



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

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

Monday, 16 January 2017 at 2.00 pm

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

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

Peter G. Clark
County Director

January 2017

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

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

Membership

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

Councillors

Lynda Atkins
David Bartholomew
Mark Cherry
Patrick Greene

Bob Johnston
Stewart Lilly
James Mills
Glynis Phillips

Anne Purse
G.A. Reynolds
John Sanders

Notes:

- **Date of next meeting: 27 February 2017**

Declarations of Interest

The duty to declare.....

Under the Localism Act 2011 it is a criminal offence to

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

Whose Interests must be included?

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

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

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

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

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

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

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

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

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

List of Disclosable Pecuniary Interests:

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

For a full list of Disclosable Pecuniary Interests and further Guidance on this matter please see the Guide to the New Code of Conduct and Register of Interests at Members’ conduct guidelines. <http://intranet.oxfordshire.gov.uk/wps/wcm/connect/occ/Insite/Elected+members/> or contact Glenn Watson on **07776 997946** or glenn.watson@oxfordshire.gov.uk for a hard copy of the document.

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

AGENDA

1. **Apologies for Absence and Temporary Appointments**
2. **Declarations of Interest - see guidance note opposite**
3. **Minutes** (Pages 1 - 12)

To approve the minutes of the meeting held on 28 November 2016 (PN3) and to receive information arising from them.

4. **Petitions and Public Address**
5. **Chairman's Updates**
6. **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 MW.0078/15** (Pages 13 - 28)

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

The report sets out an update to the application for the 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. The Planning & Regulation committee in May 2016 resolved to approve the application pending the signing of the Section 106 agreement. The legal agreement is yet to be signed, and due to unauthorised development, the application was not implementable. Since May, the applicant has submitted amended supporting statements, amended working scheme and three schemes relating to hydrology, arboriculture and biodiversity. No further objections to the proposed scheme have been received.

It is RECOMMENDED that subject to a legal agreement first being entered into to secure that the mineral permitted under the "clay bank" is not further worked, and a 20-year long term management plan that planning permission for application MW.0078/15 be approved subject to conditions to be determined by

the Acting Director for Environment & Economy including those set out in Annex 2 to this report.

7. Relevant Development Plan and other Policies (Pages 29 - 32)

Paper by the Acting Deputy Director for Environment & Economy (Strategy & Infrastructure Planning) (**PN7**).

The paper sets out policies in relation to Item 6 and should be regarded as an Annex to the report.

Pre-Meeting Briefing

There will be a pre-meeting briefing at County Hall on **Monday 16 January 2017** at **12.00 midday** for the Chairman, Deputy Chairman and Opposition Group Spokesman.

PLANNING & REGULATION COMMITTEE

MINUTES of the meeting held on Monday, 28 November 2016 commencing at 2.00 pm and finishing at 5.10 pm

Present:

Voting Members: Councillor Mrs Catherine Fulljames – in the Chair
Councillor Neil Owen (Deputy Chairman)
Councillor Lynda Atkins
Councillor David Bartholomew
Councillor Mark Cherry
Councillor Patrick Greene
Councillor James F. Mills
Councillor Glynis Phillips
Councillor Anne Purse
Councillor G.A. Reynolds
Councillor John Sanders
Councillor Lawrie Stratford (In place of Councillor Stewart Lilly)

Other Members in Attendance: Councillor Charles Mathew (for Agenda Item 6)

Officers:

Whole of meeting G. Warrington and D. Mytton (Law & Culture)

Part of meeting

Agenda Item	Officer Attending
6,7 & 8	C. Kenneford & D. Periam (Environment & Economy)
6.	G. Crossley (Environment & Economy)
7.	M. Case (Environment & Economy)
8	C. Hodgkinson (Environment & Economy)
9(a), (b), (c) & (d)	A. Sylvester (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.

38/16 APOLOGIES FOR ABSENCE AND TEMPORARY APPOINTMENTS

(Agenda No. 1)

<i>Apology for Absence</i>	<i>Temporary Appointment</i>
Councillor Stewart Lilly Councillor Bob Johnston	Councillor Bob Johnston -

39/16 DECLARATIONS OF INTEREST - SEE GUIDANCE NOTE OPPOSITE

(Agenda No. 2)

<i>Councillor</i>	<i>Nature of Interest</i>
Councillor Neil Owen	Item 9(c) and (d) Member of West Oxfordshire District Council. However, he did not consider that sufficient to prevent him from participating in the discussion and voting on Items 9(c) and (d).
Councillor James Mills	Item 9(c) and (d) Member of West Oxfordshire District Council. However, he did not consider that sufficient to prevent him from participating in the discussion and voting on Items 9(c) and (d).

40/16 MINUTES

(Agenda No. 3)

Subject to Councillor James Mills being added to the attendance list for the 5 September 2016 meeting the minutes of that meeting were approved and signed.

41/16 PETITIONS AND PUBLIC ADDRESS

(Agenda No. 4)

<i>Name</i>	<i>Item</i>
Nick Baston Councillor Charles Mathew) 6. Dix Pit Quarry & Landfill Site)
Suzi Coyne	7. Woodeaton Quarry
Mrs R. B. Grimond	9(b). Objected to Orders – Nuffield FP25 and Stoke Row FP24
Chris Hall Michael Wood & Tom Macfarlane)) 9(c) and (d). Objected to Order –)Rollright FP7
Peter Smith Chris Hall Michael Wood & Tom Macfarlane)9(d) Objected to Order – Rollright FP15) (part) & FP19)

42/16 SECTION 73 APPLICATION TO CONTINUE THE DEVELOPMENT OF WASTE DISPOSAL AND ANCILLARY OPERATIONS, EXTRACTION OF CLAY AND BACKFILLING WITH CONTROLLED WASTE, WITHOUT COMPLYING WITH CONDITIONS 1, 2, 4, 13, 14, 21, 22 AND 24 TO ALLOW FOR A REVISED WORKING PLAN AND RESTORATION SCHEME AT DIX PIT QUARRY & LANDFILL SITE, LINCH HILL, STANTON HARCOURT - APPLICATION NO. MW.0088/16

(Agenda No. 6)

The Committee considered (PN6) an application amending conditions attached to a consent for Dix Pit landfill site to allow the restoration plan to be amended in order to reduce the area to be backfilled and to manage for nature conservation those areas where backfilling would no longer take place. The end date for landfilling would be brought forward from 2028 to 2021 with changes also proposed to the rights of way and public access across the restored site.

The application had been brought to committee at the request of the local member because of concerns regarding routing arrangements.

Having presented the report Ms Crossley responded to questions from:

Councillor Bartholomew – overall the application had been considered non-controversial having been brought to Committee because of an objection by the local member.

Councillor Mills – some additional features had been proposed as part of the restoration scheme although the applicants had been reluctant to provide other items due to the potential for vandalism and damage. However, they were happy to discuss such matters with any groups who wished to take that forward.

Nick Baston for the applicants explained that the application had been made largely in response to a dramatic reduction in the availability of infill material. The scheme complied with Policy SH2 as there would be no intensification or increase in vehicle numbers through Sutton village. Furthermore the period for infilling would be substantially reduced by 7 years which meant that traffic to the site would cease that much earlier. FCC had applied for a new environmental permit and agreed proposals for provision of connecting permissive paths when restoration had been completed.

He then responded to questions from:

Councillor Bartholomew - the Company had reacted to a dramatic reduction in the availability of non-hazardous waste and, rather than leave the situation as it was, had taken a pragmatic decision having looked at the options open to it.

Councillor Owen – the Company had agreed to reinforce the existing routeing agreement. Reductions to the period of time for restoration also meant a reduction in the time that vehicles would be required to travel to and from the site. Current levels would remain as consented.

Councillor Mrs Fulljames – the Company through its existing contracts were able to influence the behaviour of drivers i.e. compliance with speed limits. Lines of communication were good and existing procedures robust which meant that any serial breaches were dealt with.

Councillor Mathew speaking as local member and Chairman of Stanton Harcourt Parish Council highlighted the comments set out in paragraph 36. In his view work had intensified and traffic had increased which meant the proposal did not comply with Policies SH2 and SH3. He referred to discussions which he had had with a previous employee regarding routeing agreements but 3 years later the Company had refused to honour that agreement with large vehicles continuing to blight the lives of residents in Sutton village. The argument in paragraph 93 regarding restrictions on vehicle movements was fallacious and the agreement which had sought to prevent any increase in traffic through Sutton should be honoured. He acknowledged the reduction in the time frame for the life of the site but 27 vehicles a day remained too high and he asked the Committee to enforce the routeing agreement which he had referred to.

Councillor Mathew then responded to questions from:

Councillor Owen – he confirmed that the employee with which he had discussed the terms of a routeing agreement had since left the Company.

Councillor Greene – he did not have specific information regarding accidents involving lorries but had witnessed many incidents with reports of other regular instances where evasive action had been required.

Councillor Bartholomew – he was unable to provide any evidence regarding the routeing agreement.

In the light of that Councillor Bartholomew accepted that as the application was non-controversial and indeed offered some benefit he moved that the recommendation as set out in the officer report be approved. Councillor Greene seconded.

With his seconder's agreement he accepted an amendment from the Chairman to include an additional condition to secure provision of additional benches and bird hides.

The motion as amended was then put to the Committee and –

RESOLVED: (unanimously) that subject to:

- i) a legal agreement to bring forward relevant provisions from the existing agreement, including the dedication of public rights of way and securing of 20 years long term management for the area now proposed to be restored to nature conservation.
- ii) a supplemental routeing agreement linking the proposed development to the existing 1998 routeing agreement.

that Application MW.0088/16 be approved subject to:

- (a) conditions as on existing consent 09/1182/P/CM, with amendments to conditions and additional conditions and informatives to be determined by the Acting Director for Environment and Economy, in accordance with the details set out in Annex 2 to the report PN6 and with any necessary updates to the wording of existing conditions to ensure clarity and reflect changes to policy since the original permission had been issued;
- (b) an additional condition to secure provision of additional benches and bird hides.

43/16 DETAILS PURSUANT TO CONDITION 22 (PERIMETER FENCING) OF PLANNING PERMISSION P11/W2208/CM (MW.0015/12) AT WOODEATON QUARRY, WOODEATON - APPLICATION NO. MW.0105/16

(Agenda No. 7)

The Committee considered (PN8) a proposal relating to a requirement by condition (22) of permission P11/W2208/CM to submit details of perimeter fencing for approval by the Waste Planning Authority. The proposed perimeter fencing between 1.2 – 2

metres would use a mixture of stock proof netting and barbed wire and be rural in nature in order to blend into the landscape.

Having presented the report and additional information as set out in the addenda sheet which had referred to changes to the proposals made following a recent site meeting between representatives of Woodeaton School, the local member, county officers and the applicant Mr Case then responded to questions from:

Councillor Mills – he confirmed that the school were content with the revised proposals which now seemed to address earlier concerns regarding noise and its impact on some of the children at the school. He also confirmed that as land to the south side was now well established there seemed to be little merit in seeking provision of a solid fence.

Councillor Cherry – the applicant had undertaken to monitor and maintain the fence.

Councillor Stratford – confirmed that only one badger access point had been provided as there was only one existing sett in that particular corner of the site.

Suzi Coyne advised that the proposals had been extensively discussed. The applicant was keen to see the site restored and was going beyond what had been required. The site would be safely secured but reminded members that there was also a duty of care on the school to keep its pupils safe within the school boundary. She commended the recommendation to the Committee.

Councillor Purse agreed that the applicant had made significant changes and she was grateful for that although it had been regrettable that the school had not been consulted originally. She moved the recommendation which having been seconded by Councillor Greene was put to the Committee and –

RESOLVED: (unanimously) that subject to no over-riding issue being raised by outstanding consultees, Application MW.0105/16 be approved.

44/16 MINERALS AND WASTE SITE MONITORING & ENFORCEMENT

(Agenda No. 8)

The Committee considered (PN8) a report updating members on regular monitoring of minerals and waste planning permissions and progress of enforcement cases for the period 1 April 2016 to 31 October 2016.

Mr Hodgkinson responded to questions from:

Councillor Mrs Fulljames (Finmere MRF) – the site remained in the hands of administrators.

Councillor Greene (Great Tew Quarry) – although the report showed only 3 visits from a projected target of 8 he advised that there had been a number of other visits and those had been referred to in the enforcement section of the report.

Councillor Mills (Black Bourton) – as the planning permission had expired early last year the site was no longer deemed to be active and so had not been included. However, the site would be added as and when a planning permission was granted.

Councillor Mrs Fulljames (Chinnor Cement Works) – a breach of condition notice had been served requiring completion by 31 May 2017.

Councillor Cherry and Councillor Sanders (Great Tew Ironstone Quarry) –outlining the current situation as set out in the report he confirmed that it would need to come back to Committee. The County Council were unable to charge for enforcement proceedings but if and when it became a matter for the courts then a claim could then be made.

Councillor Reynolds (Barford Road Farm) referred to the inordinate amount of time it had taken to resolve issues at this site. There had been delays in getting a permission issued in the first place and since that had been issued 18 months ago conditions were being consistently broken with agreements yet to be signed.

RESOLVED: that the Schedule of Compliance Monitoring Visits in Annex 1 to the report PN8 and the Schedule of Enforcement Cases in Annex 2 to the report PN8 be noted.

**45/16 THE OXFORDSHIRE COUNTY COUNCIL, IDBURY FOOTPATH NO 4,
PUBLIC PATH EXTINGUISHMENT AND DEFINITIVE MAP AND
STATEMENT MODIFICATION ORDER 2012
THE OXFORDSHIRE COUNTY COUNCIL, IDBURY FOOTPATH NO. 15,
PUBLIC PATH CREATION AND DEFINITIVE MAP AND STATEMENT,
MODIFICATION ORDER 2012**
(Agenda No.9(a))

The Committee considered (PN9(a)) an objected to order for footpath No 4 in Idbury.

Prior to consideration Mr Sylvester explained why objected to orders were required to come to Committee for decision and the strict legal criteria which underpinned the process.

Mr Mytton advised that if the Committee wished to defer whether an order should be forwarded to the Secretary of State then a site visit would need to arranged.

The Committee then considered the Order for Idbury FP 4.

Responding to a question from Councillor Bartholomew regarding the possibility of land ownership changes Mr Sylvester confirmed that the third party owner supported the application.

RESOLVED: (on a motion by Councillor Atkins, seconded by Councillor Stratford and carried by 10 votes to 0) to submit the 2012 Orders for the Extinguishment of Idbury Fp4 and the Creation of Idbury Fp15 to The Secretary of State for Environment, Food and Rural Affairs for determination.

46/16 THE OXFORDSHIRE COUNTY COUNCIL, NUFFIELD FOOTPATH NO 25 AND STOKE ROW FOOTPATH NO 24 (PART) PUBLIC PATH DIVERSION AND DEFINITIVE MAP AND STATEMENT MODIFICATION ORDER 2015.

(Agenda No.9(b))

The Committee considered (PN9(b)) an objected to order for Nuffield Fp25 from its route across the garden of Howberrywood farmhouse to an adjacent field in order to provide privacy and improved security.

Mr Sylvester advised that although there had been no objections to an informal consultation the Open Spaces Society had done so to a formal consultation on the grounds that the diverted path was substantially less convenient.

Councillor Bartholomew queried whether privacy and security were genuine concerns as they must have existed when the property was bought by the current owners and applicants for the diversion.

Mr Sylvester considered that they were relevant issues and in any event there was no legal reason which prevented them from applying.

Mrs Grimond advised that the property had been in the family's ownership for 100 years and set out the reasons for the application. They had been sensitive to the needs of walkers but felt the proposed diversion was a more practical option, a view endorsed by the levels of support as set out in the report.

Councillor Reynolds pointed out that many footpaths were historical originally serving a need for workers to get to their employment. That had now changed with the onus in recent times switching to recreation. For that reason he felt that small diversions were better and safer and the issues raised were issues that should be considered by an Inspector. He moved the recommendation which, having been seconded by Councillor Greene was put to the Committee and –

RESOLVED: (by 10 votes to 0 with 1 abstention) to submit the 2015 Order for the diversion of Nuffield Fp 25 and Stoke Row Fp 24 to The Secretary of State for Environment, Food and Rural Affairs for determination.

47/16 THE OXFORDSHIRE COUNTY COUNCIL, ROLLRIGHT FOOTPATH NO 7 PUBLIC PATH DIVERSION AND DEFINITIVE MAP AND STATEMENT MODIFICATION ORDER 2015.

(Agenda No.9(c))

The Committee considered (PN9(c)) an objected to order to divert Rollright Fp7 from the garden of Manor Farm to a new route outside the garden.

Introducing the report Mr Sylvester advised that Manor Farm was a working farm. The Open Spaces Society had objected on the grounds that the proposed diverted

route was less convenient and had also challenged the grounds of privacy. He advised that if the path was retained on its existing line then it was likely that the applicants, in order to preserve their privacy, would build a second wall effectively enclosing the footpath on both sides and forming a tunnel. He had considered the diversion was not substantially less convenient, that the grounds for privacy had been made out and, together with the high probability of the existing footpath being enclosed had recommended that the matter be referred to the Secretary of State.

Chris Hall for the Open Spaces Society stated that this was a complicated and difficult case in one of the most beautiful and historic villages in West Oxfordshire and if the diversion were allowed to go forward as proposed together with the other order for Rollright Fp 15 & 19 it would effectively mean that Rollright became a village with views lost. The distance between the house and path meant privacy and security were not a relevant issue and he urged the Committee to reject the application to submit Fp7 to the Secretary of State and support withdrawal of the order for FP 15 & 19.

He then responded to questions from:

Councillor Greene – the Committee needed to consider the current situation and not take into account threats to build a second wall. Ownership had changed hands 3 times in the last 15 years and he suggested that the Committee should visit the site.

Councillor Sanders – he did not have figures for useage but pointed out that it was very popular because it formed part of the D'arcy Dalton Way.

Michael Wood supported the recommendation. The path was well used which meant that privacy and security were important issues and quoted a case at Bodicote Mill which had been upheld on similar grounds. He agreed that it was a difficult and complicated case and for that reason it was sensible to refer it to the Secretary of State to adjudicate.

Councillor Bartholomew asked why it was not an option to demolish the existing wall and rebuild it in the right place.

Mr Wood replied that it would be more expedient to build a second wall.

Councillor Sanders pointed out that the right of way at Bodicote Mill had only been 2 meters from the house whereas this path was 50 meters away so the Inspector could well take a different view.

Mr Wood replied that he might but it was best to have those discussions in an independent forum when all issues could be considered.

Tom McFarlane endorsed the comments made by Mr Wood and referred to specific issues of security when it had been evident that people were using the path to observe the house and grounds.

Councillor Bartholomew remained concerned that the existing wall was in the wrong place and in his view should be demolished. The Committee should not be influenced

or threatened by promises of a second wall being built and he was minded not to accept the recommendation.

Mr Mytton advised that the Committee were not required to consider whether the existing wall should have been removed or not but needed to take a view on the likelihood of a new wall being built as that was relevant as were the issues of privacy and security and if the recommendation was agreed then it would be for an Inspector appointed by the secretary of State to judge if those tests had been met.

However, some members remained concerned about the legitimacy of the existing wall and felt that it should be removed or at least any decision on this application deferred.

Councillor Greene, however, considered that the Secretary of State should decide on this matter and so moved the recommendation. Councillor Reynolds seconded and it was put to the Committee and –

RESOLVED: (by 6 votes to 3, with 1 abstention) to submit the 2015 Order for the diversion of Rollright Fp 7 to The Secretary of State for Environment, Food and Rural Affairs for determination.

48/16 THE OXFORDSHIRE COUNTY COUNCIL, ROLLRIGHT FOOTPATH NO 15 (PART) AND ROLLRIGHT FOOTPATH NO 19 PUBLIC PATH DIVERSION AND DEFINITIVE MAP AND STATEMENT MODIFICATION ORDER 2015.

(Agenda No.9(d))

The Committee considered (PN9(d)) an objected to order to divert Rollright Fp15 and Fp19 from its route immediately past the property known as Manor Farm to a new route running around Little Rollright beside open countryside and on the opposite side of the church.

Introducing his report Mr Sylvester referred to 2 objections which had been received from the Open Spaces Society and Peter Smith, a local resident. Both referred to a loss of enjoyment of the existing route and views of the church. He went on to explain that although the proposed route would add approximately 35% extra length compared to the existing path he did not consider that to be substantially less convenient. He also explained that as a result of the information provided by objectors regarding existing views of the church it was clear in his view that the diversion route would detract considerably from the uniqueness of the existing route.

Thanking Mr Sylvester for his balanced report Peter Smith reiterated the importance of the views of the church as illustrated in the works of Nicholas Pevsner and the significance of the route to the character of the village. He did not consider the public interest would be best served by this diversion and asked the Committee to support the recommendation.

Chris Hall reminded the Committee that voting against the officer recommendation would deprive people of the opportunity of walking along a medieval street. The Manor and Church were dominant and any closure would effectively privatise the

village and prevent views of the church rising above the settlement and ancillary buildings of the Manor and result in a diminution of what the village was like.

Michael Wood did not feel the diverted route was less enjoyable nor substantially more inconvenient with no objections received from the Ramblers' Association or CPRE. He felt there was a balance between benefit to the landowner and the public and questioned the pedigree of some of the so called medieval buildings. Furthermore when Nicholas Pevsner wrote about views of the church there had been no opportunity to view that building from the other approach. The proposal allowed for full vehicular access and parking for the Rollright Stones and he urged the Committee to look at the whole package and refer the matter to the Secretary of State to consider.

Responding to Councillor Bartholomew who had asked why the applicant could not allow the permissive route to continue if the diversion wasn't granted Mr Wood confirmed that the Church had wanted somewhere to park. That was part of the proposed package which would be lost.

RESOLVED: (on a motion by Councillor Stratford, seconded by Councillor Sanders and carried by 9 votes to 0 with 1 abstention) to withdraw the 2015 Order for the diversion of Rollright Fp 15 (part) and Fp 19.

..... in the Chair

Date of signing

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Part 1 – Facts and Background

1. The application was originally reported to Planning & Regulation committee on Monday 23 May 2016. The committee resolved to approve the application pending the signing of the Section 106 agreement subject to conditions including a number requiring the submission of schemes for approval prior to the commencement of the development. Following the chairman's update to the committee meeting on 11 July 2016, a slight amendment to the plans to be approved was agreed. At the present time the Section 106 Agreement is yet to be signed, hence formal planning consent is still to be issued. Discussions are ongoing between the Mineral Planning Authority's Legal Team and the applicant's legal representative.
2. On the 16 September 2016, a routine compliance monitoring visit was carried out at the quarry. The officer discovered the operator had started work on the western extension before planning permission was granted and the draft pre-commencement conditions discharged. Initially, a Temporary Stop Notice (TSN) was issued, and later an Enforcement Notice was issued to remedy the harm that had been caused. As work had started on the area which would have been the western extension to the quarry had planning permission been issued and any pre-commencement conditions discharged, it was considered that it would not now be possible for the applicant to discharge those conditions even if planning permission were to be granted in part retrospectively to the current application. Therefore, the case officer informed the applicant that all schemes required before commencement of development now needed to be revised to address the unauthorised works which had been carried out and then submitted as amendments before the application could be determined.
3. The operator has commenced work on the following which form part of the current application proposals:
 - i) Placement of over burden to create the north-east landform;
 - ii) Soil stripping and removal of overburden in Phase 4 (upper and lower) of the western extension; and
 - iii) Construction of the proposed office building.

Please see the Committee Plan (Annex 1) to show the planning breach locations.

The County Council has not taken enforcement action against points i) and iii) as it was not considered expedient to do so but this remains under review pending the determination of the current application.

4. The unauthorised work carried out hasn't been in accordance with the proposed working and restoration plans: As mentioned above, the operator has placed overburden to create the north-east landform before the creation of the permanent northern mound. The operator used the material extracted from the extension to temporarily backfill the existing extraction area with soil and overburden and to infill the north-eastern landform. As also mentioned above, work has also commenced on the new estate office. The altered scheme also delays the construction of the permanent northern mound and proposed surface water attenuation pond. Therefore as well as the schemes mentioned above, the

applicant has also submitted amendments to the application in order to address the changes brought about by the unauthorised developments.

5. The following schemes/amendments have been submitted:
 - i) Groundwater and Surface Water Monitoring Scheme (GSWMS)
 - ii) Habitat Management Plan (HMP)
 - iii) Arboricultural Method Statement (AMS) with Tree Protection Plan (TPP)
 - iv) Non-Technical Summary
 - v) Environmental Statement
 - vi) Updated Topographic Survey
 - vii) Proposed Restoration - Drawing No. 2239/PA/7B
 - viii) Phase 5 Extraction - Drawing No. 2239/PA/6B
 - ix) Phase 5 Extraction - Drawing No. 2239/PA/5B
 - x) Phase 4 Extraction - Drawing No. 2239/PA/4B
 - xi) Phase 1D and 3C Stone, Phase 4 Clay and Overburden Extraction and Restoration Works Phase 1-3 Plan - Drawing No. 2239/PA/3
 - xii) Existing Conditions Plan - Drawing No. 2239/PA/2C.

Part 2 – Other Viewpoints

Representations

6. No letters of objection have been received to the amended application.

Consultations on the amendments

7. Arboricultural Officer: The Arboricultural Method Statement (AMS) submitted identifies appropriate mitigation practices, in accordance with BS 5837:2012 Trees in relation to design, demolition and construction, to adequately protect retained trees within the site. The following condition should be applied:
 - i. All existing trees to be retained shall be protected by fencing specifications outlined in the Arboricultural Method Statement (Submitted October 2016). No materials shall be stored, no rubbish dumped, no fires lit and no buildings erected inside the fence. In the event of any trees being damaged or removed by the development, it shall be replaced with a like species and be equivalent in size.
 - ii. The applicant has submitted a Restoration Scheme that outlines suitable practices taken to establish woodland for the mitigation of tree losses on the site.

I therefore have no objections from an arboricultural perspective.

8. West Oxfordshire District Council: No comments received
9. Archaeology: There are no archaeological constraints to this application
10. Environment Agency: No comments received

11. Natural England: No comments received
12. BBOWT: No comments received
13. Transport Development Control - No Objections, providing existing recommended condition is attached requesting 'No HGV movements associated with clay exportation during the harvest season (August to October)'.
14. Lead Flood Authority: No Objection
15. Ecologist Planner (OCC):
Document titled 'Information as required by planning conditions 25 and 26' - Section 2 of this document 'condition 25 – reptile and amphibian translocation and mitigation strategy'. I request that the last sentence of paragraph 2.4 be deleted. I accept that it is meant to provide explanation, but the remainder of the paragraph is clear without it.

Section 3 – Habitat Creation Strategy

Section 4 – Management Plan

Section 5, Appendix A – Implementation

I am happy with the proposed actions outlined in these sections and recommend that the document be agreed with minor changes, as an approved document.

Under 4.5 'Dead wood' I would welcome a reference to creating space round veteran trees and potential veterans – known as 'haloing'.

I will also require an additional line in Appendix A specifying how often monitoring reports will be submitted to this authority.

Groundwater and surface water monitoring scheme, Great Tew Quarry

I am happy with the proposed actions to monitor water quality and quantity on the site. There is however, no apparent indication of the levels of tolerance that will be acceptable. I suggest that an acceptable variance of 10% of the baseline figures for conductivity and total suspended solids is adopted, and that this should be detailed in a table to be supplied as an appendix to the approved document, with the baseline figures to date. For pH, an acceptable variance will be ± 0.5 of a baseline of 7.5.

In Section 6 the end of the third paragraph should be amended to read:
'...will be reduced or increased accordingly, in consultation with the planning authority.'

Arboricultural method statement

I am happy with the content of this document.

Environmental Statement – update

I have no comment to add on this.

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.

Ecological survey results indicate that European Protected Species are unlikely to be present. Therefore no further consideration of the Conservation of Species & Habitats Regulations is necessary.

Final comment from Ecologist after reading the revised schemes

Document titled ‘Information as required by planning conditions 25 and 26’

I am now in agreement with the content of this document. I have added conditions below to specify submission of monitoring information to this authority.

Groundwater and surface water monitoring scheme, Great Tew Quarry

I am happy with the proposed actions to monitor water quality and quantity on the site.

Arboricultural method statement

I am happy with the content of this document.

Environmental Statement – update

I have no comment to add on this.

16. I will update the committee orally at the committee meeting with any outstanding consultee comments.

Part 3 – Analysis and Conclusions

Comments of the Acting Director Environment and Economy

Arboriculture

17. Policy PE10 of the Oxfordshire Mineral and Waste Local Plan 1996 (OMWLP) states that 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 West Oxfordshire Local Plan 2011 (WOLP) states that 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.
18. Since the application went to committee, the applicant has submitted an AMS with a TPP. The schemes were originally requested as a draft pre-commencement condition. The County's Arboricultural Officer has read the submission, and has no objection to the proposed schemes subject to an additional condition stating that all existing trees should be protected in line with the AMS. The unauthorised work carried out on the site was assessed by the Senior Enforcement Officer and County Ecologist, and no trees or hedgerows were shown to be affected. Overall, the development would see an increase in trees on both the existing site and extension once restoration is complete. The application is considered to be in accordance with policy PE10 of the OMWLP and policy NE6 of the WOLP.

Hydrology & Biodiversity

19. 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 that new development or the 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 that development should not have an adverse impact on the quality of surface or ground water supplies and resources. Policy EH2 of the Draft West Oxfordshire Local Plan 2011-2031 (DWOLP) states that the biodiversity of West Oxfordshire shall be protected and enhanced to achieve an overall net gain in biodiversity.
20. Policy PE4 of the OMWLP states that 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.

21. Policy PE14 of the OMWLP states that 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 that sustainable drainage systems to manage run-off will be integrated into the site design, maximising their habitat value and ensuring their long term maintenance.
22. 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.
23. Since the application went to committee, the applicant has submitted a HMP and GSWMS. The schemes were originally requested as pre-commencement conditions.
24. The County Ecologist had no objections after minor amendments were made to the HMP and GSWMS. There are no objections from the Lead Flood Authority. 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.

Landscape

25. 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 Oxfordshire Mineral and Waste Core Strategy (OMWCS) policy C8 seeks to ensure that development respects and where possible, enhances 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.
26. Although the unauthorised development led to an amendment to the working scheme, the overall working scheme and restoration would remain unchanged other than the earlier completion of the north-eastern landform. Similarly, while 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 and additional hedgerow and tree planting. Although not amended, it remains the case that 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. I accordingly consider that the application is in accordance with policies NE1 and NE3 of the WOLP, draft OMWCS policy C8 and draft policy EH1 of the DWOLP.

Conclusions

27. Since May 2016 (P&R Committee), the applicant has submitted three key schemes linked to draft pre-commencement conditions, and made some minor changes to the working scheme in order to address the unauthorised development which has occurred. The Arboricultural Officer and County Ecologist have no objections to the proposed schemes linked to arboriculture, hydrology and biodiversity. The proposed changes to the working scheme appear to be minor, and don't alter the overall scheme. There were no changes proposed to the restoration scheme. Subject to no overriding objections from any outstanding consultees, it is recommended that the proposed development is approved.

RECOMMENDATION

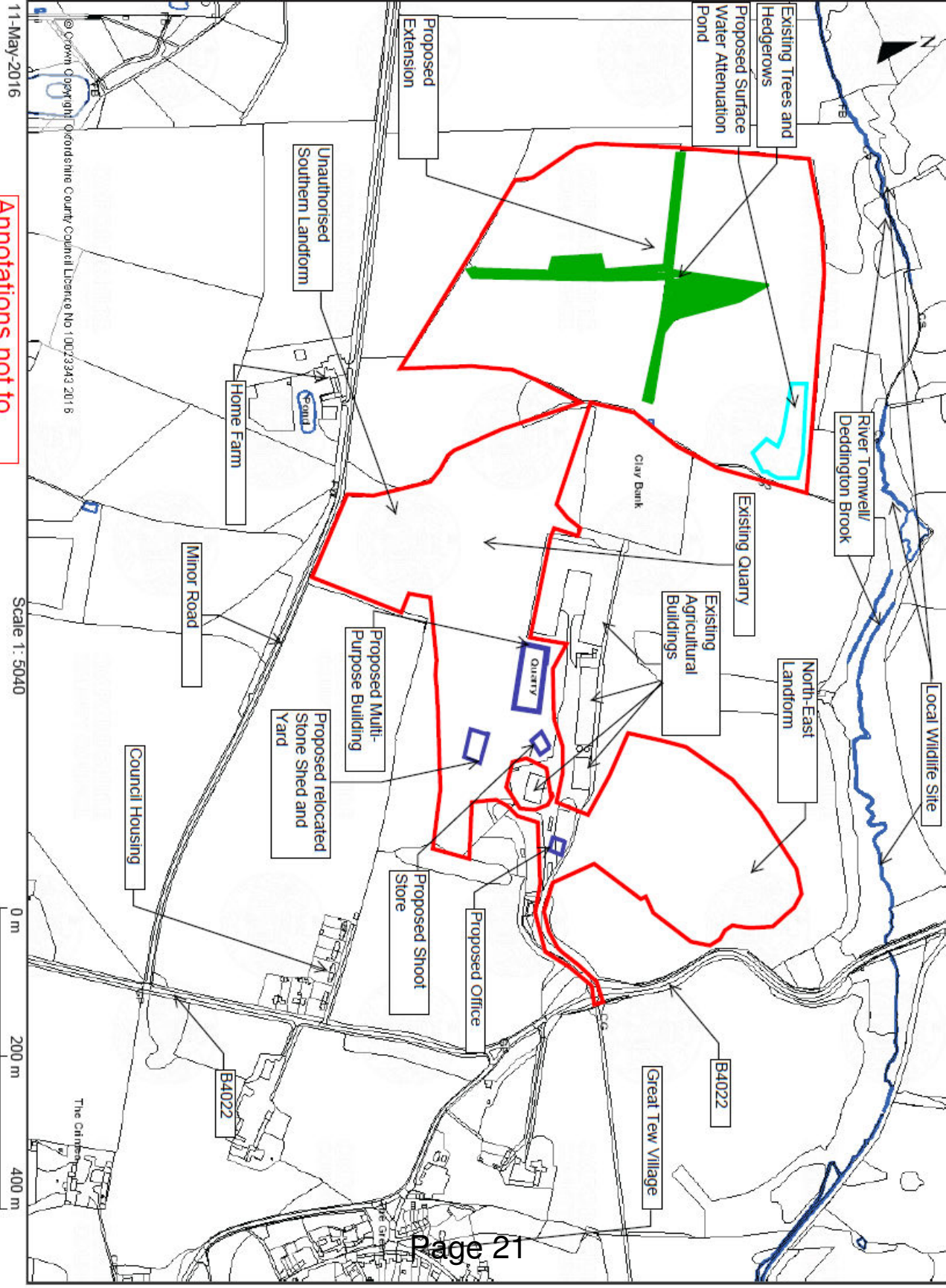
It is RECOMMENDED that subject to a legal agreement first being entered into to secure that the mineral permitted under the "clay bank" is not further worked, and a 20-year long term management plan that planning permission for application MW.0078/15 be approved subject to conditions to be determined by the Acting Director for Environment & Economy including those set out in Annex 2 to this report.

BEV HINDLE
Acting Director for Environment and Economy

January 2017

Annex 1: Committee Plan

Map Legend
No overlays selected



11-May-2016

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Annotations not to scale

Scale 1: 5040

0 m 200 m 400 m

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- 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. Extraction of brown ironstone in the western extension area (the subject of this planning permission) shall cease by 31st December 2037 and buildings, plant and machinery to which this permission relates shall be removed by 30th June 2038 or within 6 months of the completion of extraction, whichever is the earlier. Restoration shall be completed by 30th June 2039 or within 12 months of the completion of extraction, whichever is the earlier.
- iii. 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.
- iv. 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:-
 - 7.00 am to 6.00 pm Mondays to Fridays
 - And
 - 7.00 am to 1.00 pm Saturdays
 - No operations shall take place on Sundays, Public or Bank Holidays.
- v. 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.
- vi. The output of brown ironstone in block form from the site shall not exceed a level of 24,500 tonnes per annum.
- vii. No crushing of reject stone shall take place within the application area.
- viii. 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/1) dated June 2015, and of the quarry access road.
- ix. 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.
- x. No winning or working of any mineral other than brown ironstone in block form or clay shall take place on the site.
- xi. 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.
- xii. 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.
- xiii. 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.
 - xiv. No mud or dust shall be deposited on the public highway.
 - xv. 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.
 - xvi. No hydraulic rock splitters shall be used at the site for the breaking up of stone.
 - xvii. No materials shall be used for restoration other than wholly inert materials.
 - xviii. All topsoil and subsoil shall be retained on site and used in restoration.
 - xix. 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).
 - xx. 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.
 - xxi. 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.
 - xxii. Development shall not be carried out other than in accordance with the approved Groundwater and Surface Water Monitoring Scheme (Submitted Dec 2016). 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.
 - xxiii. All existing trees to be retained shall be protected by fencing specifications outlined in the Arboricultural Method Statement (Submitted October 2016). No materials shall be stored, no rubbish dumped, no fires lit and no buildings erected inside the fence. In the event of any trees being damaged or removed

by the development, it shall be replaced with a like species and be equivalent in size.

- xxiv. The development shall not be carried out other than in accordance with the reptile mitigation and mitigation strategy within the approved Habitat Management Plan (Submitted January 2017).
- xxv. All habitat management on site during site clearance, development and restoration shall be in accordance with the approved Habitat Management Plan (Submitted January 2017); '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).
- xxvi. 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.
- xxvii. 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.
- xxviii. All trees, shrubs and hedgerows as shown on the Proposed Restoration plan (Drawing No. 2239/PA/7B) shall be planted in the first planting season after restoration is completed.
- xxix. All trees, shrubs and hedgerows as shown on the Proposed Restoration plan (Drawing No. 2239/PA/7B) 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.
- xxx. No development shall take place in Phase 5 as shown on plan 2239/PA/5B 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.
- xxxi. Before 1st June of every year during the 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.

- xxxii. 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.
 - c) Records of species and habitats on the site 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.
- xxxiii. 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.
- xxxiv. 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).
- xxxv. 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).
- xxxvi. No HGV movements associated with clay exportation shall take place during the harvest season (1st August to 31st October).

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.

Ecological survey results indicate that European Protected Species are unlikely to be present. Therefore no further consideration of the Conservation of Species & Habitats Regulations is necessary.

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, and
- updating applicants and agents of any issues that may arise in the processing of their application and where possible suggesting solutions.

Since the last committee in May 2016, the case officer requested schemes relating to restoration, arboriculture and hydrology. The applicant's agent also submitted an amended working scheme for consultation.

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PLANNING & REGULATION COMMITTEE – 16 JANUARY 2017

POLICY ANNEX (RELEVANT DEVELOPMENT PLAN AND OTHER POLICIES)

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

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 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.

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

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.

West Oxfordshire Local Plan 2011

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 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.

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.