



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

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

Monday, 3 June 2019 at 2.00 pm

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

A handwritten signature in cursive script, appearing to read 'Yvonne Rees'.

Yvonne Rees
Chief Executive

May 2019

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

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

Membership

Councillors

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

Peter Handley
Damian Haywood
Jeannette Matelot
George Reynolds
Judy Roberts

Dan Sames
John Sanders
Alan Thompson
Richard Webber

Notes:

- ***A site visit is required for Item 8 (Wicklesham Quarry)***
- ***Date of next meeting: 15 July 2019***

Declarations of Interest

The duty to declare.....

Under the Localism Act 2011 it is a criminal offence to

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

Whose Interests must be included?

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

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

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

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

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

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

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

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

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

List of Disclosable Pecuniary Interests:

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

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

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

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

AGENDA

1. **Election of Chairman for the Council year**
2. **Election of Deputy Chairman for the Council year**
3. **Apologies for Absence and Temporary Appointments**
4. **Declarations of Interest - see guidance note opposite**
5. **Minutes (Pages 1 - 10)**

To approve the minutes of the meeting held on 15 April 2019 (PN5) and to receive information arising from them.

6. **Petitions and Public Address**
7. **Chairman's Updates**
8. **Section 73 application to retrospectively vary conditions 1 of planning permission P17/V2812/CM (MW.0084/17) to reflect the restoration as carried out on the site. at Wicklesham Quarry - Application MW.0038/19 (Pages 11 - 24)**

Report by the Director for Planning & Place (PN8).

This is a planning application to allow a further change to the restoration of the site. A retrospective change it takes into account the discrepancy between the approved plan and the way that restoration has taken place.

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

The main issues for this development are local environment, amenity and landscape, and biodiversity. As it is considered that the effects caused by the changes would not cause any significant harm officers are recommending approval.

It is RECOMMENDED that planning permission for application no. MW.0038/19 be approved subject to conditions to be determined by the Director for Planning and Place but to include the following:

- 1) ***The development shall be carried out strictly in accordance with the particulars of the development, plans and specifications contained in the***

application (and letters/e-mails of amendment) except as modified by conditions of this permission. The approved plans and particulars comprise:

- ***Application form dated 11/03/2019***
- ***Letter dated 14/12/2018***
- ***Ecology Statement dated 29/08/2017***
- ***Enzygo Method Statement dated 31/05/2018***
- ***Hydrological statement - Ref No. JF051218 dated 11/03/19***
- ***Site Restoration Plan - Drawing no. DG/QO/WIC/RES/01 Rev E***
- ***Site Location Plan - Drawing No: DG/OO/WIC/TEMP/02.***
- ***Aftercare Scheme set out in paragraph 3.0 onwards in the approved Restoration and Aftercare Scheme dated December 2012.***
- ***Conservation of geological interest features of SSSI Plan – Dated October 2012 subject to revised restoration plan - DG/QO/WIC/RES/01 Rev E.***

9. Relevant Development Plan and Other Policies (Pages 25 - 32)

Paper by the Director for Planning & Place (**PN9**).

The paper sets out policies in relation to Item 9 and should be regarded as an Annex to that report

PLANNING & REGULATION COMMITTEE

MINUTES of the meeting held on Monday, 15 April 2019 commencing at 2.00 pm and finishing at 4.15 pm

Present:

Voting Members: Councillor Les Sibley – in the Chair

Councillor Jeannette Matelot (Deputy Chairman)
Councillor Mrs Anda Fitzgerald-O'Connor
Councillor Mike Fox-Davies
Councillor Stefan Gawrysiak
Councillor Bob Johnston
Councillor Glynis Phillips
Councillor G.A. Reynolds
Councillor Judy Roberts
Councillor Dan Sames
Councillor Alan Thompson
Councillor Richard Webber
Councillor Damian Haywood (In place of Councillor John Sanders)

Other Members in Attendance: Councillor Ian Corkin (for Agenda Item 6)
Councillor Hannah Banfield (for Agenda Item 7)

Officers:

Whole of meeting G. Warrington and J. Crouch (Law & Governance);

Part of meeting

Agenda Item	Officer Attending
6, 7 & 8	D. Periam and Mary Hudson (Planning & Place)
6	P. Harrison (Transport Development Control)
9	J. Taplin (Law & Governance)

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.

12/19 APOLOGIES FOR ABSENCE AND TEMPORARY APPOINTMENTS

(Agenda No. 1)

<i>Apology for Absence</i>	<i>Temporary Appointment</i>
Councillor John Sanders	Councillor Damien Haywood

13/19 DECLARATIONS OF INTEREST - SEE GUIDANCE NOTE OPPOSITE

(Agenda No. 2)

<i>Member</i>	<i>Item</i>	<i>Interest</i>
Councillor Judy Roberts	9. Commons Act 2006: In the Matter of an Application to Register Harcourt Hill Field, Harcourt Hill, Oxford as a Town or Village Green	Local member. She confirmed that as she had not expressed an opinion on this matter in that capacity she therefore intended to participate in any discussion or voting.

14/19 MINUTES

(Agenda No. 3)

The minutes of the meeting held on 4 March 2019 were approved and signed.

15/19 PETITIONS AND PUBLIC ADDRESS

(Agenda No. 4)

<i>Speaker</i>	<i>Item</i>
County Councillor Ian Corkin (Local Member) Martin Layer (Applicant) & Gemma Crossley (Agent))) 5. Dewars Farm – Application) MW.0102/18)

County Councillor Hannah Banfield (Local Member) Andy Shepley & Sam Lankester (for the Applicant))) 6. Tarmac Asphalt Plant –) Application MW.0117/18)
Will Pleeth (OCC) Heidi McSweeney (Headteacher) Brendan Quinn (Transport Consultant) Richard Baker (Construction Manager, Kier Construction)))) 7. Cholsey Primary School –) Application R3.0105/18))

16/19 SECTION 73 APPLICATION FOR THE CONTINUATION OF DEVELOPMENT PERMITTED UNDER 15/01660/CM (MW.0123/15) (FOR THE WINNING AND WORKING OF LIMESTONE AND CLAY AT DEWARS FARM AS AN EXTENSION TO ARDLEY QUARRY) WITHOUT COMPLYING WITH CONDITIONS 1 AND 2, TO ALLOW THE QUARRY TO CONTINUE OPERATING BEYOND 2020, TO PERMIT WORKING UNTIL 2028 AND RESTORATION BY 2029. - APPLICATION NO. MW.0102/18
 (Agenda No. 6)

The Committee considered (PN6) an application to continue winning and working of limestone and clay at Dewars Farm without complying with conditions 1 and 2 to allow the quarry to continue operating beyond 2020, to permit working until 2028 and for restoration by 2029.

Mary Hudson presented the report together with an addenda sheet setting out a number of amendments to the detail in the report but no change to the printed recommendation.

Martin Layer spoke for the applicants. Outlining a brief history of quarrying at Ardley he then explained how, due to the recession when the current operation began, demand for and sales of aggregates had slumped. The consequence of that was that the date for completion and restoration originally set for 2020 with restoration by 2021 could not be met without leaving a considerable amount of unworked reserves of limestone in the ground. This application asked for additional time to recover those reserves and supply them into the local construction market where demand was currently high and as Dewars Farm Quarry produced crushed and graded limestone aggregates which were all bulky and heavy it seemed sensible to source as much material locally. That said Smiths were acutely aware of the concerns of local communities about lorry traffic at all their sites across the County and although there hadn't been any complaints from residents about the actual quarrying operation at Dewars Farm, lorries did feature regularly on the agenda of the joint liaison meetings with Middleton Stoney and Ardley parish councils. Those concerns were particularly true for residents on the cross roads at Middleton Stoney and along the B4030. However, the B4030 east through Middleton Stoney provided a shorter and faster alternative to the M40, A41 and congestion at Junction 9. Smiths maintained that

congestion at the crossroads at Middleton Stoney and the impacts this had for the residents along the B4030 was a strategic matter which was rightly being investigated by the County Council and could not be resolved by targeting a single operator through a routeing agreement, as the village would still face all the other heavy traffic continuing to travel to and from development sites. Smiths supported a weight restriction east of Middleton Stoney on the B4030 Bicester Road that restricted all hauliers and as such had offered their support to Middleton Stoney Parish Council. However, as this application was not seeking any changes to the current permitted development other than additional time any calls for restrictions on movements would be unnecessary and unreasonable.

He then responded to questions from:

Councillor Roberts – he confirmed that figures for arriving at an end date of 2028 had been reached after setting production at 250,000 tonnes pa. That time would reduce if demand increased.

Councillor Webber – he confirmed that the recession had affected demand with sales at times below 100,000 tonnes pa. This application counterbalanced that.

Councillor Haywood – he confirmed that lorry movements were split roughly 50/50 between a north and south direction.

Councillor Sames – any restriction on Dewars Farm traffic would account for only 80 loads (160 traffic movements) with remaining traffic unaffected. A weight limit on B4030 would be more useful.

Councillor Fitzgerald-O'Connor – the standard hours of operation applied to working on site.

Councillor Ian Corkin then spoke as local member. Thanking those members who had visited he outlined the many issues which faced Middleton Stoney The crossroads were very 19th century and suffered greatly from traffic movements serving local growth and development. He then showed some pictures showing the congestion which was particularly bad early morning and late afternoon. While accepting that the Dewars Farm operation was not solely responsible for the problems facing Middleton Stoney it was a significant contributor and he asked the Committee take the issues regarding public health, air quality and the built environment seriously and reject the application. If the Committee were minded to approve then it should do so with a routeing agreement attached.

He then responded to questions from:

Councillor Phillips – in the short-term resurfacing to reduce noise and phasing of the traffic lights could help mitigate against traffic issues. In the longer term a bypass was obviously the answer but that would invariably bring extra development.

Councillor Gawrysiak – work was being done to model where traffic was coming from and going to. Limiting movements to avoid certain times such as post 10 am could help but difficult to be precise about that pending the current assessment work. Also

limiting movements could help but whatever was agreed traffic would still need to use the crossroads.

Mr Periam added that restrictions earlier in the day could lead to more movements during the day. In any event a condition to that effect couldn't be attached without first speaking to the applicants.

Councillor Fox-Davies – it would be possible to compare Dewars Farm quarry traffic against other traffic after the latest survey and monitoring.

Councillor Matelot – 160 movements had a significant impact on both the local road network and quality of life for residents adding that the 2003 application had offered a routeing agreement.

Mr Periam confirmed that that had been the case but that had been withdrawn when permission had been won on appeal. The view now of county transport officers was that a routeing agreement was not justified.

Councillor Fitzgerald-O'Connor – some properties had undertaken noise mitigation measure but with limited effect as they were very close to the road.

Responding to Councillor Johnston Mr Periam confirmed that any attempt to attach a routeing agreement now would be unlikely to pass the test of reasonableness and would be difficult to defend at appeal.

To Councillor Webber he confirmed that the Committee needed to consider the application in front of it and could not call it back for review at a future date. Regarding any proposal to limit movements to certain times of the day that would again have to be considered under the tests of reasonableness and the applicants given time to consider it. That would require a deferral and would not in any event be officer advice to Committee.

To Councillor Johnson he confirmed a deferral could also result in an appeal on grounds of non-determination and any moves to work with Cherwell DC to monitor air pollution would need representations to be made to the Cabinet Member for Environment.

Councillor Sames felt there were significant serious issues for human health and impact on residents and therefore grounds to impose a routeing agreement and weight restriction order.

Mr Periam reiterated that officer advice was that because vehicle movements were not being increased that would be unlikely to be achievable.

RESOLVED: (on a motion by Councillor Reynolds, seconded by the Chairman and carried by 12 votes to 1) that:

- (a) planning permission for Application MW.0102/18 be approved subject to conditions to be determined by the Director for Planning and Place but to include matters set out in Annex 2 to the report PN6.

- (b) the Chairman write to the Cabinet Member for Environment requesting that Oxfordshire County Council work actively with Cherwell DC to carry out effective air pollution monitoring in Middleton Stoney.

17/19 APPLICATION TO CONTINUE THE DEVELOPMENT PERMITTED BY CHN.45/90 (PERMANENT CONSENT FOR COATED ROADSTONE) WITHOUT COMPLYING WITH CONDITIONS 2, 3, 4, 5, 8, 12, 13 AND 16 (TO REMOVE HOURS OF WORKING FOR ASPHALT PLANT TO ALLOW OPERATIONS AT ANY TIME OF DAY OR NIGHT AND TO UPDATE PLANS TO RELOCATE EXISTING OFFICE, CANTEEN AND WC) - APPLICATION NO. MW.0117/18

(Agenda No. 7)

The Committee considered (PN7) a Section 73 application to amend certain conditions on an existing consent at an asphalt plant located adjacent to the railway, north of Banbury. Aggregate was imported mainly by rail and used to produce asphalt which was then exported by road. Operations currently took place from 4am until 7pm, with overnight working only permitted with the prior approval of the Minerals Planning Authority. The applicant had applied to remove this restriction so that the plant could be operated through the night on any night, without needing to seek additional consent. They had provided a noise assessment to demonstrate that this would not cause unacceptable noise impacts and had proposed an additional noise barrier. It is proposed that overnight working would take place occasionally, rather than every night. It was also proposed to relocate the existing office and associated buildings within the site. The current consent dated from 2003 and therefore there were some further conditions which were no longer relevant and which the applicant had applied to be removed.

Presenting the report along with further information on the published addenda Mary Hudson reported 2 further objections from residents. She then responded to Members' questions:

Councillor Phillips – since 2004 there had been 8 requests for extended working with the last being in 2014 although there had been one last week but that had been to facilitate the company's assessment work. It would be reasonable to expect that there would be more requests.

Councillor Johnston – complaints had been received from the south of the site.

Councillor Gawrysiak – a new routeing agreement would be required with a more restrictive route for night traffic as required by Condition 6 and as set out in paragraph 72 of the report. Overnight traffic was required to access the motorway via Hennef Way.

Mr Shepley with Sam Lankester also attending then addressed the Committee on behalf of the applicant. Tarmac was the UK's leading sustainable building materials and construction solutions business and had operated at the Banbury site for over 30 years currently employing 14 people full-time, predominantly from the local area. As the plant had expanded and the need for asphalt in the local area increased a number of variations to the plant's operating hours had been made over the years, with the last granted in 2003 to permit operation of the plant between the hours of 4am – 7pm Monday to Saturday and 8am to 5pm on Sundays. Overnight working

was permitted outside of these hours, provided that prior written agreement had first been obtained from the minerals planning authority, each time such working was required. Tarmac took their responsibility to the local community very seriously and, since 2003, their records showed there had only been a single complaint in 2018 from a local resident to operations at the plant. That had been resolved quickly and successfully by Tarmac. He pointed out that the report by county officers stated no complaints had been received by the Minerals Planning Authority regarding operations on site. However, current restrictions on the hours of operation was becoming a significant issue in delivering materials for roadworks and other projects, which were often required to take place overnight to limit disruption on the local highway network and Tarmac were seeking additional flexibility to remedy that. HGV movements would inevitably take place on nights when the plant was operational, although the number of movements were likely to be significantly smaller compared to movements during the hours currently permitted. The applicant also intended to install noise attenuation barriers within the site to mitigate night time operations and to further improve community engagement had recently launched a website for residents, along with a community phone line, that could be used to report any issues in future. The existing vegetation bank at the entrance to the site would be retained with further planting provided to replace the minor loss of tree and scrub cover that would occur as a result of the relocation of the office and welfare facilities and alterations to the site access were proposed which would help improve circulation, visibility and highway safety. The increase in night-time working would also provide additional employment as 4 night-shift workers would be required. It was important to point out that night-time working would not occur at all times of the year and the applicant was happy to agree to a planning condition restricting that. Additional conditions had also been proposed regarding noise limits and train deliveries, and Tarmac were continuing to liaise with officers on the wording of those conditions. An additional night-time noise survey was carried out last week, with the asphalt plant operating, to assist with those discussions. He commended the officer recommendation to approve.

He and Mr Lankester then responded to questions from:

Councillor Johnston – he confirmed that trains would be unloaded by grab which would be within the sound barriers.

Councillor Phillips – the company were still analysing the results from the recent night time operation.

Councillor Fox-Davies – the report stipulated 180 nights per annum with conditions monitoring train delivery and noise enabling work to stop if exceeded. Responding to a supplementary question from Councillor Gawrysiak he appreciated 180 seemed a high figure but it gave flexibility to meet demand.

Councillor Haywood – there would be no additional movements resulting from this application.

Councillor Roberts – Mr Lankester accepted that as there had only been 8 requests for overnight working over a 10-year period a proposal now to increase that to 180 nights pa represented a large increase but it would allow the plant to operate more efficiently.

Speaking as local member Councillor Hannah Banfield referred to the level of local objection to this proposal including a 230 signature petition against. There were grave

concerns regarding the removal of existing conditions 3, 4 and 5 which would impact heavily on local residents as a result of an increase in noise. Noise was a constant problem which would only increase thereby affecting the health and happiness of local residents. A noise barrier would not stop noise pollution. She referred to air pollution citing Hennef Way as the second highest polluted road outside of London and the worst in Oxfordshire. This proposal would increase traffic levels even further and she and residents asked how this was compatible with the initiatives to address air pollution and promote public health. Cherwell District Council and Banbury Town Council had objected. Tarmac had stated this was needed in order to meet orders and offer greater operating flexibility but she asked the Committee to vote with its conscience and put the interests of residents first.

She then responded to questions from:

Councillor Johnston – she indicated on the screen plan those roads affected by operations at the site.

Councillor Fox-Davies who had queried her traffic movement figures and asked whether or not residents had taken other companies to task regarding pollution she stated that the Committee needed to consider how this would affect an area already suffering from high vehicle emission levels as confirmed by Cherwell DC and Oxfordshire CC.

Councillor Sames considered comments regarding the Dewars Farm application with regard to NPPF guidelines applied equally to this application and that in his view there were reasons to reject the application on the grounds of health and loss of amenity for local residents and he so moved. Seconding the motion Councillor Gawrysiak felt the proposed 180 limit for overnight working was too excessive but if that were more restrictive then the application might be more acceptable.

Councillor Roberts agreed and felt more evidence was required to justify such an increase other than flexibility for the applicant.

Councillor Johnston agreed but felt that was not sufficient grounds to vote against and it would be difficult to justify sanctioning one company when there were other vehicles other than those associated with this particular site contributing to the problems in this area. He felt the report needed to be clearer regarding issues of air pollution.

Responding to member concerns regarding the proposed 180 night limit Mrs Hudson confirmed that had been an officer suggestion.

Councillor Haywood and others felt a 40 night time limit would be more reasonable and defensible at appeal.

Mr Periam advised that a deferral would be advisable in order to come back to a future meeting with a revised proposal and further information from the trial working carried out by the company.

On that basis Councillor Sames with the agreement of his seconder withdrew his motion.

It was then **RESOLVED**: (on a motion by the Chairman, seconded by Councillor Phillips and carried by 12 votes to 0) to defer Application MW.0117/18 to enable further discussions with the applicant regarding an acceptable maximum annual limit for night-time working and to consider the results of the recent assessment of a night-time operation undertaken by Tarmac

18/19 NEW SINGLE STOREY FOUR-CLASSROOM TEACHING BLOCK, INCLUDING WITHDRAWAL ROOM, TOILETS, STORE ROOMS, CANOPY ENTRANCE LINK TO EXISTING SCHOOL BUILDING AND MINOR MODIFICATIONS TO HARD AND SOFT LANDSCAPING AT CHOLSEY PRIMARY SCHOOL - APPLICATION NO. R3.0105/18

(Agenda No. 8)

The Committee considered a planning application for a new single storey four classroom teaching block at Cholsey Primary School to be located on an existing hardstanding to the rear of the main school building to help facilitate the expansion of the school from 1.5 form entry to 2 form entry from September 2019.

Presenting the report and addenda for the application Mrs Hudson confirmed that there had been no objections to location or design but some regarding parking arrangements at the school.

Heidi McSweeney (Headteacher) spoke in support of the application. The school had been encouraged to take more pupils and so was desperate for this additional development. Alternative parking was available for drop off times and lots of pupils walked and scooted to school. However, as some development in the village was some 20/30 minutes away which required some parents to drive she felt the school travel plan could only encourage further change.

Brendan Quinn (Transport Consultant) stated the safety record in the area was good with no recorded accidents. Some staff parking was provided on the school site with additional parking available at St Mary's church. The Travel Plan should continue to encourage alternative travel to school and with 80-90% of the local catchment within 2 kilometres impact on local network should be low.

Kerry Emberson (OCC Highways Development Control) accepted that all schools to some extent had problems at drop off and pick up times and that expansion was needed but she felt obliged to highlight that there were issues here with parking on zig zag lines and in residential areas. There was an increase in staffing numbers but no parking provision for them.

Councillor Matelot stated that as a governor of a large primary school in a cul-de-sac she was aware that all schools suffered from such problems. In this instance the walk and cycle initiatives appeared to have been successful and Cholsey school needed to expand. She moved that the application be approved. Councillor Johnston seconded the motion which was put to the Committee and –

RESOLVED: (unanimously) that subject to the applicant first providing a Unilateral Undertaking for the payment of the School Travel monitoring fee of £1240, that planning permission for R3.0105/18 be approved subject to conditions to be determined by the Director of Planning and Place, to include the following:

- i) Detailed compliance with approved plans, including drainage strategy.
- ii) Permission to be implemented within three years.

- iii) Submission, approval and implementation of a Construction Traffic Management Plan
- iv) Submission, approval and implementation of details of additional cycle parking.
- v) Submission, approval and implementation of details of formalisation of staff parking within school site.
- vi) Submission, approval and implementation of details of off-site (church car park) parking arrangements for school pick up and drop off.
- vii) Submission, approval and implementation of details of school travel plan.

19/19 COMMONS ACT 2006: IN THE MATTER OF AN APPLICATION TO REGISTER HARCOURT HILL FIELD, HARCOURT HILL, OXFORD AS A TOWN OR VILLAGE GREEN

(Agenda No. 9)

The Committee considered (PN9) an application on behalf of the Harcourt Hill Residents' Association made to the County Council as commons registration authority under Section 15 of the Commons Act 2006 to register land known as Harcourt Hill field, Harcourt Hill ("the Application Land") as a town or village green.

Mrs Taplin presented the report and outlined the history to the application. Responding to questions from members she confirmed that information regarding the status of Oxford Preservation Trust and how they held the land was not information revealed by Land registry records nor was ownership by the Trust any guarantee that public access would be available.

Councillor Roberts advised that the area was not mentioned in the Neighbourhood Plan as green space

RESOLVED: (unanimously) that having received the opinion of the Inspector set out at Annex 3 to the report PN9 to refuse the application for registration as a new town or village green of the plot of land known as Harcourt Hill Field Oxford.

..... in the Chair

Date of signing

For: PLANNING AND REGULATION COMMITTEE – 3 June 2019

By: DIRECTOR FOR PLANNING AND PLACE

Development Proposed:

Section 73 application to retrospectively vary condition 1 of planning permission P17/V2812/CM (MW.0084/17) to reflect the restoration as carried out on the site

Division Affected: Faringdon

Contact Officer: Kevin Broughton **Tel:** 07979 704458

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

Applicant: Grundon Sand & Gravel Ltd.

Application No: MW.0038/19 **District Ref:** P19/V0969/CM
District Council Area: Vale of White Horse District Council

Date Received: 13 March 2019

Consultation Period: 18 April – 14 May 2019

Recommendation: **Approval**

The report recommends that the applications be approved.

Contents:

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

• **Part 1 – Facts and Background**

Site and Setting (see site plan Annex 1)

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

Planning History

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

11. Mineral extraction has ceased and all buildings, machinery and hard standings have been removed. The site is required to be restored to agriculture.
12. The site had not been restored within the timeframe, and the County Council served a breach of condition notice on 9 November 2016 requiring the site's restoration to be completed in accordance with the approved plans by 30 June 2017.
13. Soil placement had taken place on the site, but not in accordance with the approved plans. The site failed to achieve a natural slope from the north-west to the south-east and instead was restored too flat in places, which led to some water logging issues in some areas and low water levels in the ponds. However, the two ponds on the site had been retained, and the SSSI conservation faces have been established.
14. The applicant sought to regularise the development by submitting a planning application that was approved on 6 July 2018 (**MW.0084/17**). Again the restoration actually carried out was not in accordance with the approved plans, and so a further retrospective application has been submitted to regularise the restoration as carried out on the site.
15. Should the application be approved, no further work would be required on the site to achieve the approved contours on the site.

Details of the Development

16. The application seeks to vary condition 1 of permission P17/V2812/CM (MW.0084/17).
17. The applicant states that the approved restoration contours were not achieved because of the physical condition of the site, such as the rock deposits underlying the soil surface, and the overarching need to protect the SSSI, have put a limit on the amount of material that could be moved on the site. This effect on the cut and fill has impacted on the land gradient that can be achieved such that it varies but is generally less than a metre difference to the approved contours.
18. The hedgerows have been re-established and new grass seeding has taken place across the entire site. Fencing has been placed around the two ponds to protect them and the buffer zone around them.
19. The applicant has submitted a hydrological statement in support of the application which concludes that the contours would still enable surface water runoff to drain towards the southern edge of the site, and that the hydrological regime of the Great Crested Newt protected ponds would be preserved.

• **Part 2 – Other Viewpoints**

Representations

20. There have been 14 third party responses objecting to the application. The reasons for the objection are:
- Grundon repeatedly failed to comply with conditions, and have failed to protect the ponds and the protected species within them.
 - The ponds have been destroyed by deliberate damage.
 - Grundon are deliberately damaging the ponds and dragging out the restoration until there is no species left to protect.
 - The landowners long term aim is to turn the site into an industrial estate.
 - The application should be rejected and compliance monitored.
 - Grundon must put right the damage or have the condition lifted.
 - The application should be rejected until the ponds are restored.
 - The original planning approval required the restoration to have retained or improved habitat, the current restoration must include the same.
 - The new ponds must be restored back to the condition they were in prior to 2016.
 - Respondent does not agree that the only change sought from the restoration plan is the gradient of the quarry base.
 - There has been criminal damage to the ponds.
 - Wicklesham quarry is important for its biodiversity as well as its geodiversity.
21. There is one third party response in support of the application, from the landowner of the application site, raising the following points:
- The site has been restored to a satisfactory condition, and that aftercare should start as soon as possible.
 - Grundons ceased mineral extraction from Wicklesham Quarry and moved its operation to Faringdon Quarry in September 2015. The site has still not been restored and returned to the landowner.
 - The business has suffered and it is not yet clear whether the grass currently sown will need to be ripped up again for further restoration works.
 - Over a distance of some 500m, there is a discrepancy of less than 0.6m. As a farmer who deals daily with the tucks and folds Nature has woven into our landscape, he cannot comprehend why such a light undulation causes concern.
 - Experience as a farmer suggests that it is the soil structure rather than the levels that will dictate how water runs and settles.

- Wildlife is now returning to the quarry.

Copies of all the third-party representations are in the Members' Resource Room.

Consultations

22. Vale of White Horse District Council (Planning) – no observations
23. Vale of White Horse District Council (EHO) – no objection.
24. Little Coxwell Parish Council – objects because the restoration of the ponds has not been met. A survey by Enzygo is requested to inform current conditions and restoration works required.
25. Faringdon Town Council – No objections.
26. Environment Agency – no objection.
27. Natural England – no comment.
28. OCC (County Ecology Team) – no objection.

Part 3 – Relevant Planning Documents

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

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

The relevant development plan documents are:

- Oxfordshire Minerals and Waste Local Plan Part 1 – Core Strategy 2017
 - Vale of White Horse Local Plan 2031.
 - Saved policies of the Vale of White Horse Local Plan 2011.
30. The Vale of White Horse Local Plan 2031 Part 2: Detailed Policies and Additional Sites (VoWHLP 2031 Part 2) was submitted to the Secretary of State on Friday 23 February 2018 for independent examination. Whilst a material consideration, in accordance with paragraph 216 of the NPPF, these policies are at an early stage and should be given limited weight in any decision made.
 31. The Government's National Planning Policy Framework (NPPF) is also a material consideration.

Relevant Policies

32. Oxfordshire Minerals and Waste Local Plan Part 1 – Core Strategy (OMWCS)
- Policy M10: Restoration of mineral workings
Policy C1: Sustainable development
Policy C2: Climate change
Policy C4: Water environment
Policy C5: Local environment, amenity and economy
Policy C7: Biodiversity and geodiversity
Policy C8: Landscape
33. Vale of White Horse Local Plan 2031 Part 1: Strategic Sites and Policies (VLP1)
- Core Policy 1: Presumption in Favour of Sustainable Development
Core Policy 44: Landscape
Core Policy 46: Conservation and Improvement of Biodiversity
34. Saved Policies of the Vale of White Horse Local Plan 2011 (VLP2011)
- Policy DC6: Landscaping
Policy DC9: Impact of development on neighbouring uses
Policy DC12: Water quality and resources
Policy NE7: North Vale Corallian Ridge
Policy NE12: Great Western Community Forest
35. The Vale of White Horse Local Plan 2031 Part 2: Detailed Policies and Additional Sites (VLP2)
- Development Policy 23: Impact of Development on Amenity
Development Policy 31: Protection of Public Rights of Way, National Trails and Open Access Areas

• Part 4 – Analysis and Conclusions

Comments of the Director for Planning and Place

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

approved restoration scheme to that which is currently on the site, which would effectively complete the restoration of the site to agriculture, albeit to contours that differ from the existing permission.

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

Local Environment, Amenity and Landscape

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

Biodiversity

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

44. The proposed changes are retrospective, and the changes would not have any effect on the newt habitat in the ponds. The council's ecology officer has no objection to the application. The lack of need for any further works to the site would have the benefit of not disturbing any biodiversity interest that has returned and is continuing to return to the site.

Other Issues

45. Policy C2 of the OMWCS states that proposals for minerals restoration should take account of climate change. The proposed development would bring to a close the restoration of the site resulting in there being no further need for earth moving thereby reducing carbon emissions.
46. Policy C4 of the OMWCS states that there should be no unacceptable adverse impacts on the quantity or quality of surface or groundwater resources required for wildlife. Policy DC12 of the VLP2011 also seeks to protect water quality.
47. The applicant's hydrology consultant predicts that the majority of the runoff generated within the site area will drain towards the existing ditch, along the southern edge of the site, and be conveyed to the southwestern corner of the site. Additionally, they state that the hydrological regime of the Great Crested Newt protected ponds will be preserved, thereby ensuring suitable conditions for the enhancement of the GCN habitat are provided. They did this following further advice from Enzygo which was received in January 2019.
48. The proposals would result in little change to the water environment. There would be some change in the way the water flows on the site, but this would be marginal, and the proposal largely follows the existing permitted scheme.
49. The concerns raised in third party representations are entirely based on concerns about the ponds. The ponds are now fenced to protect the buffer areas and have not changed since the committee made its decision to grant the permission to which this section 73 application relates. The hydrological assessment submitted shows that water would still be fed to the ponds with the existing contours.
50. Policy C7 of the OMWCS states that development that would be likely to have an adverse effect on a Site of Special Scientific Interest will not be permitted except where the benefits of the development clearly outweigh the impacts. It also states that all proposals for mineral working shall demonstrate how the development will make an appropriate contribution to the maintenance and enhancement of geodiversity, including fossil remains. The proposed scheme is partially because the geological faces need to be maintained.

51. I have addressed the individual points raised by the representations on the pond in Annex2 of this report.

Conclusion

52. The proposed changes to the existing permission would allow for a satisfactory restoration of the site. There would be no significant harm caused by the proposed changes which would warrant refusal of the application, and the proposal should therefore be permitted in accordance with the presumption in favour of sustainable development.

RECOMMENDATION

53. It is **RECOMMENDED** that planning permission for application no. **MW.0038/19** be approved subject to conditions to be determined by the Director for Planning and Place but to include the following:

- 1) The development shall be carried out strictly in accordance with the particulars of the development, plans and specifications contained in the application (and letters/e-mails of amendment) except as modified by conditions of this permission. The approved plans and particulars comprise:

- Application form dated 11/03/2019
- Letter dated 14/12/2018
- Ecology Statement dated 29/08/2017
- Enzygo Method Statement dated 31/05/2018
- Hydrological statement - Ref No. JF051218 dated 11/03/19
- Site Restoration Plan - Drawing no. DG/QO/WIC/RES/01 Rev E
- Site Location Plan - Drawing No: DG/OO/WIC/TEMP/02.
- Aftercare Scheme set out in paragraph 3.0 onwards in the approved Restoration and Aftercare Scheme dated December 2012.
- Conservation of geological interest features of SSSI Plan – Dated October 2012 subject to revised restoration plan - DG/QO/WIC/RES/01 Rev E.

SUSAN HALLIWELL
Director of Planning and Place

May 2019

Compliance with National Planning Policy Framework

In accordance with paragraph 38 of the NPPF Oxfordshire County Council take a positive and proactive approach to decision making focused on solutions and fostering the delivery of sustainable development. We work with applicants in a positive and proactive manner by; offering a pre-application

advice service. In this case the applicant did not take advantage of the opportunity. Any issues that occurred during the processing of the applications were raised with the applicant and this led to improvements rendering the developments acceptable. In this case no issues were raised.

European Protected Species

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

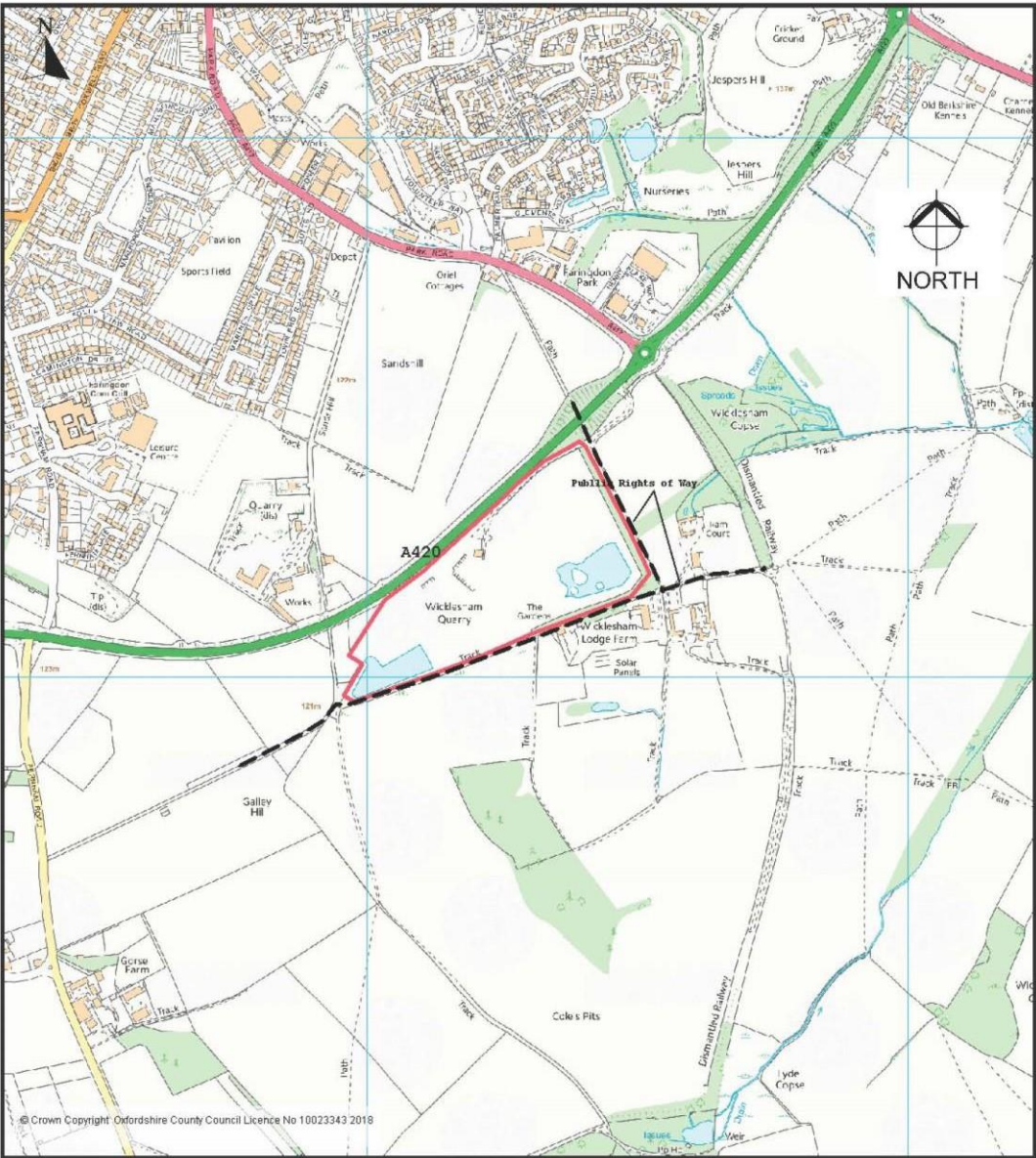
1. Deliberate capture or killing or injuring of an EPS
2. Deliberate taking or destroying of EPS eggs
3. Deliberate disturbance of a EPS including in particular any disturbance which is likely
 - a. to impair their ability –
 - i. to survive, to breed or reproduce, or to rear or nurture their young,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

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

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

The recommendation:

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



Map Legend
 No overlays selected

30 April 2018

0m 250 m 500 m

Scale 1: 10000

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Representation	Officer Response
Grundon repeatedly failed to comply with conditions, and have failed to protect the ponds and the protected species within them.	There is a history of non-compliance with the restoration schemes, but that does not affect the duty of the Mineral Planning Authority to determine the planning application on its merits.
The ponds have been destroyed by deliberate damage.	The applicant's ecological consultant addressed this at the last committee, and our monitoring team concurs. The ponds have not been deliberately damaged, they have been the subject of succession.
Grundon are deliberately damaging the ponds and dragging out the restoration until there is no species left to protect.	The ponds have been subject to succession. Grundon are pursuing this application in order to bring the restoration to a close which will enable the aftercare period to commence.
The landowners long term aim is to turn the site into an industrial estate.	The long term aim of the landowner is not relevant to this application which seeks only to restore the site.
The application should be rejected and compliance monitored.	Compliance will be monitored on whichever permission is in place following the decision on this application.
Grundon must put right the damage or have the condition lifted.	The purpose of a Section 73 application is to not comply with a particular condition.
The application should be rejected until the ponds are restored.	The ponds are restored.
The original planning approval required the restoration to have retained or improved habitat, the current restoration must include the same.	The ponds have been restored in accordance with the retained and improved habitat in the original approval, although it has been revised by Section 73 applications.
The newt ponds must be restored back to the condition they were in prior to 2016.	That would lead to the loss of any natural regeneration on the site.
Respondent does not agree that the only change sought from the restoration plan is the gradient of the quarry base.	The application seeks the changes as set out in drawing DG/QO/WIC/RES/01 Rev E.
There has been criminal damage to the ponds.	This is something that is the responsibility of the Wildlife Crime Officer at Thames Valley Police. He has not taken any action in relation to this site.
Wicklesham quarry is important for its biodiversity as well as its geodiversity.	The description and reason for notification: The active quarry and disused pits within this site provide good exposures through

	<p>the Faringdon Sponge gravels of Lower Cretaceous (Aptian) age. The gravels, laid down under marine conditions some 110 million years ago, are unique to the Faringdon area, and were deposited in an unusual and very localised near-shore sedimentary environment. They contain a very rich and unusual assemblage of fossil sponges, bryozoa, brachiopods and echinoids, with over 150 different species having been found here; many of these are known to occur only at Faringdon. In addition, the Faringdon Sponge Gravels have yielded bones from several different kinds of fossil reptiles (including turtles, ichthyosaurs, plesiosaurs and crocodiles) and Wicklesham Pit is of particular significance as a source of such material. This site is of great historical importance, and is one of Britain's richest palaeontological localities.</p>
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PLANNING & REGULATION COMMITTEE – 3 JUNE 2019

Policy Annex (Relevant Development Plan and other Policies)

Oxfordshire Minerals and Waste Core Strategy 2017 (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.

POLICY C2: CLIMATE CHANGE

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

POLICY C4: WATER ENVIRONMENT

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

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

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

POLICY C5: LOCAL ENVIRONMENT, AMENITY AND ECONOMY

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

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

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

POLICY C7: BIODIVERSITY AND GEODIVERSITY

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

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

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

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

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

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

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

POLICY C8: LANDSCAPE

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

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

POLICY M10: RESTORATION OF MINERAL WORKINGS

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

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

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

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

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

CORE POLICY 1: PRESUMPTION IN FAVOUR OF SUSTAINABLE DEVELOPMENT

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

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

- i. 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
- ii. specific policies in that Framework indicate that development should be restricted.

CORE POLICY 44: LANDSCAPE

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

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

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

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

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

CORE POLICY 46: CONSERVATION AND IMPROVEMENT OF BIODIVERSITY

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

The highest level of protection will be given to sites and species of international nature conservation importance (Special Areas of Conservation and European Protected Species). Development that is likely to result in a significant effect, either

alone or in combination, on such sites and species will need to satisfy the requirements of the Habitat Regulations*.

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

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

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

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

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

It is recognised that habitats/areas not considered above (*i.e. Nationally or Locally designated and not priority habitats*) can still have a significant biodiversity value within their local context, particularly where they are situated within a Conservation Target Area and/or they have good potential to be restored to priority habitat status or form/have good potential to form links between priority habitats or act as corridors for priority species. These habitats will be given due weight in the consideration or planning applications. If significant harm to these sites cannot be avoided (through locating on an alternative site with less harmful impacts) it will be expected that mitigation will be provided to avoid a net loss in biodiversity or, as a last resort, compensation will be required to offset the impacts and achieve a net gain in biodiversity.

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

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

DEVELOPMENT POLICY 23: IMPACT OF DEVELOPMENT ON AMENITY

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

- i) loss of privacy, daylight or sunlight
- ii) dominance or visual intrusion
- iii) noise or vibration
- iv) dust, heat, odour, gases or other emissions
- v) pollution, contamination or the use of/or storage of hazardous substances;
and
- vi) external lighting.

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

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

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

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

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

POLICY DC6: LANDSCAPING

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

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

POLICY DC9: IMPACT OF DEVELOPMENT ON NEIGHBOURING USES

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

- i) loss of privacy, daylight or sunlight;
- ii) dominance or visual intrusion;
- iii) noise or vibration;
- iv) smell, dust, heat, gases or other emissions;
- v) pollution, contamination or the use of or storage of hazardous substances;
and
- vi) external lighting.

POLICY DC12: WATER QUALITY AND RESOURCES

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

POLICY NE7: THE NORTH VALE CORALLIAN RIDGE

Development which would harm the prevailing character and appearance of the North Vale Corallian Ridge, as shown on the proposals map, will not be permitted unless there is an overriding need for the development and all steps will be taken to minimise the impact on the landscape.

POLICY NE12: GREAT WESTERN COMMUNITY FOREST

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