both working and restoration including additional data regarding the level of the water table level in the northern part of the Marlstone Rock Formation (Phase 4 and 5 of the Lower Quarry as identified on drawing number 2239/PA/5).
- monitoring silt loading within ditches of the site
- maintaining the silt buster

The Water Monitoring, Maintenance and Action Plan that is approved shall be implemented for the duration of the development and no development shall take place other than in accordance with the approved scheme.

xxiv. In accordance with the details approved under the Water Monitoring, Maintenance and Action Plan, the operator shall send groundwater monitoring data on an annual basis within the form of a report to the Mineral Planning Authority which shall inform the final working methodology. If monitoring demonstrates that the development may result in harm to groundwater quality or quantity then the final working methodology shall be amended to avoid these potential impacts. If monitoring demonstrates the development has harmed groundwater quality or quantity then remedial action shall be proposed by the operator. The revised working proposals and any remediation action, shall be submitted to and approved in writing by the Minerals Planning Authority and the approved details shall be fully implemented.

xxv. No works of site clearance or development shall commence unless or until an Arboricultural Method Statement (AMS) and Tree Protection Plan (TPP) have been submitted and approved in writing by the Mineral Planning Authority. The AMS and TPP shall be in accordance with BS 5837/2012 best practice guidance (as set out in Section 5 of the Arboricultural Report in Appendix 6 of the Environmental Statement (May 2015)). No development shall take place except in accordance with details for the protection of trees from damage as detailed within the approved AMS and TPP.

xxvi. No works of site clearance or development shall commence unless or until a reptile and amphibian translocation and mitigation strategy has been submitted to and approved by the Mineral Planning Authority. The strategy shall include the

- identification of suitable receptor site/s and provide evidence of the condition of the site/s to demonstrate suitability as reptile receptor site/s and a management scheme for the receptor site/s. No works shall take place other than in accordance with the approved strategy..
- xxvii. No works of site clearance or development shall take place unless or until a Habitat Management Plan has been submitted to and approved in writing by the Mineral Planning Authority. This shall include details on how the existing and proposed features (trees, hedgerows, woodland, surface water attenuation pond, ditches and adjacent watercourse) will be removed / protected, monitored and managed during the development for the benefit of bats, reptiles, amphibians, breeding birds and wild pansy. It shall be in line with the approved documents including the 'Additional Ecological Assessment' (Report Ref: P2014 – 48 R2 Final); the Hydrological & Hydrogeological Response (5 April 2016); David Jarvis Associates Response (05 April 2016); the Ecology Addendum (5 April 2016); and David Jarvis Associates Response (13 April 2016). Any plan that is approved shall be fully implemented and no work shall take place other than in accordance with the approved plan.
- xxviii. Initial soil stripping and bund formation shall only be undertaken outside the bird nesting season (1st March to 31st August inclusive) in accordance with Section 4.7 of the 'Additional Ecological Assessment' (Report Ref: P2014 – 48 R2 Final). No removal of hedgerows, trees or shrubs shall take place between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a careful, detailed check of vegetation for active birds' nests immediately before the vegetation is cleared and provided written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site. Any such written confirmation shall be submitted to and approved by the Mineral Planning Authority.
- xxix. All deep excavations shall be suitably ramped to minimise the risk of badgers and other mammals, such as hedgehog being inadvertently killed and injured within the active quarry after dark.
- xxx. All trees, shrubs and hedgerows as shown on the Proposed Restoration plan (Drawing No. 2239/PA/7A) shall be planted in the first planting season after restoration is completed.
- xxxi. All trees, shrubs and hedgerows as shown on the Proposed Restoration plan (Drawing No. 2239/PA/7A) shall be maintained and any plants which die at any time during the development and aftercare period, are removed or become seriously damaged or diseased shall be replaced in the next planting season with other of a similar size and species.
- xxxii. No development shall take place in Phase 5 as shown on plan 2239/PA/5A unless or until a 5 year aftercare scheme (to include monitoring and management details of open water, woodlands, hedgerows, scrub, pasture/parkland, arable farmland and

- grassland habitats and bats, reptiles, amphibians, breeding birds and wild pansy) has been submitted to and approved in writing by the Mineral Planning Authority. In respect of wild pansy, an update survey will be required to be submitted to the Mineral Planning Authority to inform the aftercare proposals. Any scheme that is approved must be fully implemented and no work shall take place other than in accordance with the approved plan.
- xxxiii. Before 1st June of every year during the 5 year aftercare period, a site meeting shall be arranged by the occupier of the land, to which the Mineral Planning Authority and the landowners shall be invited to monitor the management over the previous year and to discuss and agree future aftercare proposals. The meeting shall also be attended by the person(s) responsible for undertaking the aftercare steps. Any proposals that are agreed shall be set out in writing and shall be implemented in the timescales agreed.
  - xxxiv. Before 1st August every year during the aftercare period, a detailed annual aftercare review and programme shall be submitted in writing to the Mineral Planning Authority for approval: This shall include:
    - xxxv. Proposals (for the forthcoming 12 months) for managing the land in accordance with the biodiversity management objectives for the site;
    - xxxvi. A record of aftercare operations carried out on the land during the previous 12 months.
    - xxxvii. Any scheme that is agreed in writing by the Mineral Planning Authority shall be implemented for the duration of the time period to which it relates.
  - xxxviii. No felling of trees with potential for roosting bats shall take place unless or until (i) 66 bat boxes have been installed on trees to be retained at appropriate locations within the site, and (ii) aerial inspections are completed for each tree by a licensed bat worker. Where bats are absent, felling operations shall be carried out within 48 hours of the survey, implementing appropriate avoidance mechanisms to include soft felling. (Should a bat roost be found it will be necessary to apply for a European Protected Species Mitigation Licence from Natural England to permit the lawful felling of the tree). A letter report must be prepared and submitted by an ecological consultancy to the Mineral Planning Authority confirming the locations of the 66 bat boxes and that trees have been felled as per the above.
  - xxxix. No initial soil stripping or bund formation shall be undertaken unless or until reptile translocation has been completed, to avoid the risk of killing or injuring hibernating individuals in accordance with David Jarvis Associates Response (13 April 2016).
    - xl. All windows of the Site Office will comprise bird friendly glass such as Ornilux in addition to vertical blinds in accordance with David Jarvis Associates Response (13 April 2016).
    - xli. No HGV movements associated with clay exportation shall take place during the harvest season (1<sup>st</sup> August to 31<sup>st</sup> October).

**Summary of Consultations**

1. West Oxfordshire District Council – Objection, with following observations (summary):
  - i) Cumulative visual impact with severe impact to views from the north.
  - ii) Loss of woodland and ecologically rich hedgerows.
  - iii) Consider importance of retaining existing vegetation for screening and ecology.
  - iv) Need to protect boundary vegetation.
  - v) Loss of Woodland 'G7' (Arboricultural Report).
  - vi) Forward planting should be considered ahead of extraction.
  - vii) Ecological reports seek to increase overall biodiversity value on completion of works.
  - viii) Securing a supply of suitable local stone, should help maintain the local distinctiveness of local towns and villages. However extraction schemes should respect local landscape character and protect features of ecological value.
  - ix) The site includes some protected hedgerows on site.

**Response to Further Information** – No additional comments

2. Thames Water – No Comment
3. Environment Agency – No Objection
4. Arboricultural Officer –Further Information Required:
  - i) *Conflicts between the Arboriculture Report and plans (Drawing No. 2239/PA/4, 5, 6 and 7). Relates to 'G7' group of trees. Wishes to applicant can confirm the extent of copse 'G7' removal required and how this relates to T19, T20 and T21?*
  - ii) *Confirmation from application no other trees contained within the Arboriculture Report will be removed as part of this development?*
  - iii) *Can the applicant clarify what woodland management practices will be adopted to mitigate the loss of these trees, with an appropriate outline relating to their implementation?*
  - iv) *Can the applicant provide further information in the form of an appropriate method statement for the protection of all remaining individual and groups of trees and woodlands to mitigate development activities?*
  - v) *Can the applicant include these trees within the BS 5837:2012 Trees in relation to design, demolition and construction report?*
  - vi) *Can the applicant provide further information in the form of an appropriate method statement for the protection of the remaining trees to mitigate development activities?*

Response to Further Information:

*The additional information is sufficient in answering my queries and I'm of the opinion that a condition can be placed on the application to ensure retained trees are protected. This has been done in other similar situations so, unless you know of a specific reason, I'm happy to do this.*

*If this is appropriate then the condition should look something like this:*

*'No works of site clearance or extraction operations shall take place until a scheme for the protection of trees has been submitted to and approved in writing by the Mineral Planning Authority This shall include an Arboricultural Method Statement and Tree Protection Plan in combination with any other details actions concerning the method of protection around the perimeter of the trees remaining on site. The protection measures shall be erected, retained and maintained throughout all stages of the development, from site clearance until all plant, equipment and surplus materials have been removed from the site, in accordance with BS 5837:2012 Trees in relation to design, demolition and construction – Recommendations. Nothing shall be stored or placed in the area protected and the ground levels within these areas shall not be altered. There shall be no use of plant or heavy earth moving equipment within the protected areas. Upon completion of the restoration the protection measures shall be removed off site. No work shall take place other than in accordance with the approved scheme.'*

*Also, I can't find any details for the restoration scheme apart from the plan though this is usually also conditioned. I'd suggest something like this but I'm sure there will be other consultees whose advice will need to be taken into account.*

*'No extraction shall commence until a Detailed Restoration Scheme has been submitted to, and approved in writing by, the Minerals Planning Authority. The Detailed Restoration Scheme must be based on up to date arboricultural information and no more than two years old. No restoration work shall take place other than in accordance with the approved detailed restoration schemes.'*

5. Natural England – No Objection
6. Environmental Health Officer – “No objections to proposal, providing the existing controls on noise and dust continue to be implemented.”
7. Archaeology - No archaeological constraints to this application.
8. Lead Flood Authority – Requests further information:



- i) *“They state that the water from the quarry will be pumped to a stilling pond, this is not good enough we need to see the design and maintenance schedule for this system. This needs to be a full proof system or the Deddington Brook will become polluted by silt from the quarry works. I am not convinced that a stilling pond will protect the quality of water in Deddington Brook or the ecology.”*
- ii) *“Pumping water from the quarry will lower the water table for a certain distance round the quarry this will have an effect on the ecology round the quarry, therefore they will need to produce a map showing the limits of the water table lowering for Tamsin so she can determine the areas of land affected and what affect this will have on the ecology.”*

9. Transport Development Control – Requesting further information:

*“...A transport assessment should be provided. On this basis I would recommend objection.”*

Response to Further Information:

Recommendation: No Objection subject to conditions

This application was previously queried in regard to the quantification of the number of movements that the site is likely to generate. A Transport Statement submitted has made clear of the HGV movements likely to be generated by the introduction of clay exportation on an ad-hoc basis.

This clearly demonstrates that the HGV movements with the additional trips can be accommodated well within the capacity of the existing conditions if measures are put in place that ensure that clay exportation is strictly carried out outside of the Harvest period. The proposal would thus have similar/lesser traffic implications as/than the existing site activities on the local highway network provided the clay extraction is not done in the harvest season.

On that basis, I would recommend the condition below;

Condition

Prior to commencement of the development hereby approved, HGV movements associated with clay exportation shall be restricted to outside of the harvest season (August to October) which should put in writing by the applicant and agreed by the Planning Authority. Reason – In the interests of highway safety and public amenity and to comply with Government guidance contained within the National Planning Policy Framework.

10. Rights of Way (Countryside Services) – No Comment

11. BBOWT Comments

I wish to submit an objection to this application for the following reasons:

- Potential for significant impacts on the adjacent Local Wildlife Site
- Lack of sufficient ecological assessment of the development site
- Lack of detail on restoration measures for biodiversity

Valley West of Great Tew Local Wildlife Site (LWS)

Valley West of Great Tew Local Wildlife Site lies immediately adjacent to the application site and supports a range of priority habitats including wet woodland, lowland mixed deciduous woodland, lowland meadows and fen. I am concerned that the proposals could alter the hydrology of the area, both during operation and following restoration, to the detriment of habitats supported by the Local Wildlife Site.

Such changes could include:

- Alterations to surface water flowing on to habitats within the Local Wildlife Site.
- Reduced quality of surface water entering the Local Wildlife Site.
- Alterations to (or loss of) ground water flows that feed habitats supported by the Local Wildlife site.
- Changes in water chemistry of ground water that feeds the Local Wildlife Site.
- Impacts on the quality and quantity of water entering the water course on the eastern boundary of the application site, which flows into the Local Wildlife Site.

Further detail regarding the above issues would help to determine any likely hydrological impact on the LWS.

I have reviewed the Hydrogeological Assessment and the Flood Risk Assessment and Surface Water Management Plan, and understand that a significant level of work has been undertaken to assess impacts of the proposals on ground water and surface water. However, whilst interpretation is provided with regard to the significance of this in terms of flood risk, ground water abstractions and WFD status of the Deddington Brook, there is no reference to the potential impact on habitats within the Local Wildlife Site, despite it being identified as a ground water dependant ecosystem of concern in section 6.2 of Hydrogeological Assessment (albeit incorrectly referred to as a SSSI).

Specifically, further information is needed on the following:

- It is understood that on-site surface run-off won't exceed the pre-development rate, but clarification is sought as to whether surface run off will reduce and whether this could affect habitats within the LWS
- Clarification as to where the perimeter drainage channels around the quarry and screening mound, and the attenuation pond, will discharge, and whether this will affect the location, quality or quantity of surface water entering the LWS

- Assessment of the likelihood of soil erosion from the topsoil store proposed adjacent to the north-east overburden landform effecting habitats within the LWS
- On site investigation of the presence of springs or a seepage line within the LWS north of the application site, to confirm whether all groundwater flowing across the application site would reach the River Tomwell via seepage from the eastern ditch, or whether it discharges elsewhere in the LWS.
- How and where water pumped from the aquifer during de-watering will be discharged; whether it will enter the Local Wildlife Site in the same location and at the same rate and volume as currently occurs
- Clarification as to the likelihood that springs and other wetland habitats within the LWS will be affected, given the range of the radius of the de-watering effect that has been predicted (181m-915m).
- Clarification as to any expected alteration to the chemical status of the water that will be discharged following de-watering (e.g. in terms of dissolved minerals and nutrient status).
- Whether there will be less groundwater input into the habitats within the Local Wildlife Site, which habitats will be affected and to what degree.

It is unclear how close the topsoil bund and screening mound to the north of the western extension will be to the Local Wildlife Site boundary. This could have implications for tree root protection for woodland areas within the LWS, and a buffer should be used to ensure these woodland areas are protected.

### Ecology on site

The Ecological Assessment only covers the area of the proposed extension to the quarry and does not provide an ecological baseline within the footprint of, or assessment of impacts of, the existing quarry restoration, the proposed buildings or the new overburden landform NE of the existing quarry. Without this information a full consideration of the impacts of the proposals on biodiversity is not possible.

In table 9 of the Ecological Assessment, with regard to the population of *Viola tricolor*, it is stated that a more intensive survey would be required to ascertain the size and extent of the population and whether the species persists in other areas of the overall site. This information is required to inform assessment of ecological impact of the proposals, and should also be available to inform proposed mitigation measures. Even so, the Ecological Assessment identifies a Major negative impact of major significance due to the tree planting proposed in this area. No justification is given for the proposal to plant trees in this area; priority should be given to in-situ conservation of the *Viola* population over the proposals to attempt to translocate, which have a risk of failure and loss of the population.

### Restoration

The Ecological Appraisal identifies there to be considerable opportunities for habitat enhancement as part of site restoration. I agree with this, but the

restoration proposed does not fulfil the potential of the site to deliver biodiversity gain.

It is difficult to determine the level of biodiversity value that will be achieved through restoration due to a lack of detail on the land uses to be created. The areas to be restored to arable are likely to be of low biodiversity value (although various wildlife friendly measures could be incorporated). The areas to be restored to pasture and parkland could be of high biodiversity value, but would be of greatest value if the pasture is species rich and not intensively grazed. The Restoration Plan does not restore the original hedgerow network, as suggested in the Ecological Appraisal, in order to re-establish the existing bat commuting routes.

It is usual for the Council to request a 20 year management plan for restored minerals sites, in addition to the usual 5 years aftercare. This should be requested in order to help ensure that areas of habitat for biodiversity are managed appropriately in the long term and establish and maintain value.

Given the location of the application site, adjacent to a Local Wildlife Site, and the low agricultural value of the soils present, a more biodiversity-led restoration would be preferable. This would provide the opportunity to buffer and extend habitats found within the Local Wildlife Site, such as lowland meadow and deciduous woodland. Such an approach would be in line with policy in the emerging Minerals and Waste Local Plan.

### Final Comment

I welcome the further information submitted by the applicant to address the points raised in my email of 23rd March, and those of OCC's Ecologist Planner and Environmental Strategy Officer. In light of this information, I am able to withdraw my objection subject to the inclusion of conditions to cover the following:

1. Further monitoring of groundwater levels during early phases of quarrying to add to data regarding the level of the water table level in the northern part of the Marlstone Rock Formation (Phase 4 and 5 of the Lower Quarry as identified on drawing number 2239/PA/5).
2. A restriction on the depth of excavations so that they remain above the water table (informed by the monitoring during early phases). This will avoid the need for dewatering and should greatly reduce the likelihood of impacting the groundwater feeding the Local Wildlife Site.
3. A monitoring and maintenance regime for the Silt Buster and drainage ditches
4. Monitoring of the water quantity and quality in the Deddington Brook as well as monitoring of the habitats within the Local Wildlife Site, with a mechanism for remedial action to be taken should monitoring identify a decline in condition caused by the extraction.

As I have previously indicated, given the location of the planning application in such close proximity to a Local Wildlife Site it would be beneficial to see a more biodiversity-led restoration plan, in line with policy in the emerging Minerals and Waste Local Plan. The provision of areas of species rich grassland and scrub is welcomed, as is the commitment to a 20 year management plan.

It has been indicated within the Additional Ecological Assessment (Philip Parker Associates Report Ref 2014-48 R2 F) that there is possible drying out of the sedge beds within the Local Wildlife Site. I have some concern that this could be related to activities on the adjacent land, for example the installation of drainage in the north eastern area of the application site which has recently been upgraded by the new French drain. As mentioned above, it will be important to ensure ongoing monitoring of the Local Wildlife Site.

Additionally, a commitment from the applicants to provide improvements within the Local Wildlife Site would be welcome and would help contribute to the overall biodiversity enhancements provided by the proposals (for example through improved conservation management measures on the Local Wildlife Site, or any possible remediation of hydrological changes that may have occurred) .

## **12. Ecologist Planner (OCC) Comments:**

### OBJECTION

Thank you for consulting me on this application. I object to the application, as the information provided to accompany the application does not demonstrate that the full impacts of the proposal have been assessed.

Without adequate assessment of the impacts of the proposals and details of the proposed mitigation and restoration, it is not possible to understand whether the proposals could be adequately mitigated to avoid a net loss in biodiversity on the site or avoid indirect impacts on the adjacent Local Wildlife Site (contrary to Oxfordshire Minerals & Waste Local Plan (1996) policies PE4, PE10, PE13 and PE14, NPPF paragraphs 9, 109 and 118 and emerging Minerals & Waste Local Plan Core Strategy (Proposed Submission Document, August 2015) policies, including M10 and C7).

As I commented on the EIA Scoping Opinion request, the site is in a highly sensitive location in terms of ecology. It is close to designated sites and with protected and notable species present in the immediate area.

Please ask the applicant to provide the

following: Surveys & Assessment

- Revised Ecological Assessment that assesses the potential impacts of all of the proposed development on the site. The current

Ecological Assessment focuses on the extension to the quarry and does not assess the impacts of the other development proposals e.g. the construction of temporary and permanent landforms, relocation of consented stone saw shed, replacement office building, erection of a new shoot store and multi-purpose building, etc.

In my response on the EIA Scoping Opinion request I said “*The EIA should also assess the grassland that would be lost in the area of the proposed north East landform and any impacts of demolition and construction of the buildings*”

- As some examples:
  - o the north-eastern area of the application site where it is proposed to deposit the clay overburden– what ecological surveys have been carried out of this area?
  - o The proposed buildings – would there be lighting and is there potential for this to affect bats? Large glass paned windows are proposed on the site office – I do not consider that this is appropriate due to the risk of birds being killed or injured colliding with these windows.
- The Ecological Assessment should be amended to provide clarity on which areas surveyed are within the working area and which habitats would be retained. Also, what buffer zones would there be to each of the retained habitats?
- The Assessment should also clarify whether there are any UK Priority Habitats on the site and where any Priority Habitats are.
- Unfortunately, it seems that the applicant has not followed the advice provided in my response on the EIA Scoping Opinion request. I have attached my response in Annex 2, for reference.

### Water Environment

- Full assessment is needed of potential impacts on the water environment, especially water quality and how this relates to the habitats and species found in the nearby watercourses, fen and meadows. Would the water quality be altered by the development? E.g. pollutants and nutrients? What species are present within the River Tomwell/Deddington Brook and are they sensitive to changes in water quality and quantity?
- Surveys for White Clawed Crayfish have not been provided and I do not consider that the assessment of potential impacts of the application proposals on the River Tomwell is adequate. White Clawed Crayfish surveys should be carried out unless there is

sufficient evidence and assessment that demonstrates that there would be no impact from the proposed development on water quality and quantity of this watercourse.

- In addition, there should be a full assessment of potential impacts on the watercourse that runs to the east of the proposed extraction area and the species it, and its corridor, supports. From the Ecological Assessment that accompanied application 11/0237/P/CM (Proposed Extension to Great Tew Quarry 2010, Ecological Assessment, Philip Parker Associated, 23 December 2010) I understand that the woodland block through which the stream runs had species suggestive of more long-standing woodland cover and the stream valley had populations of various fern species, dependent on wetter conditions.
- The Environmental Statement includes:  
*“6.26 Surface Water Flooding: The slope of the site combined with the relatively impermeable Whitby Mudstone formation clay geology suggests the site has the potential to create large quantities of surface runoff. However all runoff flowing down the slope flows directly into the Deddington Brook, reducing the risk of surface water flooding.”*
- Please ask the applicant to provide further information on whether there is a risk of nutrient enrichment or pollutants entering the Local Wildlife Site (LWS) from surface runoff.
- Also, the applicant should confirm whether the greenfield runoff rate over the various habitats in the LWS is going to change at any point during the development, aftercare or restoration, which is what appears to be concluded in the Environmental Statement (see below). If so, what impact there would be on the Local Wildlife Site (which includes fen and other water-dependent habitats)? Would springs and groundwater in the area be affected? If water bypasses the fen and wet habitats on the LWS and is pumped straight into the River Tomwell this could have a harmful impact on the LWS.

6.34 of the ES states:

*“During the Phase 4 Extraction and Restoration of Phases 1 - 3 and Phase 5 extraction and Phase 4 Restoration, it is proposed to construct a temporary screening mound to the north of the western excavation, using approximately 140,258m<sup>3</sup> of overburden. In order to manage runoff rates and water quality of runoff draining the temporary storage mound, runoff is designed to be captured by a perimeter drainage ditch, routing runoff to the quarry sump. **Runoff will subsequently be filtered and pumped to the Deddington Brook at below the Greenfield Runoff Rate**” [my emphasis]*

- The applicant should provide further explanation of what assessments have been used to classify the impact on the downstream watercourse

as negligible (ES paragraph 6.37). They should also explain whether this assessment took account of the ecological sensitivities of the Local Wildlife Site status of the land downslope of the proposed development and assessed potential impacts on the ecology of the area. Paragraph 6.37 of the ES stated:

*“6.37 Consequently, due to the short duration of the topsoil storage, the buffer strip of arable land/vegetation and the current annual soil disturbance, it is deemed apparent that the temporary storage mound will impose a **negligible impact** [my emphasis] on the downstream watercourse.*

*We can therefore confirm there will no requirement for runoff attenuation or treatment, associated with the temporary topsoil storage.”*

- Please confirm what assessment has been carried out of the potential impacts of the new landform to the north-east of the site and other development on hydrology? Please provide details of the potential impacts on water quality and quantity and the ecology of the watercourses.

- Also, confirmation of whether there would be any impacts on the water from the tufa-forming springs

If the quarry extension were granted consent, would water continue to be pumped from the lower former quarry basin in the long-term, post-restoration? If not, how would the flow of water off the site be affected?

### Breeding Birds

- The Ecological Assessment states that:

*“The population of birds within the survey area is however considered to be of county value due to the range of breeding species but in particular the presence of breeding lesser spotted woodpecker (one of the only known breeding sites in the county).”*

Whilst the Ecological Assessment (section 6.13 Noise) explains that *“Studies have shown that birds and other wildlife are disturbed by a sudden loud noise, but have the ability to habituate (become accustomed) to regular noises, including those associated with low key quarry workings.”*

My understanding is that different species have different sensitivities to noise. The applicant should provide further evidence for the assertion that birds (and other species groups) would habituate to regular noises and whether the proposed development would result in any sudden loud noises. In particular, the Ecological Assessment recognises the rarity of breeding Lesser



Spotted Woodpeckers - what level of sensitivity to noise does this species have? Would the individual birds' ability to communicate be inhibited by the noise of the quarry? Would they still breed nearby?

- Lesser Spotted Woodpeckers are British Trust for Ornithology Red Listed species because of their recent breeding population decline. The 2010 Birds of Oxfordshire, Oxfordshire Ornithological Society Annual Report also reported the breeding range decline and a Red List status and in 2010 there were only ten records of single birds in Oxfordshire.
- Please also ask the applicant to provide clarity on what the proposed mitigation for the various species of breeding birds is and how this would be managed in the long-term.

#### Existing Ecological Mitigation/Compensation

- Has all the ecological mitigation from the existing quarry been completed, managed and under nature conservation management? Please confirm that no areas of ecological mitigation/compensation are now being proposed for development or for mitigation for the proposed quarry expansion. The Supporting Statement, paragraph 3.8 states:

*“3.8 The proposed works exclude extraction of part of the consented Phase 3 MRB. The consented area includes part of ‘Clay Bank,’ an area of woodland and individual trees which would instead be retained. This forms part of a range of proposed ecological mitigation measures in relation to consented and proposed working.”*

Clarification should be provided as to whether this area that is being retained was due to be retained as a mitigation measure for the consented workings,

therefore should not be double-counted as mitigation for the proposed works or an area of mineral extraction to be given up.

Paragraph 5.5 of the Supporting Statement says:

*“5.5 Notwithstanding this, extant policy (SD4) requires that planning permission for additional ironstone extraction will only be granted in exchange for an agreed revocation of an existing planning permission containing workable reserves. The proposed development therefore makes provision for the retention of the consented ‘Clay Bank’, an area of woodland and individual trees. The retained area forms part of a range of proposed ecological mitigation measures in relation to consented and proposed working and is considered to satisfy the provisions under Policy SD4 of the Minerals Local Plan.”*

Please ask the applicant to clarify whether the planning permission they intend to revoke is for an area that was agreed as ecological mitigation for works that have already been carried out?

- Under Planning Permission MW.0022/11 it appears that the approved Landscaping Plan (Drawing Number 1985/LP/1B) shows woodland planting (and seeding beneath) to the north of the existing building. Please ask the applicant to confirm whether this requirement has been met.

#### Hedgerow Assessments

- Hedgerows should be surveyed (including the TB2 tree line) and assessed in line with the Hedgerow Regulations, 1997, to confirm whether they meet the criteria for Important Hedgerows.
- The Ecological Assessment refers to hedgerows being reinstated. However, Drawing Number 223/PA/7 (Proposed Restoration) does not show all the hedgerows as being reinstated.

#### Wild Pansy (*Viola tricolor*)

- The UK Red List Near Threatened *Viola tricolor* (Wild Pansy) is present on the application site. The Ecological Assessment states:  
*“Grassland/arable: IEEM assessment criteria for a habitat of ‘National’ value include the presence of a sustainable population of a nationally important species. The small population of the GB Red List Near Threatened species, Wild Pansy *Viola tricolor* found in a field margin to the south of a bund comprising arisings from existing works probably represents the remnants of a population associated with the former arable usage of the field. A more intensive survey would be required to ascertain the size and extent of the population and whether the species persists in other areas of the overall site. At this stage it is not known if the population is sustainable and has therefore been given a County grading.”*
- Further survey for this species is necessary to determine the extent of the species on the site and to propose a detailed mitigation and management plan for this species.
- Tree-planting is proposed for the area known to contain the Wild Pansy, which would shade out the Wild Pansy – please ask the applicant why tree planting is proposed here?

#### Lighting

- The proposed working hours are between 07:00 and 18:00 hours Monday to Friday and 07:00 hours and 13:00 hours on Saturday. Therefore, in winter some working will be after dark. Details of the proposed lighting for the quarry, new buildings and other proposed

development and assessment of the impacts on ecology should be provided.

### Restoration & Management Proposals

- I do not consider that the replacement woodland that would be planted post- completion of quarrying would adequately replace the woodland to be lost. A recognised biodiversity metric could be used by the applicant's ecological consultant to use to calculate what woodland habitat creation would adequately compensate for the woodland to be lost, factoring in the loss of woodland habitat available to species during the operation of the quarry and the risks associated with habitat creation.
- The Arboricultural Report notes that "In most cases the impact can be mitigated with appropriate management of the remaining woodland...". Clarification is needed on what management is proposed for the remaining woodland.
- In my response on the EIA Scoping Opinion, I commented that:  
*"I would expect the site to be restored to nature conservation to habitats complementary to those in the LWS and be subject to 20 year long-term management (in addition to the 5 years of aftercare). The EIA should provide details of the proposed restoration and management. This should include ecological monitoring proposals and that any remedial action is taken to ensure a successful biodiversity restoration."*  
The current application does not appear to follow this advice.
- The agricultural grade of the soils is mostly 3b with some 3a. Grades 1 – 3a being Best & Most Versatile. Therefore, please ask the applicant for further information on why a restoration to arable is proposed for part of the site and whether this could be revised to be restoration to nature conservation?
- Annex 2 contains excerpts from the Oxfordshire Minerals & Waste Core Strategy (Proposed Submission Document, August 2015) on restoration to biodiversity-led conservation. The full Proposed Submission Document is available via this link:  
<https://www.oxfordshire.gov.uk/cms/content/minerals-and-waste-core-strategy>
- Full restoration proposals should be submitted in order to enable assessment of whether the development would result in a net loss or gain in biodiversity. This should include planting and seeding mixes and confirmation of the provenance of these. It should also detail the restoration and management proposals to show how UK Priority Habitats would be created and managed for biodiversity and be accompanied by monitoring proposals. For example, woodland would

need to be managed and thinned out and grassland would need appropriate level of grazing or cutting.

- In my response on the EIA Scoping, I commented that *“I would expect the site to be restored to nature conservation to habitats complementary to those in the LWS”*. Whilst the proposed restoration shows a new woodland block at the north-east corner of the western field, which links to the LWS woodland, there is missed opportunity to enhance connectivity in the landscape with the proposed south-eastern woodland block with a very straight edge, not linking to the LWS or neighbouring woodland. Additional woodland planting along the western side of the site would help to provide a buffer and enhance the Local Wildlife Site.
- A more biodiversity-positive restoration scheme is also considered important because of the proximity of the Conservation Target Areas (CTAs) to the north and south of the site and the opportunity for this site to help bridge the gap between them.
- The restoration plan shows pasture beneath the scattered tree planting. In 6.3 of the Ecological Assessment it states that *“Overburden from the proposed extension will also be used to restore the existing quarry. This will then be restored with a mixture of parkland tree planting and species rich grassland/pasture...”* However, the application contains no information on how species-rich grassland would be achieved – what seeding mix? How it would be managed? E.g. cut or grazed, what level?

The proposal that proposed tree planting in the pasture area would be *“managed as veterans”* is not relevant within the timescale that is considered for a planning application or restoration (this takes 200+ years). Nor does the application explain what is proposed for the grassland on the new proposed quarry.

- Without these details and other information accompanying the application it is not possible to assess whether there would be a net loss/gain in biodiversity as a result of the proposed development.
- Please ask the applicant to confirm that the site would be subject to 20 years of long-term management for nature conservation, in addition to the 5 year aftercare. In Oxfordshire the standard long-term management period is 20 years, in addition to the 5 years of statutory aftercare.

### Landscape

- I recommend that the County Council seeks landscape advice on this application.

Response to further information:

Further to the 'Additional Ecological Assessment' (Report Ref: P2014 – 48 R2 Final), the applicant has provided:

- Hydrological & Hydrogeological Response (5 April 2016) to address comments made by the County Ecologist, BBOWT & the Drainage Engineer
- David Jarvis Associates Response (05 April 2016) to address comments made by the Environmental Strategy Officer & County Ecologist
- An Ecology Addendum (5 April 2016) to address comments made by the County Ecologist and BBOWT
- David Jarvis Associates Response (13 April 2016) to address comments made by the Environmental Strategy Officer & County Ecologists

We are satisfied that these documents address the queries raised; we have no objection to the proposals. If minded to permit the proposals, there will be a requirement to deliver the mitigation outlined in the above documents. The development would therefore be subject to the following **conditions and informatives**.

In addition, a Section 106 Agreement should be produced **for twenty-years of long-term management for nature conservation in addition to the five-years' of aftercare**.

We note that monitoring of the condition of the Local Wildlife Site suggests that the sedge beds have been drying out and are therefore degrading. It may be that existing operations, such as water management, on the wider site have contributed to this. We would therefore welcome any remediation and enhancement of the Local Wildlife Site by the applicant, such as improved water management and conservation work.

**Conditions**

1. No blasting shall be carried out on the site, as detailed in Section 4.2 of the 'Additional Ecological Assessment' (Report Ref: P2014 – 48 R2 Final).

Reason: In the interests of the amenities of the locality (Minerals & Waste Local Plan (1996) PE18)

5. Section 3.1 of the Ecology Response (March 2016) states "A standoff of 30m from the woodlands where Lesser Spotted Woodpecker could potentially be nesting is proposed for noisy operations between the beginning of March and the end of May. This would include the central woodlands W5 and W6. Noisy operations that should not be undertaken within this period include soil stripping, bund creation and stone cutting/extraction". In the event a suitably qualified ecologist confirms absence of lesser spotted woodpecker by the end of April in a given year, based on robust survey effort, noisy works can recommence within May. Where this is the case, evidence must be submitted to the Mineral Planning Authority.

Reason: In the interests of lesser spotted woodpecker and to avoid net loss in biodiversity in line with MWLP policy PE14 and NPPF paragraphs 9, 109 and 118.

3. No external lighting shall be used on the site unless or until the details of the location, height, design, sensors, and luminance of external lighting (which shall be designed to minimise the potential nuisance of light spillage on adjoining properties, highways, wildlife corridors and pollution of the sky), has been submitted to and approved in writing by the Mineral Planning Authority. Any scheme that is approved shall be implemented for the duration of the development and no development shall take place other than in accordance with the approved scheme.

Reason: To minimise the nuisance and disturbances to neighbours, impact on wildlife (policy PE18 of the MWLP and NPPF paragraphs 9, 109 and 118) and in the interests of highway safety.

4. No works of site clearance or development shall commence unless or until a Water Monitoring, Maintenance and Action Plan has been submitted and approved in writing by the Minerals Planning Authority. The Plan shall include programmes for:

- monitoring water quality and quantity in the Deddington Brook
- monitoring habitats within the Local Wildlife Site
- proposals for further monitoring of groundwater levels
- monitoring silt loading within ditches of the site
- maintaining the silt buster

The Water Monitoring, Maintenance and Action Plan that is approved shall be implemented for the duration of the development and no development shall take place other than in accordance with the approved scheme.

If the monitoring demonstrates that negative impacts are occurring as a result of the development then the operator shall propose remedial action which shall be submitted to and approved in writing by the Minerals Planning Authority and all remedial action shall be implemented in full for the duration of the development.

Reason: To ensure water quality is carefully monitored and managed in the interest of the Local Wildlife Site in accordance with Minerals & Waste Local Plan PE1, PE4 and PE14.

5. Further monitoring of groundwater levels during early phases of quarrying detailed within the proposed Water Monitoring, Maintenance and Action Plan shall provide additional data regarding the level of the water table level in the northern part of the Marlstone Rock Formation (Phase 4 and 5 of the Lower Quarry as identified on drawing number 2239/PA/5). During the operation and restoration of the site, the operator shall send groundwater monitoring data on an annual basis within the form of a report to the Mineral Planning Authority which shall inform the final working methodology. If monitoring demonstrates that proposed development may result in harm to groundwater quality or

quantity then the final working methodology shall be amended to avoid these potential impacts. If monitoring demonstrates the development has harmed groundwater quality or quantity then remedial action shall be proposed by the operator. Working proposals, and any remediation proposals, shall be submitted to and approved in writing by the Minerals Planning Authority and approved proposals shall be fully implemented

Reason: To protect the interest features of the Local Wildlife Site and watercourses (OMWLP PE4) and NPPF paragraphs 9, 109 and 118.

6. No works of site clearance or development shall commence unless or until an Arboricultural Method Statement (AMS) and Tree Protection Plan (TPP) have been submitted and approved in writing by the Mineral Planning Authority. The AMS and TPP shall be in accordance with BS 5837/2012 best practice guidance (as set out in Section 5 of the Arboricultural Report in Appendix 6 of the Environmental Statement (May 2015)). No development shall take place except in accordance with details for the protection of trees from damage as detailed within the approved AMS and TPP.

Reason: In the interests of the amenity of the local area in accordance with the Minerals & Waste Local Plan (1996) PE18.

7. No works of site clearance or development shall commence unless or until a reptile and amphibian mitigation strategy has been submitted to and approved by the Mineral Planning Authority. The strategy shall include the identification of a suitable receptor site and provide evidence of its condition. No works shall take place other than in accordance with the approved document.

Reason: to ensure the protection of reptiles and amphibians to ensure that the development results in no net loss of biodiversity in accordance with, NPPF Para 9, 109 and 118 and Minerals & Waste Local Plan (1996) PE18.

8. No works of site clearance or development shall take place unless or until a Habitat Management Plan has been submitted to and approved in writing by the Mineral Planning Authority. This shall include details on how the existing and proposed features (trees, hedgerows, woodland, surface water attenuation pond, ditches and adjacent watercourse) will be removed / protected, monitored and managed during the development for the benefit of bats, reptiles, amphibians, breeding birds and wild pansy. It shall be in line with the approved documents including the 'Additional Ecological Assessment' (Report Ref: P2014 – 48 R2 Final); the Hydrological & Hydrogeological Response (5 April 2016); David Jarvis Associates Response (05 April 2016); the Ecology Addendum (5 April 2016); and David Jarvis Associates Response (13 April 2016). Any plan that is approved must be fully implemented and no work shall take place other than in accordance with the approved plan.

Reason: to ensure that the site is restored and managed appropriately in accordance with NPPF Paragraphs 9, 109 and 118 and MWLP PE13 and PE18.

9. Initial soil stripping and bund formation will be undertaken outside the bird nesting season (1st March to 31st August inclusive) in accordance with Section 4.7 of the 'Additional Ecological Assessment' (Report Ref: P2014 – 48 R2 Final). furthermore, no removal of hedgerows, trees or shrubs shall take place between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a careful, detailed check of vegetation for active birds' nests immediately before the vegetation is cleared and provided written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site. Any such written confirmation should be submitted to the local planning authority.

Reason: to ensure the development results in no net loss in biodiversity in accordance with MWLP policy PE18 and NPPF paragraphs 9, 109 and 118 and to ensure compliance with the legislation which protects nesting birds (Wildlife and Countryside Act 1981, as amended).

10. All deep excavations should be suitably ramped to minimise the risk of badgers and other mammals, such as hedgehog being inadvertently killed and injured within the active quarry after dark.

Reason: to ensure the protection of badgers and other mammals and to ensure no net loss in biodiversity in accordance with Minerals & Waste Local Plan (1996) PE14 and NPPF paragraphs 9, 109 and 118 and Badger Act 1992.

11. All trees, shrubs and hedgerows as shown on the Proposed Restoration plan (Drawing No. 2239/PA/7A) shall be planted in the first planting season after restoration is completed.

Reason: to improve the appearance of the site in the interests of visual amenity, to screen the workings, and the assist in absorbing the site back into the local landscape to ensure that the site is restored and managed appropriately in accordance with Oxfordshire Minerals & Waste Local Plan policy PE13 and that the development results in biodiversity enhancement in accordance with the Minerals & Waste Local Plan (1996) PE14 and NPPF paragraphs 9, 109 and 118.

12. All trees, shrubs and hedgerows as shown on the Proposed Restoration plan (Drawing No. 2239/PA/7A) shall be maintained and any plants which die at any time during the development and aftercare period, are removed or become seriously damaged or diseased shall be replaced in the next planting season with other of a similar size and species.

Reason: to improve the appearance of the site in the interests of visual amenity, to screen the workings, and the assist in absorbing the site back into the local landscape to ensure that the site is restored and managed



appropriately in accordance with Oxfordshire Minerals & Waste Local Plan policy PE13 and that the development results in biodiversity enhancement in accordance with the Minerals & Waste Local Plan (1996) PE14 and NPPF paragraphs 9, 109 and 118.

13. No development shall take place in Phase 5 as shown on plan 2239/PA/5A unless or until a 5 year aftercare scheme (to include monitoring and management details of open water, woodlands, hedgerows, scrub, pasture/parkland, arable farmland and grassland habitats and bats, reptiles, amphibians, breeding birds and wild pansy) has been submitted to and approved in writing by the Mineral Planning Authority. In respect of wild pansy, an update survey will be required to inform the aftercare proposals. Any scheme that is approved must be fully implemented and no work shall take place other than in accordance with the approved plan.

Reason: to ensure that the site is managed appropriately in accordance with Oxfordshire Minerals & Waste Local Plan policy PE13 and PE18 and that the development results in biodiversity enhancement in accordance with NPPF paragraphs 9, 109 and 118.

14. Before 1st June of every year during the 5 year aftercare period, a site meeting shall be arranged by the occupier of the land, to which the Waste Planning Authority and the landowners shall be invited to monitor the management over the previous year and to discuss and agree future aftercare proposals. The meeting shall also be attended by the person(s) responsible for undertaking the aftercare steps. Any proposals that are agreed shall be set out in writing and shall be implemented in the timescales agreed.

Reason: To ensure the effective restoration of the site to nature conservation (biodiversity) afteruse. (Oxfordshire Minerals & Waste Local Plan policy PE18, PE13 & NPPF paragraphs 9, 109 and 118).

15. Before 1st August every year during the aftercare period, a detailed annual aftercare review and programme shall be submitted in writing to the Waste Planning Authority for approval: This shall include:

- (a) Proposals (for the forthcoming 12 months) for managing the land in accordance with the biodiversity management objectives for the site;
- (b) A record of aftercare operations carried out on the land during the previous 12 months.

Any scheme that is agreed in writing by the Waste Planning Authority shall be implemented for the duration of the time period to which it relates.

Reason: To ensure the effective restoration of the site to nature conservation (biodiversity) afteruse. (Oxfordshire Minerals & Waste Local Plan policy PE18, PE13 & NPPF paragraphs 9, 109 and 118).

16. No felling of trees with potential for roosting bats shall take place unless or until (i) 66 bat boxes have been installed on trees to be retained at appropriate locations within the site, and (ii) aerial inspections are completed

for each tree by a licenced bat worker. Where bats are absent, felling operations are to be carried out within 48 hours of the survey, implementing appropriate avoidance mechanisms to include soft felling. Should a bat roost be found it will be necessary to apply for a European Protected Species Mitigation Licence from Natural England to permit the lawful felling of the tree. A letter report must be prepared and submitted by an ecological consultancy to the Mineral Planning Authority confirming the locations of the 66 bat boxes and that trees have been felled as per the above.

Reason: to comply with the requirements of the Conservation of Species & Habitats Regulations 2010 and that the development results in biodiversity enhancement in accordance with the Minerals & Waste Local Plan (1996) PE14 and NPPF paragraphs 9, 109 and 118.

17. No initial soil stripping or bund formation shall be undertaken during the bird nesting season (1st March to 31st August inclusive) and unless or until reptile translocation has been completed, to avoid the risk of killing or injuring hibernating individuals in accordance with David Jarvis Associates Response (13 April 2016),.

Reason: To prevent the killing or injury of reptiles and destruction of an active bird nest in accordance with the Wildlife & Countryside Act 1981 (as amended) and to ensure no net loss in biodiversity in accordance with MWLP PE14 and NPPF paragraphs 9, 109 and 118..

18. All windows of the Site Office will comprise bird friendly glass such as Ornilux in addition to vertical blind in accordance with David Jarvis Associates Response (13 April 2016),

Reason: To reduce the risk of birds striking the windows to ensure no net loss in biodiversity in accordance with MWLP PE14 and NPPF paragraphs 9, 109 and 118.

#### European Protected Species

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

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

#### 4. Damage or destruction of an EPS breeding site or resting place.

The site survey results have identified 33 trees with potential for roosting bats which need to be felled. In the absence of mitigation it would be possible for the works to result in destruction of a roost and/or the killing / injury of bats.

It is proposed (in paragraph 6.88 of the Environmental Statement) that all trees with bat roosting potential are subject to high level inspection prior to felling. This is taken to mean an aerial inspection by a licenced bat worker. Where bats are absent, 'felling operations will be carried out in a bat friendly way'. This is taken to mean reasonable avoidance measures will be implemented, such as soft-felling.

Where a bat roost is identified it will be necessary to secure a European Protected Species Mitigation licence to enable felling of the tree to lawfully proceed.

Bat boxes will be erected in the surrounding woodland prior to tree felling operations; three boxes for each potential bat roost tree to be lost (therefore 66 bat boxes in total).

We consider the mitigation measures outlined above to be appropriate "offence avoidance" measures. We would therefore recommend the condition (number 16) above to secure implementation of the offence avoidance measures to ensure that no offence is committed.

#### **Informatives**

##### Protected species

If any protected species e.g. bats, badgers, reptiles or nesting birds are found at any point, all work should cease immediately. Killing, injuring or disturbing any of these species could constitute a criminal offence. Before any further work takes place a suitably qualified ecological consultant should be consulted for advice on how to proceed. Work should not recommence until a full survey has been carried out, a mitigation strategy prepared and licence obtained (if necessary) in discussion and agreement with Natural England.

##### Breeding birds

All bird nests, eggs and young are protected under the Wildlife & Countryside Act 1981 (as amended) which makes it illegal to intentionally take, damage or destroy the nest of any wild bird while it is use or being built. Therefore, no removal of trees, scrub, hedgerows, grassland should take place between 1st March and 31st August inclusive to prevent committing an offence under the Wildlife & Countryside Act 1981 (as amended).

##### Wild mammals

All wild mammals are protected from unnecessary suffering, including suffocation in burrows. Where common mammals such as hedgehogs, rabbits, foxes, voles and mice are encountered during maintenance works, they should be allowed to safely escape the working area to avoid unnecessary cruelty. Should any burrows be located in the vicinity of intrusive earthworks, ecological advice should be sought to determine which species is present and what measures can be taken to avoid any unnecessary suffering to mammals. Note the information above regarding badgers.

##### Sharing information

You are advised that you should send the biodiversity information/ecological assessment provided as part of this application to Thames Valley Environmental Records Centre. This will assist in a key principle of the National Planning Policy Framework that planning policies and decisions

should be based on up-to date information about the natural environment and other characteristics of the area by building up the data base of up-to-date ecological information and this will help in future decision making. Ideally data should be provided in ESRI shape file format.

### **Environmental Strategy Officer Comments**

These comments are made following a visit to the general area of the site on Monday 10 August.

#### Landscape Planning Context

In addition to the OWLS landscape character assessments it would be appropriate to also review the 1998 West Oxfordshire Landscape Character Assessment.

#### Views from the North

There are clear views of the western working area from the north. These views are most prominent from the track leading towards Butlers Barn where there are various opportunities to view the site from gateways, and when looking south from the bridleway that links to the A361. Glimpsed views can also be seen from the A361 at the bridleway intersection though these would be transitory and brief for road users.

The proposals include the creation of large overburden mounds that will also provide a screen to the lower parts of the workings. The upper parts of the quarry and the discontinuity this introduces with the rest of the ridgeline running west will remain visible during extraction. The overburden mounds themselves will be noticeable in the valley landscape as a result of their relatively steep landforms. The mounds remain in situ until Phase 5 extraction is being restored.

The parkland created during restoration of the southern slopes will be visible in views from the north. The appropriateness of parkland in this location is questioned. There is parkland landscape closer to Great Tew village and house. However the proposed quarry site is more remote from the village and the context for parkland is weaker. The landscape in this section of the valley is more strongly defined by woodland and hedgerows with a relatively small number of in-field trees. It will be many years before the parkland trees can be “managed as future veterans”.

There may be opportunities to further reduce the impact to views from the north could by additional off-site planting closer to the points of view, such as in hedgerows which run up the northern valley sides.

Note: The Landscape Elements plan omits a section of marked as K on the aboricultural constraints plan.

### General Impacts on Trees and Woodlands

It is noted that the arboricultural impact assessment (AIA) only relates to trees in the western extension area. There are other trees within the application site that may be affected by development works, e.g. to the south of the site buildings. These should be included within the AIA.

It is noted in the AIA that further information is required before the impact on groups of trees to be retained can be assessed fully, therefore at present retention cannot be guaranteed particularly given the extent of landform change proposed.

The AIA notes the relative lack of management of existing woodland. This may affect the ability of retained tree groups to fulfil a long-term landscape function. In this context the potential future impact of ash dieback disease should be assessed. What proportion of the woodlands are ash and what would the impact of possible loss of ash from the woodland canopy? How might this be mitigated? There would seem opportunity for additional woodland planting to offset the loss of mature woodland and to improve habitat connectivity.

The excavation of the western quarry may affect local hydrological conditions reducing the water available to the woodland on the western edge. Further detail on the expected change in soil moisture status if any on this belt of trees would be welcomed.

### Mound Adjoining Home Farm Road and Slopes to South of Buildings

A spoil mound from existing works has been created in fields adjacent to the road past Home Farm. The mound whilst screened by hedgerows remains out of keeping with the local topography. There is some re-grading of the northern edges of this mound proposed in this application. The southern edge is proposed for planting as woodland. It would be helpful to understand if this mound could be re-profiled to more closely match surrounding topography and the material used in quarry restoration before being planted with woodland.

As the vegetation on these steeper southern slopes are difficult to manage they may become dominated in the short to medium term by plant species typical of disturbed ground. Whilst these have value from a wildlife perspective these species give an industrial quality to the landscape that is not in keeping with the wider surroundings.

It would be helpful to understand whether additional woodland / shrub planting was considered on this mound and southern slopes. This could help to compensate further for the loss of mature woodland if permission is given.

### North-Eastern Spoil Mound

A large volume of spoil is proposed for placement to the north-east of the existing buildings. This is a shallow valley that is visible along a relatively short section of road which follows the lie of the land. The current gentle curves of the valley will become more pronounced.

Noting the comments in the hydrological assessment about the silt trapping qualities of hedgerows I still have concerns that under intense rainfall the new narrow valley and steep slopes will channel water onto the sharp bend of the B4022 and over the adjoining field towards the Deddington Brook.

The landscape impact of this mound could be further reduced by hedgerow improvement works along the roadside (off-site), which could take place in advance if permission were to be granted.

Response to further information:

### **Landscape Planning Context**

The Oxfordshire Wildlife and Landscape Study notes that the OWLS assessment “should be used in conjunction with landscape character assessments available at a district level”, i.e. the 1998 West Oxfordshire Landscape Character Assessment.

As the amended proposals address points of concern that would be given context by the district council’s assessment no further clarification on this aspect is sought.

### **Views from the North**

The applicant’s further comments and revised restoration proposals are noted and are acceptable.

### **Mound Adjoining Home Farm Road and Slopes to South of Buildings**

The applicant’s further comments and proposals are noted and are acceptable.

### **North-Eastern Spoil Mound**

I note the applicant’s comments about a reduction in watershed and I note that the field margin adjacent to the B4024 is grassed which will help reduce run-off. Against this I refer again to the applicant’s Flood Risk and Water Management Strategy which includes hedgerows as a factor in the attenuation of flood water (GWP June 2015, para 2.1). Arable cropped land is bare or lightly vegetated for part of the year and therefore remains susceptible to run-off and erosion by heavy rainfall at these times. It is understood that

the proposed rye-grass ley will be returned to arable once operational earthworks are concluded. The applicant's ecological report (Philip Parker Associates 2014-48'R2'F', Feb 2016) notes a gap of several metres by the bend in the road in a "discontinuous and outgrown" hedge. Reinstatement of this section of hedge, preferably as part of advance works, would strengthen the characteristic hedgerow framework in this part of the site and would contribute to controlling the rate of water run-off into surrounding areas over the longer term. I still consider these benefits outweigh the loss of some glimpsed views of the reinstated farmland, which could largely be retained with appropriate long-term hedgerow management.

### **New Woodland / Woodpasture**

I note the applicants' proposal to replace the parkland on the western section with species rich grassland and tree/scrub habitat. This is considered more appropriate than the parkland in the original proposal and is acceptable. Successful maintenance of the species rich grassland will be influenced by the nutrient status of the soil. I would ask that confirmation is given that a soil of appropriate nutrient status can be created from the soil resources generated on site and used for restoration of this area.

I note that the applicant proposes to create ash / oak woodland Type W8 Woodland (Ecological Report REF 2014-48 R 2F). Due to the presence of Chalara ash dieback in the UK a Plant Health Order (*Plant Health (Forestry) (Amendment) Order 2012*)

is currently in force that prohibits all imports of ash seeds, plants and trees, and all internal movement of ash seeds, plants and trees. I would like clarification on what alternative species are proposed if the planting of ash remains prohibited.

I note the comments in the Supplementary Information to Arboricultural Report regarding the management of existing retained woodland and confirm that a management plan developed along these lines would be acceptable.

13. Oxfordshire Geology Trust – No Comment Received

14. National Planning Casework Unit – No Comment Received

15. Swerford Parish Council – No Comment Received

16. Little Tew Parish Council – No Comment Received

17. Great Tew Parish Council – No Comment Received

18. Ramblers Association – No Comment Received

19. Open Spaces Society – No Comment Received

20. CPRE Oxfordshire – No Comment Received

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**For: PLANNING AND REGULATION COMMITTEE – 23 MAY 2016**  
**By: Deputy Director for Environment and Economy (Strategy and Infrastructure Planning)**

<b>PROGRESS REPORT ON MINERALS AND WASTE SITE MONITORING AND ENFORCEMENT</b>
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**Contact Officer:** Chris Hodgkinson **Tel:** Oxford 815872

## **Recommendation**

The report recommends that the Schedule of Compliance Monitoring Visits in Annex 1 and the Schedule of Enforcement Cases in Annex 2 be noted.

## **Introduction**

1. This report updates members on the regular monitoring of minerals and waste planning permissions and on the progress of enforcement cases for the period 1<sup>st</sup> September 2015 to 31<sup>st</sup> March 2016.

## **Compliance Monitoring Visits**

2. County Council officers endeavour to pursue and foster good working relationships with operators following the grant of planning permission. The effective monitoring of sites can avoid problems developing and by acting in a proactive manner we can be a positive educator of good practice. This approach can avoid the necessity to act in a reactive way after problems emerge and can avoid the need for enforcement action. Through our efforts we seek to:
  - I. identify potential problems early and avoid them developing;
  - II. minimise the need to resort to enforcement or other action;
  - III. encourage good practice in the first instance thus reducing the need to apply sanctions against bad practice;
  - IV. review planning decisions and agreements made with the County Council;
  - V. facilitate regular liaison and dialogue between operators, the public/local community representatives and the council officers.

3. All sites with an active planning permission are regularly visited on a formal basis. A written report is produced following a site visit and shared with the site occupant. Where elements of non-compliance with a consent are identified this can result in subsequent compliance with matters that are outstanding or in a planning application being made to regularise unauthorised activities on site.
4. Annex 1 provides a schedule of all the sites we monitor. It includes two columns, one which sets out the target visits for the period. The second column sets out the number of compliance monitoring visits that were carried out.
5. In order to try and achieve good environmental standards countywide, officers have committed to monitoring planning permissions across all of the mineral and waste related sites in Oxfordshire. However, it will be noted that some sites have a zero target, these are low risk, small scale or dormant sites (such as sewage treatment works) which we record but will only visit every other year.
6. Of all the 115 sites, 45 are within the remit of Government Regulations that allow the council to charge a fee for conditions monitoring, in that they relate directly to the winning and working of mineral permissions or directly to land filling permissions. These 'Chargeable Sites' are shaded grey in Annex 1.
7. The remaining non-chargeable sites include scrap yards, recycling operations, waste transfer stations, sewage works and composting operations.
8. The current charges are £331 for an active site and £110 for a dormant site where activity is not taking place.
9. Officers determine the target number of visits for each site on a "risk assessment" basis for each site drawing on the following points:
  - I. sensitivity of location
  - II. size and type of development
  - III. number and complexity of planning conditions
  - IV. number of issues requiring monitoring input
  - V. the stage and pace of development
  - VI. whether the operator carries ISO 14001 (recognised best practice)
  - VII. breaches of planning control that are or have been observed
  - VIII. complaints received for the site.
10. There is an opportunity for operators to enter into discussions on how the Council has reached its decision for the number of visits scheduled per year. Having set a target for the number of visits per annum, officers keep the frequency of actual visits under review and adjust the frequency particularly taking account of IV, VII and VIII above.

## **Enforcement**

11. Annex 2 to this report sets out alleged breaches of planning control and the progress toward remedying those breaches of substance.
12. All operators are made aware of an allegation of a breach in planning control that has been made against them.
13. Annex 2 includes all cases which are currently being investigated. When a case is closed it will appear on the progress report as 'Case Closed' with a summary of the outcome.
14. A glossary of terms used in Annex 3 is attached. The Senior Planning Enforcement Officer can be contacted for further information in respect of any of these cases if necessary.

## **Monitoring and Enforcement Service**

15. The routine monitoring programme continues to pay dividends by increasing compliance with planning conditions, and in identifying and rectifying matters where conditions are not being complied with on all mineral and waste planning permissions.
16. The service is generally well received by householders, liaison committees, parish and town councils with access to compliance reports providing a basis for discussions with operators on the progress on sites in their locality. It seeks to provide a timely response to local people's concerns and serves to pre-empt issues which are likely to affect the amenities of an area.
17. Officers in the team also provide key support in ensuring that details pursuant to permissions are submitted where these are required by planning conditions before a development starts. They often co-ordinate action between Development Management planners, Highways, Ecology and other County services and the operator. The aim is to ensure pre commencement works are completed in a timely manner and before the main development is started.

## **RECOMMENDATION**

18. **It is RECOMMENDED that the Schedule of Compliance Monitoring Visits in Annex 1 and the Schedule of Enforcement Cases in Annex 2 to this report be noted.**

BEV HINDLE

Deputy Director for Environment & Economy (Strategy & Infrastructure Planning)

May 2016

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**Minerals & Waste Compliance Monitoring Sites in Cherwell District.****Contact Officer : Chris Hodgkinson, Senior Planning Enforcement Officer.****Direct Dial Tel: 01865 815872****Mobile Tel: 07899 065518**

Address	Sites	Type - Mineral or Waste.	Status	Charge	Target Visits for year 01/04/15 to 31/03/16.	Visits completed for year 01/04/15 to 31/03/16.
Alkerton CA & Landfill, Alkerton, Nr. Banbury, Oxon.	Alkerton Landfill	W	Dormant	Full	1	1
	Alkerton CA	W	Active	Nil		
Hornton Grounds, Stratford Road, Hornton, Banbury, OX15 6AH.	Alkerton Quarry	M	Active	Full	4	3
	Hornton Grounds Quarry.	M	Active & Aftercare	Full		
	Wroxton	M	Active	Full		
Ardley Quarry, Ardley, Bicester, Oxon, OX27 7PH.	Ardley Landfill	W	Active & Aftercare (in part)	Full	4	3
	Ardley EfW	W	Active	Nil		
	Ardley Quarry	M	Active	Full		
Ardley Composting Site, Ashgrove Farm, Upper Heyford Road, Ardley, OX27 7PJ.	In-vessel Composting	W	Active	Nil	1	1
Dewar's Farm, Ardley Road, Middleton Stoney, Oxfordshire, OX25 4AE.			Active	Full	3	3

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Address	Sites	Type - Mineral or Waste.	Status	Charge	Target Visits for year 01/04/15 to 31/03/16.	Visits completed for year 01/04/15 to 31/03/16.
Horsehay Quarry, Middle Barton Road, Duns Tew, Oxfordshire.					2	1
Ferris Hill Farm, Sibford Road, Hook Norton, Banbury, OX15 5JY.		W	Active	Nil	2	2
Finmere Quarry, Banbury Road, Finmere, Oxfordshire, MK18 4AJ.	Finmere (Landfill)	M & W	Active	Full	5	6
	Widmore	W	Aftercare	Nil		
	MRF	W	Implemented in part	Full		
	Sand & Gravel	M&W	Not Implemented	Full		
Greenhill Farm Quarry, Bletchingdon.		W	Active	Full	1	1
Heneff Way - Batching, Heneff Way, Banbury, Oxon.		M	Active	Nil	1	0

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Address	Sites	Type - Mineral or Waste.	Status	Charge	Target Visits for year 01/04/15 to 31/03/16.	Visits completed for year 01/04/15 to 31/03/16.
Heneff Way - Tarmac, Heneff Way, Banbury, Oxon.		M	Active	Nil	1	1
L.C. Hughes Scrap Yard, London Road, Bicester.		W	Active	Nil	1	0
Manor Farm - Biomass Gen, Twyford, Banbury, Oxon, OX17 3JL		W	Active	Nil	1	1
Old Brickworks Farm, Bletchingdon, Oxon, OX5 3DT.		W	Active	Full	1	1
Overthorpe Ind. Estate - WTS, Banbury.		W	Active	Nil	2	2
Shipton on Cherwell Quarry, Shipton on Cherwell, Oxfordshire.		W	Active	Full	4	4

**Minerals & Waste Compliance Monitoring Sites in Cherwell District.****Contact Officer : Chris Hodgkinson, Senior Planning Enforcement Officer.****Direct Dial Tel: 01865 815872****Mobile Tel: 07899 065518**

Address	Sites	Type - Mineral or Waste.	Status	Charge	Target Visits for year 01/04/15 to 31/03/16.	Visits completed for year 01/04/15 to 31/03/16.
Smiths of Bloxham - WTS. Milton Road, Bloxham, Banbury, OX15 4HD.		W	Active	Nil	2	2
Stratton Audley, Elm Farm Quarry, Stratton Audley.	Landfill	W	Dormant	Low	1	2
	Recycling	W	Dormant	Nil		



**Minerals & Waste Compliance Monitoring Sites in South Oxfordshire District.****Contact Officer : Chris Hodgkinson, Senior Planning Enforcement Officer.****Direct Dial Tel: 01865 815872****Mobile Tel: 07899 065518**

Address	Sites	Type - Mineral or Waste.	Status	Charge	Target Visits for year 01/04/15 to 31/03/16.	Visits completed for year 01/04/15 to 31/03/16.
Ambrose Quarry, Ewelme, Oxon.		M	Dormant	Low	1	1
Battle Farm, Crowmarsh, Oxon, OX10 6SL.		W	Active	Nil	2	1
Berinsfield Car Breakers		W	Active	Nil	1	0
Caversham, Sonning Eye, Reading.	Caversham Main	M	In restoration	Full	4	1
	Caversham Triangle	M	In restoration	Full		
	Caversham Extension	M	Awaiting DP	Full		
Chinnor Quarry.		M	Active	Full	1	1
Culham UKAEA	J30 JET	W	Active	Nil	0	0
Ewelme	Ewelme I (Buildings)	W	Active	Nil	3	2
	Ewelme I WTS	W	Active	Nil		
	Ewelme II MRF	W	Active	Nil		
	Ewelme II Landfill	W	Active	Full		
Eyres Lane Waste Transfer Site, Ewelme.		W	Active	Nil	1	1

**Minerals & Waste Compliance Monitoring Sites in South Oxfordshire District.****Contact Officer : Chris Hodgkinson, Senior Planning Enforcement Officer.****Direct Dial Tel: 01865 815872****Mobile Tel: 07899 065518**

Address	Sites	Type - Mineral or Waste.	Status	Charge	Target Visits for year 01/04/15 to 31/03/16.	Visits completed for year 01/04/15 to 31/03/16.
Greenwoods of Garsington, Scrap Yard, Pettiwell, Garsington, Oxford.		W	Active	Nil	1	2
Main Motors		W	Active	Nil	1	1
Hundridge Farm, Waste Transfer, Hundridge Farm, Ipsden, Oxon		W	Active	Nil	1	0
Menlo Industrial Park - Scrap Yard, Roycote Lane, Thame, Oxfordshire, OX9 2JB.		W	Active	Nil	1	1
Moorend Lane, Thame		W	Active	Full	3	3
Oakley Wood, Old Icknield Way, Crowmarsh		W	Aftercare	Nil	1	0
Playhatch Quarry - WTS, Dunsden Green Lane, Playhatch, Caversham, Reading.		W	Active	Nil	2	2
Sewage Pumping Station Beckley	Thames Water Sewage Plant	W	Aftercare	Nil	1	0

**Minerals & Waste Compliance Monitoring Sites in South Oxfordshire District.****Contact Officer : Chris Hodgkinson, Senior Planning Enforcement Officer.****Direct Dial Tel: 01865 815872****Mobile Tel: 07899 065518**

<b>Address</b>	<b>Sites</b>	<b>Type - Mineral or Waste.</b>	<b>Status</b>	<b>Charge</b>	<b>Target Visits for year 01/04/15 to 31/03/16.</b>	<b>Visits completed for year 01/04/15 to 31/03/16.</b>
Wellbarn Farm, Moulsford, OXON.		W	Aftercare	Full	1	0
Woodeaton Quarry, Woodeaton, OXON.		M	Awaiting DP	Low	1	2

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**Minerals & Waste Compliance Monitoring Sites in Vale of the White Horse District.****Contact Officer : Chris Hodgkinson, Senior Planning Enforcement Officer.****Direct Dial Tel: 01865 815872****Mobile Tel: 07899 065518**

Address	Sites	Type - Mineral or Waste.	Status	Charge	Target Visits for year 01/04/15 to 31/03/16.	Visits completed for year 01/04/15 to 31/03/16.
Aasvogel, Waste Transfer Station, Grove Business Park, Grove.		W	Active	Nil	1	1
Bowling Green Farm, Stanford Road, Faringdon, Oxon, SN7 8EZ.		M	Active	Full	3	2
Childrey Quarry, Childrey, Wantage, Oxon.		W	Active	Full	2	1
Prospect Farm, Chilton, Didcot, Oxfordshire, OX11 0ST.		W	Active	Full	3	2
Drayton CA Site, Drayton, Oxon.		W	Active	Nil	1	1
Composting Facility, Church Lane, Coleshill, Swindon, SN6 7PR.		W	Active	Nil	1	1

**Minerals & Waste Compliance Monitoring Sites in Vale of the White Horse District.****Contact Officer : Chris Hodgkinson, Senior Planning Enforcement Officer.****Direct Dial Tel: 01865 815872****Mobile Tel: 07899 065518**

Address	Sites	Type - Mineral or Waste.	Status	Charge	Target Visits for year 01/04/15 to 31/03/16.	Visits completed for year 01/04/15 to 31/03/16.
Glebe Farm Composting, Glebe Farm, Hinton Waldrist, Oxfordshire.		W	Active	Nil	1	1
Haynes of Challow, East Challow, Wantage, Oxon, OX12 9TB.		W	Active	Nil	1	0
Hatford Quarry, Sandy Lane, Hatford, Oxon, SN7 8JH.		M	Active	Full	4	4
Hill Farm - Woodchipping, Nr Didcot, Oxfordshire.		W	Active	Nil	2	1
Quelchs Orchard, Scrap Yard, Charlton, Wantage.		W	Active	Nil	1	0
Redbridge CA, Old Abingdon Road, Oxford.		W	Active	Nil	1	1
Radley Sand and Gravel Plant, Thrupp Lane, Radley.	Curtis Yard & Tuckwell's Plant	M & W	Dormant	Nil	1	1

**Minerals & Waste Compliance Monitoring Sites in Vale of the White Horse District.****Contact Officer : Chris Hodgkinson, Senior Planning Enforcement Officer.****Direct Dial Tel: 01865 815872****Mobile Tel: 07899 065518**

Address	Sites	Type - Mineral or Waste.	Status	Charge	Target Visits for year 01/04/15 to 31/03/16.	Visits completed for year 01/04/15 to 31/03/16.
Harwell, UKAE, Harwell, Didcot, OX11 ORA.	Business Park		Active	Nil	0	0
	Catapult Pit		Active	Nil		
	Southern Storage		Active	Nil		
	Waste Management Complex (B462)	W	Active	Nil		
	Western Storage		Active	Nil		
Radley Ash Disposal Scheme	Lake E	W	Not Implemented	Nil	1	2
	Phase I	W	Aftercare	Full		
	Phase II	W	Aftercare	Full		
	ROMP area	M	ROMP	Full		
Sandhill Quarry, Sands Hill, Faringdon, Oxon, SN7 7PQ.		M	Dormant	Low	1	0
Shellingford Quarry, Shellingford Crossroads, Stanford In The Vale, Faringdon, Oxon, SN7 8HE.		W	Active	Full	4	3

**Minerals & Waste Compliance Monitoring Sites in Vale of the White Horse District.****Contact Officer : Chris Hodgkinson, Senior Planning Enforcement Officer.****Direct Dial Tel: 01865 815872****Mobile Tel: 07899 065518**

Address	Sites	Type - Mineral or Waste.	Status	Charge	Target Visits for year 01/04/15 to 31/03/16.	Visits completed for year 01/04/15 to 31/03/16.
Stanford in the Vale Waste Disposal and Civic Amenity Site		W	Active	Nil	1	1
Sutton Courtenay (Hanson), Appleford Sidings, Abingdon, Oxfordshire, OX14 4PW.	Batching Plant	W	Active	Nil	4	2
	Bridge Farm	W	Active	Full		
	Rail Head	W	Active	Nil		
	Tarmac plant	W	Active	Nil		
Sutton Courtenay (WRG), Appleford Sidings, Abingdon, Oxfordshire, OX14 4PW.	Composting	W	Active	Nil	4	4
	Landfill	W	Active	Full		
Sutton Wick Landfill, Bassett Lane, Oday Hill, Abingdon.		W	In Restoration	Full	1	1
Sutton Wick Sand and Gravel, Peep-O-Day Lane, Abingdon, Oxon.	Sutton Wick Gravel	M	In Restoration	Full	2	2
	Sutton Wick Plant	M	Active	Nil		
	Lake J	M	Aftercare	Full		



**Minerals & Waste Compliance Monitoring Sites in Vale of the White Horse District.****Contact Officer : Chris Hodgkinson, Senior Planning Enforcement Officer.****Direct Dial Tel: 01865 815872****Mobile Tel: 07899 065518**

Address	Sites	Type - Mineral or Waste.	Status	Charge	Target Visits for year 01/04/15 to 31/03/16.	Visits completed for year 01/04/15 to 31/03/16.
Swannybrook Farm, Kingston Bagpuize		W	Active	Nil	1	2
Tubney Woods Sand Quarry and Landfill Site, Besselsleigh, Oxfordshire.		M	Restoration	Full	2	1
Upwood Park Sand Quarry and Landfill Site, Besselsleigh, Oxfordshire.		M	Active	Full	3	3
Whitecross Metals, Whitecross, Abingdon, Oxon.		W	Active	Nil	1	1
Wickleham Quarry, Faringdon, Oxfordshire.		M	Active	Full	4	3

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**Minerals & Waste Compliance Monitoring Sites in West Oxfordshire District.****Contact Officer : Chris Hodgkinson, Senior Planning Enforcement Officer.****Direct Dial Tel: 01865 815872****Mobile Tel: 07899 065518**

Address	Sites	Type - Mineral or Waste.	Status	Charge	Target Visits for year 01/04/15 to 31/03/16.	Visits completed for year 01/04/15 to 31/03/16.
B & E Skips, 115 Brize Norton Road, Minster Lovell, Oxon, OX29 0SQ.	Minster Lovell	W	Active	Nil	2	2
Burford Quarry, Burford Road, Brize Norton, Oxfordshire.	Quarrying	M	Active	Full	3	3
	Manufacturing					
Castle Barn Quarry, Sarsden		M	Active	Full	2	1
City Farm, Eynsham.	City Farm I	W	Aftercare	Full	1	1
	New Wintle Farm	W	Active	Nil		
	City Farm II	W	Aftercare	Nil		
Controlled Reclamation, Dix Pit, Stanton Harcourt, Oxon.		W	Active	Full	1	2
Sheehan Recycled Aggregates, Dix Pit, Stanton Harcourt, Oxon.	Wash Plant	W	Active	Nil	3	2
Cornbury Park, (Quarrying) Charlbury, Oxon.		M	Active	Full	1	0

**Minerals & Waste Compliance Monitoring Sites in West Oxfordshire District.****Contact Officer : Chris Hodgkinson, Senior Planning Enforcement Officer.****Direct Dial Tel: 01865 815872****Mobile Tel: 07899 065518**

Address	Sites	Type - Mineral or Waste.	Status	Charge	Target Visits for year 01/04/15 to 31/03/16.	Visits completed for year 01/04/15 to 31/03/16.
Crawley Scrap Yard		W	Active	Nil	1	1
Deans Pit CA Site, Chadlington.		W	Closed	Nil	1	1
Dix Pit, Stanton Harcourt, Oxon.	Conblock	W	Dormant	Nil	3	4
	Dix Pit CA	W	Active	Nil		
	Dix Pit Landfill Site	W	Active	Full		
	North Shore	M	Complete	Full		
	Premix - Hanson	M		Nil		
Duns Tew Quarry		M	Active	Full	2	1
Elmwood Farm, Burford Road, Black Bourton, Oxon, OX18 2PL		W	Waste Pp ended – Dormant	Nil	1	1
Enstone Airport Waste Transfer. Unit 1, Enstone Airfield, Enstone, Oxon.		W	Active	Nil	1	1
Ethos Waste Transfer Lakeside Industrial Estate, Standlake, Oxon		W	Dormant	Nil	1	1
Fraser Evans & Sons, Worsham Quarry, Minster Lovell, Oxon.	Tyre Recycling	W	Active	Nil	1	1
	Landfill	W	Aftercare	Full		

**Minerals & Waste Compliance Monitoring Sites in West Oxfordshire District.****Contact Officer : Chris Hodgkinson, Senior Planning Enforcement Officer.****Direct Dial Tel: 01865 815872****Mobile Tel: 07899 065518**

Address	Sites	Type - Mineral or Waste.	Status	Charge	Target Visits for year 01/04/15 to 31/03/16.	Visits completed for year 01/04/15 to 31/03/16.
Gill Mill, Tar Farm, Gill Mill Complex, Ducklington, Oxfordshire.	Rushey Common	M	Aftercare	Full	4	4
	Gill Mill Quarry	M	Active	Full		
Great Tew Quarry, Butchers Hill, Great Tew, Oxon.		M	Active	Full	4	3
Hardwick Batching Plant, Adj. B4449, Hardwick, Oxon.	CEMEX	M	Active	Nil	1	0
Hardwick Recycling, Adj. B4449, Hardwick, Oxon.	Fergal Yard	W	Active	Nil	1	0
Hickman Bros Landscapes, Burford		W	Active	Nil	1	1
Alder & Allen, Lakeside Industrial Estate, Standlake		W	Active	Nil	1	1

**Minerals & Waste Compliance Monitoring Sites in West Oxfordshire District.****Contact Officer : Chris Hodgkinson, Senior Planning Enforcement Officer.****Direct Dial Tel: 01865 815872****Mobile Tel: 07899 065518**

Address	Sites	Type - Mineral or Waste.	Status	Charge	Target Visits for year 01/04/15 to 31/03/16.	Visits completed for year 01/04/15 to 31/03/16.
Manor Farm - Waste Transfer, Kelmscott, Nr. Lechlade, Gloucestershire, GL7 3HJ.		W	Active	Nil	1	1
May Gurney, Downs Road, Witney, Oxon.		W	Active	Nil	2	2
Mick's Skips (Hackett's Yard), Lakeside Industrial Estate, Standlake, Oxon.		W	Active	Nil	1	1
Sandfields Farm, Over Norton, Oxfordshire.		W	Active	Nil	2	1
Rollright Quarry, Chipping Norton.	Phase 1	M	Active	Full	2	2
	Phase 2	M	Active	Full		
Showell Farm, Chipping Norton, Oxon OX7 5TH.		W	Active	Nil	1	1
Slope Hill Quarry, Glympton.		W	Active	Nil	2	1
Old Quarry, Hatching Lane, Leafield		W	Active	Nil	1	1

**Minerals & Waste Compliance Monitoring Sites in West Oxfordshire District.****Contact Officer : Chris Hodgkinson, Senior Planning Enforcement Officer.****Direct Dial Tel: 01865 815872****Mobile Tel: 07899 065518**

Address	Sites	Type - Mineral or Waste.	Status	Charge	Target Visits for year 01/04/15 to 31/03/16.	Visits completed for year 01/04/15 to 31/03/16.
Hardwick IDO		M	ROMP	Low	0	0
Steve Claridge Motor Salvage, Carterton		W	Active	Nil	1	0
Sturt Farm, Units 2A, 4 Sturt Farm Ind, Burford.		W	Active	Nil	1	1
Watkins Farm, Linch Hill, Stanton Harcourt, OXON. OX29 5BJ.	ROMP area	M	Aftercare	Full	1	1
	Stonehenge Farm	M	Dormant – Small Scale Start	Full		
	Ireland Land	M	Dormant	Full		
Whitehill Quarry, Adj. A40, Burford, OXON.		M	Active	Low	1	1
Whitehill Quarry, Tackley, OXON.		M	Dormant	Low	0	0
Worton Rectory Farm, Cassington, OXON. OX29 4SU.	Cassington Quarry	M	Active	Full	4	2
	Worton Composting	W	Active	Nil		
	M&M WTS	W	Active	Nil		

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**Progress of Enforcement Cases****(Covers period from 1<sup>st</sup> September 15 to 31st April 16)****Contact Officer : Chris Hodgkinson, Senior Planning Enforcement Officer.****Direct Dial Tel: 01865 815872****Mobile Tel: 07899 065518**

Location	Alleged Breach of Planning Control	Progress
<b>South Oxfordshire District Council</b>		
Greenwoods Scrap Yard Garsington	Unauthorised development of shed for dismantling end of life vehicles.	Unauthorised operational development of building for the dismantling of vehicles required by EA permit but no planning permission for development in Green Belt. Enforcement Notice served December 2014. Owner appeal to the Secretary of State via the Planning Inspectorate and the Notice was upheld. Buildings to be removed by mid-February 2016. Some buildings removed but vehicle racking remains in place. Evidence gathered for possible prosecution proceedings.
Mapnells Farm, Cold Harbour Lane, Goring Heath	Unauthorised deposit of waste	Unable to establish any obvious breach of planning control – Case Closed.
Moorend Lane, Thame	Unauthorised routing of lorries	Allegation of HGV waste lorries travelling through Lee Park residential estate. Investigation established that a road sweeper was using a local standpipe with the necessary permits in place. No breach. Case Closed.
Grundons Ewelme #1	Unauthorised development of Welfare Facilities in HGV car-parking area.	Routine compliance monitoring established that a welfare building was being developed adjacent to the Hazard Waste Transfer Station without planning permission. Operator invited to submit retrospective planning permission. Continue with watching brief.
Car Park to rear of Fane Drive/ Chiltern Close Berinsfield	Unauthorised breaking of motor vehicles	Allegation that vehicle breaking / metal recycling taking place in car park area to rear of shops. No obvious activity and unable to establish breach of planning control. Case Closed.
Land adj. Sewage Works, Clifton Hampton	Unauthorised deposit of waste	Large amount of waste soils; construction and demolition waste and wood deposited on hardstanding adjacent to the Culham Science Park. Preliminary investigations continuing.

**Progress of Enforcement Cases****(Covers period from 1<sup>st</sup> September 15 to 31st April 16)****Contact Officer : Chris Hodgkinson, Senior Planning Enforcement Officer.****Direct Dial Tel: 01865 815872****Mobile Tel: 07899 065518**

Location	Alleged Breach of Planning Control	Progress
<b>Vale of White Horse District Council</b>		
Sutton Wick Processing Plant, Peep-o-day Lane, Rayton	Unauthorised Processing Plant	The extant planning permission for the processing plant and extraction of quarry workings came to an end 31 Dec 12. Operator had submitted a Section 73 planning application within time but it was not properly validated. A further planning application was made e with a view to retain the processing plant in the area. Planning permission granted. Case closed .
Sutton Courtenay Quarry	Unauthorised deposit of recycled asphalt in the aggregate storage/processing area.	Compliance monitoring has identified a continuing breach of planning control. A retrospective planning application has been submitted. Enforcement proceedings are held in abeyance pending planning decision. Maintain watching brief.
Sutton Courtenay Landfill	Non-compliance with surface water drainage scheme required by planning conditions.	Elevated levels of ground water indicated that the landfill surface water drainage scheme required by planning conditions was (a) inadequate or (b) not completed in accordance with proposed timescales. Although no causal link was established, negotiations with operator secured a revised drainage scheme which was approved in February 15. The full and complete drainage scheme remained uncompleted for a time which resulted in a BCN being served. Works are now completed. Case closed.
113 Bagley Wood Road, Kennington, Oxford	Unauthorised deposit of waste	Local press reports alleged that a large amount of construction and demolition waste had been deposited on land to the rear of the property. Investigation established approx.. 6000 cubic metres of inert waste deposited without planning permission. The owner acknowledged breach of planning control and works were carried out to OCC specification to remove all of the waste and restore the land to woodland. Case closed.

**Progress of Enforcement Cases****(Covers period from 1<sup>st</sup> September 15 to 31st April 16)****Contact Officer : Chris Hodgkinson, Senior Planning Enforcement Officer.****Direct Dial Tel: 01865 815872****Mobile Tel: 07899 065518**

Location	Alleged Breach of Planning Control	Progress
<b>Vale of White Horse District Council (Continued)</b>		
CAMAS Land, Peep-o-day Lane, Drayton  Page 109	Unauthorised winning and working of mineral	In September 2015 an allegation that mineral was being extracted without planning permission at CAMAS land. Investigation established that vegetation had been removed to create a drainage channel across a field which formed part of a planning application area. No mineral had been worked at this time and it was deemed to be an engineering operation. Planning permission was issued in March 2016 for the progressive extraction of sand & gravel from the land. However, at time of writing, officers are investigating the commencement of development without the necessary approval of various detailed pursuant conditions and working outside the permitted extraction area. Preliminary investigations continuing.
The Old Coal Yard, Thrupp Lane, Radley	Unauthorised storage and processing of waste.	Part of the coal yard was being used for the sorting of construction and demolition wastes. Following discussion with the landowner, all processing ceased and waste removed from the land. Case closed.
All Saints Lane, Sutton Courtenay	Unauthorised deposit of waste	Land owner re-profiling the site, dredging the ponds on the land and has created an earth bund to the boundary of the land with the properties in Churchmere Road. The development opens the land to the rear of Eastwest, All Saints Lane, and extends the curtilage of the property. Whilst the development required the import of soils it was as an 'article for sale' and not a using discarded waste. Referred to VoWH planning enforcement. Case Closed.

**Progress of Enforcement Cases****(Covers period from 1<sup>st</sup> September 15 to 31st April 16)****Contact Officer : Chris Hodgkinson, Senior Planning Enforcement Officer.****Direct Dial Tel: 01865 815872****Mobile Tel: 07899 065518**

Location	Alleged Breach of Planning Control	Progress
<b>West Oxfordshire District Council</b>		
Controlled Reclamation Dix Pit Stanton Harcourt	Breach of Planning conditions – land raising	The continued importation and deposit of waste after the expiry of the permission for the clay extraction and landfill. Enforcement notice and stop notice served in June 14. Planning & Regulation Committee resolved to grant planning permission for the increased levels on 27 <sup>th</sup> July 2015. Permission has now been issued and the landfill continues to be monitored as part of OCC compliance monitoring scheme. Case Closed
Great Tew Quarry	Unauthorised deposit of clay outside planning permission area & deposit of overburden in adjacent field.	Initially compliance monitoring identified breach of planning control including in relation to the unauthorised deposit of clay and a planning application was received which includes seeking retrospective planning permission for this deposit. Since submission of the planning application further works have been carried out which include the soil stripping and deposit of quarry overburden in an adjacent field. These works also form part of the current planning application and enforcement proceedings are held in abeyance pending the outcome. Continue with watching brief.
Hatching Lane, Lower End, Leafield	Breach of Planning Conditions – failure to properly restore landfill.	Compliance monitoring identified breach of planning control. Breach of Condition Notice served in November 2014 formally requiring the completion of works to restore the land to be completed in 8 months. A planning application was subsequently made to extend the period to complete the works. Planning permission was refused and the applicant appealed to Secretary of State via the Planning Inspectorate. The planning appeal was dismissed. The works have been completed and a satisfactory aftercare scheme has been approved and is being implemented. Case closed.
Routing Agreements Dix Pit Complex Stanton Harcourt	Various breaches of routeing agreements to prevent vehicles travelling through Sutton.	There are essentially two Routing Agreements which specifically prevent or limit traffic movements through Sutton Village. Complaints received and several monitoring events carried out by officers indicated breaches in the agreements by Hansons from the concrete batching plant and Sheehan Aggregates operating from the plant site. The situation has improved of late and officers continue with a watching brief.

**Progress of Enforcement Cases****(Covers period from 1<sup>st</sup> September 15 to 31st April 16)****Contact Officer : Chris Hodgkinson, Senior Planning Enforcement Officer.****Direct Dial Tel: 01865 815872****Mobile Tel: 07899 065518**

Location	Alleged Breach of Planning Control	Progress
<b>West Oxfordshire District Council (Continued) :</b>		
Enstone Airfield Church Enstone	Unauthorised waste transfer	WODC grant of planning permission for the import of 275,000 cubic metres of soil for acoustic bunds. Operators had started to import waste to create the bunds and a separate waste recycling operation in order to recover soils for the works. Both of these activities require a separate standalone planning permission from the County Council. Works have ceased and planning application MW.0160/15 submitted and Planning and Regulation Committee resolved to approve subject to routing agreement being entered into. Enforcement proceedings are held in abeyance pending the outcome of the planning application process. Continue with watching brief.
Shipton Road, Woodstock.	Unauthorised deposit of waste.	Investigation established that soil piles on land are arising from permitted housing development on the land and to be reused. No import of waste. No breach of planning control. Case closed.
Grove Lane, Dean, Charlbury.	Unauthorised deposit of waste wood	An amount of wood had been deposited on a small holding in Grove Lane. Investigations established that it was being used for fuel in a nearby private domestic home. No breach of planning control. Case closed.

**Progress of Enforcement Cases****(Covers period from 1<sup>st</sup> September 15 to 31st April 16)****Contact Officer : Chris Hodgkinson, Senior Planning Enforcement Officer.****Direct Dial Tel: 01865 815872****Mobile Tel: 07899 065518**

Location	Alleged Breach of Planning Control	Progress
<b>Cherwell District Council</b>		
Ferris Hill Farm Hook Norton Page 112	Unauthorised extraction of mineral and waste processing.	Site monitoring indicated that mineral had been extracted and waste transfer operations have extended beyond the boundary of the approved planning permissions. Enforcement Notice served in November 14. CDC subsequently granted a planning permission for chicken farming on the land at the level post extraction. The planning enforcement notice remains effective until the planning permission is implemented in full. Continue with a watching brief.
Field Farm Bainton Crossroads	Unauthorised deposit of waste – land raising	Historical deposit of waste to raise land now ceased. No council records of a grant of planning permission to permit the development. Retrospective planning application invited to include the proper restoration of land. PCN served August 15 which established development of small scale and more than ten years ago so as to be immune from enforcement proceedings. Case closed.
Langford Park Farm, London Road, Bicester	Unauthorised Deposit of Waste	Large deposit of soil and subsoil being deposited in field. Deposit is spoil from housing development in Bicester. Owner acknowledged breach of planning control and advised temporary storage. Currently taking steps to remove. Continue with watching brief.
Land North Of Lince Lane, Kirtlington	Unauthorised deposit of waste	Investigations established that a large amount of wood waste was being deposited on an agricultural field on the pretext of a CDC grant of planning permission for a bio-fuel boiler. Following the service of a PCN a breach of planning control was established and an Enforcement Notice served 20th August 2015 formally requiring unauthorised use to cease and the removal of waste wood within 3 months. The wood has been removed and the EN complied with. Case closed.

**Progress of Enforcement Cases****(Covers period from 1<sup>st</sup> September 15 to 31st April 16)****Contact Officer : Chris Hodgkinson, Senior Planning Enforcement Officer.****Direct Dial Tel: 01865 815872****Mobile Tel: 07899 065518**

Location	Alleged Breach of Planning Control	Progress
<b>Cherwell District Council (Continued)</b>		
Finmere Quarry, Banbury Road, Finmere	Breach of Conditions	Compliance monitoring had identified on-going breach of planning conditions. Planning permission required the permanent capping of landfill cells 4, 5 and 8 before 15 October 2014. A BCN was served in June 2015 formally requiring the completion of capping and subsoiling works. The required permanent cap and subsoil are now in place. The site continues to be monitored as part of OCC compliance monitoring scheme. Case Closed.
Gebe Works, Ffingford	Unauthorised deposit of waste	Allegation that road sweepings were being deposited to create bunds on the land. Investigation established that bunds had been created using arisings from the CDC permitted development of farming buildings and hardstanding. No obvious breach of planning control. Case closed.
Stratton Audley Quarry.	Unauthorised deposit of waste and on-going breach of planning conditions – failure to restore.	The site was required to be restored by 31st December 2008. OCC has ten years from that date in which to bring enforcement proceedings for the on-going breach of planning control and a PCN is required before proceeding to more formal enforcement proceedings.
Ardley Quarry Landfill.	Breach of Conditions – soil handling	Compliance monitoring identified a possible breach of Conditions 3, 51 and 52 of planning permission reference 08/02472/CM relating to the Ardley Energy from Waste Plant and Landfill Site. These centre on the import of soils to the land for restoration of the quarry. A PCN was served in January 2016 to establish the facts and following discussion with officers has resulted in the operator considering seeking a non-material amendment to the Condition 52 of the planning permission. These discussions are continuing and we maintain a watching brief.

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## Planning Enforcement - Glossary of Terms

Awaiting DP	-	Details pursuant to a planning condition must be approved by OCC prior to commencement of development.
BCN	-	Breach of Condition Notice – A summary procedure for the enforcement of planning conditions. Where there has been a failure to comply with a condition attached to a current planning permission the Local Planning Authority may serve such a notice.
CDC	-	Cherwell District Council
CLEUD	-	Certificate of lawful use / development. A procedure to allow a person to ascertain whether; (a) the existing use of land or buildings is lawful; (b) any operations carried out in, on, over or under land are lawful; or (c) any other matter constituting a failure to comply with a condition of a planning permission is lawful.
COU	-	Change of Use
EA	-	Environment Agency
EN	-	Enforcement Notice
Expediency	-	A judgment of the merits of an activity against planning policy.
LBA	-	Letter before action - a formal letter which sets out the alleged breach in planning control and suggested remedy.
OCC	-	Oxfordshire County Council
PCN	-	Planning Contravention Notice – A formal notice requiring a recipient to provide information about development on land so far as they are able.
Pd	-	permitted development
Pp	-	planning permission
SODC	-	South Oxfordshire District Council
VoWH	-	Vale of White Horse District Council
WODC	-	West Oxfordshire District Council

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## PLANNING & REGULATION COMMITTEE - 23 MAY 2016

### POLICY ANNEX (RELEVANT DEVELOPMENT PLAN AND OTHER POLICIES)

#### Oxfordshire Minerals and Waste Local Plan 1996 – Saved Policies (OMWLP):

##### POLICY CY1: THE CASSINGTON-YARNTON AREA FOR SHARP SAND AND GRAVEL WORKING

Land for sharp sand and gravel working will be released in accordance with the other policies in this Plan in a small area at the eastern end of the existing permission south of Worton Rectory Farm. Applications for clay extraction will be considered under policy SD5.

##### POLICY PE2: PROPOSALS FOR MINERAL WORKINGS THAT ARE LOCATED OUTSIDE THE AREAS IDENTIFIED IN THE OMWLP)

Planning permissions for mineral working will not be granted outside the areas identified in this Plan unless:

- (a) the working would be acceptable under policy SD2, or
- (b)
  - (i) the proposal satisfies the policies of the Structure Plan and this Local Plan, and
  - (ii) in the case of sand and gravel, the apportioned supply from the county cannot be met from within the areas identified, or
  - (iii) in the case of other minerals, the demand cannot be met from within areas which are identified in the Plan.

##### POLICY PE3: BUFFER ZONES

Appropriate buffer zones will be safeguarded around mineral working or waste disposal sites for protection against unacceptable losses of residential or natural amenity.

##### POLICY PE4: GROUNDWATER

Proposals for mineral extraction and restoration (including waste disposal) will not be permitted where they would have an impact on groundwater levels in the surrounding area which would harm existing water abstraction, river flow, canal, lake or pond levels or important natural habitats. Proposals must not put at risk the quality of groundwater.

##### POLICY PE10: WOODLANDS

Mineral working and waste disposal should not damage or destroy woodland and forestry. Proposals which would affect woodland will be assessed by taking into account the importance of the affected woodland, economically, scenically and ecologically; the local abundance or scarcity of woodland; the remaining life of the

woodland; the extent of replacement proposed; and the time which it can be expected to take for replacement woodland to make a positive contribution to the landscape.

#### POLICY PE13: RESTORATION

Mineral workings and landfill sites should be restored within a reasonable timescale to an after-use appropriate to the location and surroundings. Proposals for restoration, after-care and after-use should be submitted at the same time as any application for mineral working. Planning permission will not be granted for mineral working or landfill sites unless satisfactory proposals have been made for the restoration and after-use, and means of securing them in the long-term.

#### POLICY PE14: SITES OF NATURE CONSERVATION IMPORTANCE

Sites of nature conservation importance should not be damaged. Proposals which would affect a nature conservation interest will be assessed by taking into account the importance of the affected interest; the degree and permanence of the projected damage; and the extent to which replacement habitat can be expected to preserve the interest in the long-term.

#### POLICY PE18: CODE OF PRACTICE

In determining applications covered by this Plan the County Council will:

- (a) have regard to the appropriate provisions of the Code of Practice in Annex 1, which is part of this Plan; and
- (b) regulate and control development by the imposition of conditions on the grant of permission. Where this cannot satisfactorily be done, appropriate planning obligations will be sought.

#### POLICY PB1: PLANT AND BUILDINGS – DESIGN AND LANDSCAPING

The County Council will require processing plants, other necessary buildings and industries associated with a mineral working to be sited, designed, landscaped and maintained so as to minimise environmental disturbance. Any permission will be limited to the life of the mineral working or in the case of a waste disposal site, be subject to conditions requiring that the building or equipment is removed when no longer required in association with waste disposal.

#### POLICY SD1: LANDBANKS FOR SHARP SAND AND GRAVEL

Separate landbanks will be maintained for sharp sand and gravel and for soft sand at levels which accord with current Government advice and with the current regional apportionment.

#### POLICY SD4: ADDITIONAL IRONSTONE EXTRACTION

Planning permission for additional ironstone extraction will only be granted in exchange for an agreed revocation, without compensation, of an existing planning permission containing workable reserves.

#### POLICY SD5: CLAY EXTRACTION

The County Council will normally permit the extraction of clay only from the following areas where sand and gravel extraction is identified in this Plan or already in progress:

- (a) the Sutton Courtenay area;
- (b) the Stanton Harcourt area (Lower Windrush Valley);
- (c) the Cassington-Yarnton area.

All proposals must meet the requirements of other policies of the Development Plan.

#### **Oxfordshire Minerals and Waste Local Plan Core Strategy – Proposed Submission Document (OMWCS):**

#### 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.\*

\*For example, those policies relating to sites protected under the Birds and Habitats Directives (NPPF paragraph 119) and/or designated as Sites of Special Scientific Interest; land designated as Green Belt, Local Green Space, an Area of Outstanding Natural Beauty, Heritage Coast or within a National Park (or the Broads Authority); designated heritage assets; and locations at risk of flooding or coastal erosion.

#### 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 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.

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.

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.

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.

Development that would result in significant harm will not be permitted, unless the harm can be adequately mitigated or, as a last resort, compensated for to result in a net gain in biodiversity (or geodiversity) or, if the impact cannot be fully mitigated or compensated for, the benefits of the development on that site 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.

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 where it can be demonstrated they are in the public interest. Development within AONBs shall normally only be small-scale, to meet local needs and should be sensitively located and designed.

Where adverse impacts cannot be avoided or adequately mitigated, compensatory environmental enhancements shall be made to offset the residual landscape and visual impacts.

#### 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 M2: PROVISION FOR WORKING AGGREGATE MINERALS

Provision will be made through policies M3 and M4 to enable the supply of aggregate minerals from land-won sources within Oxfordshire to meet the requirement identified in the most recent Local Aggregate Assessment throughout the period to the end of 2031.

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 rate in the most recent Local Aggregate Assessment.

#### POLICY M3: PRINCIPAL LOCATIONS FOR WORKING AGGREGATE MINERALS

The principal locations for aggregate minerals extraction will be within the following strategic resource areas, as indicated on the Minerals Key Diagram:

Sharp sand and gravel

- The Thames, Lower Windrush and Lower Evenlode Valleys area from Standlake to Yarnton;
- 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 for working aggregate minerals will be identified within these strategic resource areas in the Minerals & Waste Local Plan: Part 2 – Site Allocations Document.

#### POLICY M4: SITES FOR WORKING AGGREGATE MINERALS

Specific sites for working aggregate minerals within the strategic resource areas identified in 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, in accordance with the following criteria:

- a) consideration of the quantity and quality of the mineral resource;
- b) achieving a change over the course of the plan period in the balance of production capacity for sharp sand & gravel between the strategic resource areas in western & southern Oxfordshire to more closely reflect the distribution of demand within the county;
- c) priority for the extension of existing quarries, where environmentally acceptable (including taking into consideration criteria d) to m)) and after consideration of criterion b), before working new sites;
- d) potential for restoration and after-use and for achieving the restoration objectives of the Plan in accordance with policy M10;
- e) suitability & accessibility of the primary road network;
- f) proximity to large towns and other locations of significant demand to enable a reduction in overall journey distance from quarry to market;
- g) ability to provide more sustainable movement of excavated materials;
- h) avoidance of locations within or significantly affecting an Area of Outstanding Natural Beauty;
- i) 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;

- j) avoidance of locations likely to have an adverse effect on designated heritage assets, including World Heritage Sites, Scheduled Monuments and Conservation Areas, or on archaeological assets which are demonstrably of equivalent significance to a Scheduled Monument;
- k) avoidance of, or ability to suitably mitigate, potential significant adverse impacts on:
  - i. locally designated areas of nature conservation and geological interest;
  - ii. local landscape character;
  - iii. water quality, water quantity, flood risk and groundwater flow;
  - iv. agricultural land and soil resources;
  - v. local transport network;
  - vi. land uses sensitive to nuisance (e.g. schools & hospitals);
  - vii. residential amenity & human health; and
  - viii. character and setting of local settlements;
- l) potential cumulative impact of successive and/or simultaneous mineral development, including with non-mineral development, on local communities;
- m) ability to meet other objectives and policy expectations of this Plan (including policies C1 – C11) and relevant policies in other development plans.

#### POLICY M5: WORKING OF AGGREGATE MINERALS

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 – C11 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 supply of aggregate in accordance with policy M2 cannot be met from within those sites. The criteria in policy M4 will be taken into consideration in the determination of planning applications for aggregate minerals working in locations not allocated under policy M4.

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 – C11.

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 is required in order to maintain landbanks in accordance with policy M2 and

taking into consideration the criteria in policy M4 and provided that the requirements of policies C1 – C11 are met.

Notwithstanding the preceding paragraph, 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 criteria in policies C1 – C11.

##### 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 proposed quarrying is small-scale.

##### 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 the proposal is in the public interest, including in terms of national considerations.

#### 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 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;
- flood risk and opportunities for increased flood storage capacity;
- 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; and
- the conservation and enhancement of the historic environment.

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.

#### **Cherwell Local Plan 1996 (saved policies as set out in appendix7 of the Cherwell Local Plan 2031 (CLP 1996))**

#### POLICY ENV1: DEVELOPMENT LIKELY TO CAUSE DETRIMENTAL LEVELS OF POLLUTION

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.

#### POLICY TR10: HEAVY GOODS VEHICLES

Development that would generate frequent heavy-goods vehicle movements through residential areas or on unsuitable urban or rural roads will not be permitted. The council will resist proposals for the establishment of heavy-goods-vehicle operating

centres where they would create traffic problems or adversely affect the amenity of residential areas or villages.

### **Cherwell Local Plan 2031 (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 ESD9: PROTECTION OF THE OXFORD MEADOWS SAC**

Developers will be required to demonstrate that:

- During construction of the development there will be no adverse effects on the water quality or quantity of any adjacent or nearby watercourse
- During operation of the development any run-off of water into adjacent or surrounding watercourses will meet Environmental Quality Standards (and where necessary oil interceptors, silt traps and Sustainable Drainage Systems will be included)
- New development will not significantly alter groundwater flows and that the hydrological regime of the Oxford Meadows SAC is maintained in terms of water quantity and quality
- Run-off rates of surface water from the development will be maintained at greenfield rates.

#### **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.

#### **POLICY ESD 14: OXFORD GREEN BELT**

The Oxford Green Belt boundaries within Cherwell District will be maintained in order to:

- Preserve the special character and landscape setting of Oxford
- Check the growth of Oxford and prevent ribbon development and urban sprawl
- Prevent the coalescence of settlements
- Assist in safeguarding the countryside from encroachment
- Assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

Development proposals within the Green Belt will be assessed in accordance with government guidance contained in the NPPF and NPPG. Development within the Green Belt will only be permitted if it maintains the Green Belt's openness and does not conflict with the purposes of the Green Belt or harm its visual amenities. Proposals for residential development will also be assessed against Policies Villages 1 and Villages 3.

A small scale local review of the Green Belt boundary in the vicinity of Langford Lane, Kidlington and Begbroke Science Park will be undertaken as part of the Local Plan Part 2, in order to accommodate employment needs (see Policy Kidlington 1). Further small scale local review of the Green Belt boundary will only be undertaken where exceptional circumstances can be demonstrated.

#### **West Oxfordshire Local Plan 2011**

#### **POLICY BE2: GENERAL DEVELOPMENT STANDARDS**

New development should respect and, where possible, improve the character and quality of its surroundings and provide a safe, pleasant, convenient and interesting environment.

Proposals for new buildings and land uses should clearly demonstrate how they will relate satisfactorily to the site and its surroundings, incorporating a landscape scheme and incidental open space as appropriate.

A landscape scheme accompanying detailed proposals for development should show, as appropriate, hard and soft landscaping, existing and proposed underground services, a phasing programme for implementation and subsequent maintenance arrangements.

Proposals will only be permitted if all the following criteria are met:

Quality of Development and Impact upon the Area:

- a) the proposal is well-designed and respects the existing scale, pattern and character of the surrounding area;
- b) new buildings or extensions to existing buildings are designed to respect or enhance the form, siting, scale, massing and external materials and colours of adjoining buildings, with local building traditions reflected as appropriate;
- c) the proposal creates or retains a satisfactory environment for people living in or visiting the area, including people with disabilities;
- d) existing features of importance in the local environment are protected and/or enhanced;
- e) the landscape surrounding and providing a setting for existing towns and villages is not adversely affected;
- f) in the open countryside, any appropriate development will be easily assimilated into the landscape and wherever possible, be sited close to an existing group of buildings.

Crime:

- g) good design has been used to help reduce the opportunities for crime.

Energy and Resources:

- h) regard has been given to:
  - i) principles of energy and resource conservation;
  - ii) provision for sorting and storage facilities to facilitate recycling of waste.

POLICY BE18: POLLUTION

Planning permission will not be permitted for development which could give rise to unacceptable levels of pollution, unless adequate mitigation measures are provided



to ensure that any discharge or emissions will not cause harm to users of land, including the effects on health and the natural environment.

#### POLICY BE19: NOISE

Planning permission will not be granted for:

- a) housing and other noise sensitive development if the occupants would experience significant noise disturbance from existing or proposed development;
- b) development including the use of land, if because of the noise it will create, the occupants of housing and other noise sensitive development would be exposed to significant noise disturbance, unless there is an overriding need for the proposal which cannot be met elsewhere.

#### POLICY NE1: SAFEGUARDING THE COUNTRYSIDE

Proposals for development in the countryside should maintain or enhance the value of the countryside for its own sake: its beauty, its local character and distinctiveness, the diversity of its natural resources, and its ecological, agricultural, cultural and outdoor recreational values.

#### POLICY NE3: LOCAL LANDSCAPE CHARACTER

Development will not be permitted if it would harm the local landscape character of the District. Proposals should respect and, where possible, enhance the intrinsic character, quality and distinctive features of the individual landscape types.

#### POLICY NE5: OXFORD GREEN BELT

Within the Oxford Green Belt planning permission will not be granted for development, particularly new buildings, other than:

- a. for purposes of agriculture and forestry;
- b. essential facilities for outdoor sport and outdoor recreation, for cemeteries and for other uses of land which preserve the openness of the Green Belt and which do not conflict with the purposes of including land within the Green Belt;
- c. the re-use of existing buildings (provided it does not have a materially greater impact than the present use, including any associated uses of land surrounding the building, on the openness of the Green Belt and the purposes of including land on it);
- d. limited infilling within the built-up areas of Bladon and Cassington and limited affordable housing for local community needs, in accordance with Policy H12;
- e. limited extension, alteration or replacement of existing dwellings (provided the proposals do not result in a dwelling that is materially larger than the original dwelling).

Where new development is permitted in accordance with this policy, either within or where it would be visible from the Green Belt, it should be designed and sited to preserve the openness, rural character and visual amenity of the Green Belt.

#### POLICY NE6 – RETENTION OF TREES, WOODLANDS AND HEDGEROWS

Planning permission will not be granted for proposals that would result in the loss of trees, woodlands or hedgerows, or their settings, which are important for their visual, historic or biodiversity value. Removal will only be allowed where it can be demonstrated that the proposed development would enhance the landscape quality and nature conservation value of the area.

#### POLICY NE7: The Water Environment

Development should not have an adverse impact on the water environment. Initiative which seek to restore or enhance the natural elements of this environment will be supported.

#### POLICY NE9: SURFACE WATER

New development or intensification of existing development will not be permitted where the additional surface water run-off would result in adverse impacts such as an increased risk of flooding, river channel instability or damage to habitats, unless appropriate attenuation and pollution control measures are provided.

#### POLICY NE11: WATER QUALITY

Development should not have an adverse impact on the quality of surface or ground water supplies and resources.

#### POLICY NE13: BIODIVERSITY CONSERVATION

In determining planning applications, the Council will seek to safeguard, maintain and enhance priority habitats and species within the District. Development proposals should include measures to mitigate any effects upon features of nature conservation value, including where appropriate the provision of compensatory habitats or management.

#### POLICY T1: TRAFFIC GENERATION

Proposals which would generate significant levels of traffic will not be permitted in locations where travel by means other than the private car is not a realistic alternative.

### **The Draft West Oxfordshire Local Plan**

#### POLICY EH1: 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 respect 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.

When determining development proposals within or impacting upon the Cotswolds Area of Outstanding Natural Beauty, great weight will be given to the conservation of the area's landscape and scenic beauty.

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 EH2: BIODIVERSITY

The biodiversity of West Oxfordshire shall be protected and enhanced to achieve an overall net gain in biodiversity, 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 Regulation 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 and protected species and 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 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 does not prevent the achievement of the aims of the Conservation Target Areas (CTAs);
- promoting the preservation, restoration and re-creation of priority habitats, ecological networks and the protection and recovery of priority species populations, particularly within the CTAs;

- 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 Conservation Target Areas.

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

#### POLICY EH5: FLOOD RISK

Flood risk will be managed using the sequential, risk-based approach, set out in the National Planning Policy Framework, of avoiding flood risk to people and property where possible and managing any residual risk (taking account of the impacts of climate change).

In assessing proposals for development:

- the Sequential Test and, if necessary, the Exception Test will be applied;
- all sources of flooding (including sewer flooding and surface water flooding) will need to be addressed and measures to manage or reduce their impacts, onsite and elsewhere, incorporated into the development proposal;
- appropriate flood resilient and resistant measures should be used;
- sustainable drainage systems to manage run-off will be integrated into the site design, maximising their habitat value and ensuring their long term maintenance;
- a site-specific flood risk assessment will be required for all proposals of 1ha or more and for any proposal in Flood Zone 2 and 3 and Critical Drainage Areas;
- only water compatible uses and essential infrastructure will be allowed in a functional flood plain (Flood Zone 3b);
- land required for flood management will be safeguarded from development and, where applicable, managed as part of the green infrastructure network, including maximising its biodiversity value.

#### POLICY EH6: 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.

##### 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 proposals for remote rural buildings will only be permitted where:

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

Planning permission will be granted for appropriately located development that makes provision for the management and treatment of waste and recycling, in accordance with the Oxfordshire Joint Municipal Waste Strategy and local waste management strategy.

#### POLICY OS4: HIGH QUALITY DESIGN

High design quality is central to the strategy for West Oxfordshire. New development should respect and contribute to local distinctiveness and, where possible, enhance the character and quality of the surroundings and should:

- demonstrate high quality, inclusive and sustainable design with the provision of a safe, pleasant, convenient and interesting environment where the quality of the public realm is enhanced and the likelihood of crime and fear of crime is reduced; and
- not harm the use or enjoyment of land and buildings nearby including living conditions in residential properties; and
- demonstrate resilience to future climate change, particularly increasing temperatures and flood risk, and the use of water conservation and management measures; and
- preserve or enhance areas, buildings and features of historic, architectural and environmental importance, including unlisted vernacular buildings and habitats of biodiversity value; and
- enhance local green infrastructure and its biodiversity, including the provision of attractive, safe and convenient amenity open space commensurate with the scale and type of development, with play space where appropriate.

Designers of new development will be expected to provide supporting evidence for their design approach. They should have regard to specific design advice contained in supplementary planning guidance covering the District. The West Oxfordshire Design Guide, Landscape Assessments, Conservation Area Appraisals and Cotswolds AONB guidance documents are key tools for interpreting local distinctiveness and informing high design quality.