

**For: PLANNING & REGULATION COMMITTEE – 22 OCTOBER 2012**

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

**Development Proposed:**

**Section 73 application to vary conditions 35, 40, 41, 98 & 99 of planning permission Ref 12/00056/CM to create restoration contours to allow for effective drainage**

**Division Affected:** Wroxton

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

**Location:** Alkerton Quarry, Alkerton with Shennington, Banbury, Oxon, OX15 6HY

**Applicant:** Peter Bennie Limited

**Application No:** MW.0113/12

**District Council Area:** Cherwell

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**Recommendation**

**The report recommends that application MW.0113/12 be approved subject to conditions.**

## **Part 1 – Facts and Background**

### Location (see site plan Annex 1)

1. Alkerton Quarry is located just off the Stratford Road (A422) approximately 5 kilometres (3 miles) north-west of Banbury. The village of Alkerton lies less than 1 kilometre (0.6 miles) to the east.

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

2. Alkerton Quarry is located in the open countryside within the Ironstone Downs, an Area of High Landscape Value.
3. The nearest dwelling is White Gables which borders the site on the South East Corner.
4. The A422 Stratford Road runs along the eastern boundary and an unclassified road to Alkerton runs along the southern boundary.
5. No footpaths or sites of archaeological or ecological interest are affected by the proposal

### Background

6. Hornton Grounds Quarry is part of a larger permission for ironstone extraction that also includes quarries at Hornton, Wroxton and Balscote.
7. Alkerton Quarry has been operating under planning permission 97/00430/CM granted in January 1999. Working has now ceased and the operator wants to undertake restoration of the remaining working area.
8. There are overlapping section 73 applications in this area, and this application seeks to pull some of them together under a single application, thus making the situation easier to monitor.

### Details of the Development

9. The development proposed consists of changes to planning conditions that would only affect the Alkerton Quarry Site. The changes would be:
  - I. The restored slopes on the boundaries of the Alkerton Quarry site will be steeper but no steeper than 1 in 6, as opposed to the current restriction which is 1 in 8.
  - II. The haul road would be retained to serve the surrounding agricultural land.
  - III. The site would be restored to low level agriculture, with a pond in the south west corner and natural regeneration along the north, south and south eastern edges.

- IV. The site would be restored in accordance with a revised restoration scheme that takes into account of the proposed changes to the conditions.

## **Part 2 – Relevant Planning Documents**

### **Relevant planning documents and legislation**

10. Planning applications should be decided in accordance with the Development Plan unless material considerations indicate otherwise.
11. The relevant development plan documents are:
  - The South East Plan (SEP) 2026.
  - Oxfordshire Minerals and Waste Local Plan – saved policies (OMWLP) 1996.
  - The Cherwell Local Plan – saved policies (CLP) 1996.
12. The Oxfordshire Minerals and Waste Core Strategy (OMWCS) proposed submission document is also a material consideration, and should be given significant weight.
13. The Non Statutory Cherwell Local Plan (NSCLP) 2011 is a material consideration.
14. The SEP forms part of the development plan. However, the government intends to abolish regional strategies. The Localism Act enables the Secretary of State to revoke the whole or any part of a regional strategy by order. Whilst no such order had been made at the date this report was drafted, the published intention to revoke is a material consideration to which substantial weight should be given.

### **Relevant Policies**

15. The relevant policies are:
  - SEP 2026 – No policies are relevant to the application.
  - OMWLP 1996 – PE1, PE13, PB2.
  - CLP 1996 – C7, C13.
  - OMWCS - M7, C4, C5, C6.
  - NSCLP 2011 – EN1, EN22, EN27, EN34.

## **Part 3 – Other Viewpoints**

### **Representations**

16. One representation received raising the following concerns:-
  - That the application is premature because it is likely to sterilise the mineral reserves.

- A better restoration scheme can be achieved through the importation of waste.

### Consultations

17. Cherwell District Council – no response received.

Wroxton and Balscote Parish Council - no response received.

Hornton Parish Council - no response received.

Shenington with Alkerton Parish Council - no response received.

Environment Agency - No objection but requests that an informative be attached to any planning permission granted, saying that prior to importing any waste or material, the applicant should ensure they are compliant with the Environmental Permitting Regulations (England and Wales) 2010.

Thames Water - No objection.

Natural England - would expect the Local Planning Authority to assess and consider the possible impacts resulting from this proposal on the following issues:

- Protected species
- Soils, Land use and Reclamation
- Local wildlife sites
- Biodiversity enhancements
- Local Landscape

Transport Development Control - no objection.

Ecologist Planner –

- The proposed trees, shrubs, scrub and natural recolonisation areas would provide a range of important habitats and bring benefits for biodiversity.
- The planting densities and species mixes for the trees and hedge are suitable for the habitats proposed.
- Would like some clarification of paragraph 4.6 that fertiliser would not be used on the areas for natural recolonisation.
- If minded to grant consent, request two conditions are attached regarding breeding birds and protected species.

## **Part 4 – Opinion and Conclusion**

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

18. Key planning issues are the changes to restoration and aftercare of the site.
19. Policy PE1(l) states that mineral workings will be considered in the light of the feasibility of their long term restoration and aftercare. The Alkerton Quarry permission for extraction forms part of a larger planning permission, that includes Hornton Grounds Quarry and Wroxton Fields Quarry, and that expires in 2042.
20. The proposed restoration to the quarry site would leave a depression in the land between 3m and 5m deep. The effect on the local landscape would not be significant because the land is relatively flat but has some undulations, some of which are the result of restored mineral workings.
21. The resulting land use would be back to agricultural use, with some biodiversity enhancements around the edge of the site where the slopes will be allowed to colonise naturally. This restoration would incorporate the existing soils on the site and would be appropriate to the rural surroundings in accordance with policy PE13 of the OMWLP and policy M7 of the OMWCS.
22. No effect on protected species or local wildlife sites has been identified by the County's Ecologist/Planner.
23. There would be a 5 year phased programme of aftercare.
24. The mineral would not be sterilised by the resulting agricultural land use.
25. The application must be considered on its merits and, if acceptable, in planning terms should not be refused on the grounds that another form of application is preferred.

### **Conclusions**

26. The restoration and aftercare proposed in this application does not cause significant harm to the local landscape. It would result in an agricultural use appropriate to the area, but with some biodiversity enhancements. The application should therefore be approved on its merits.

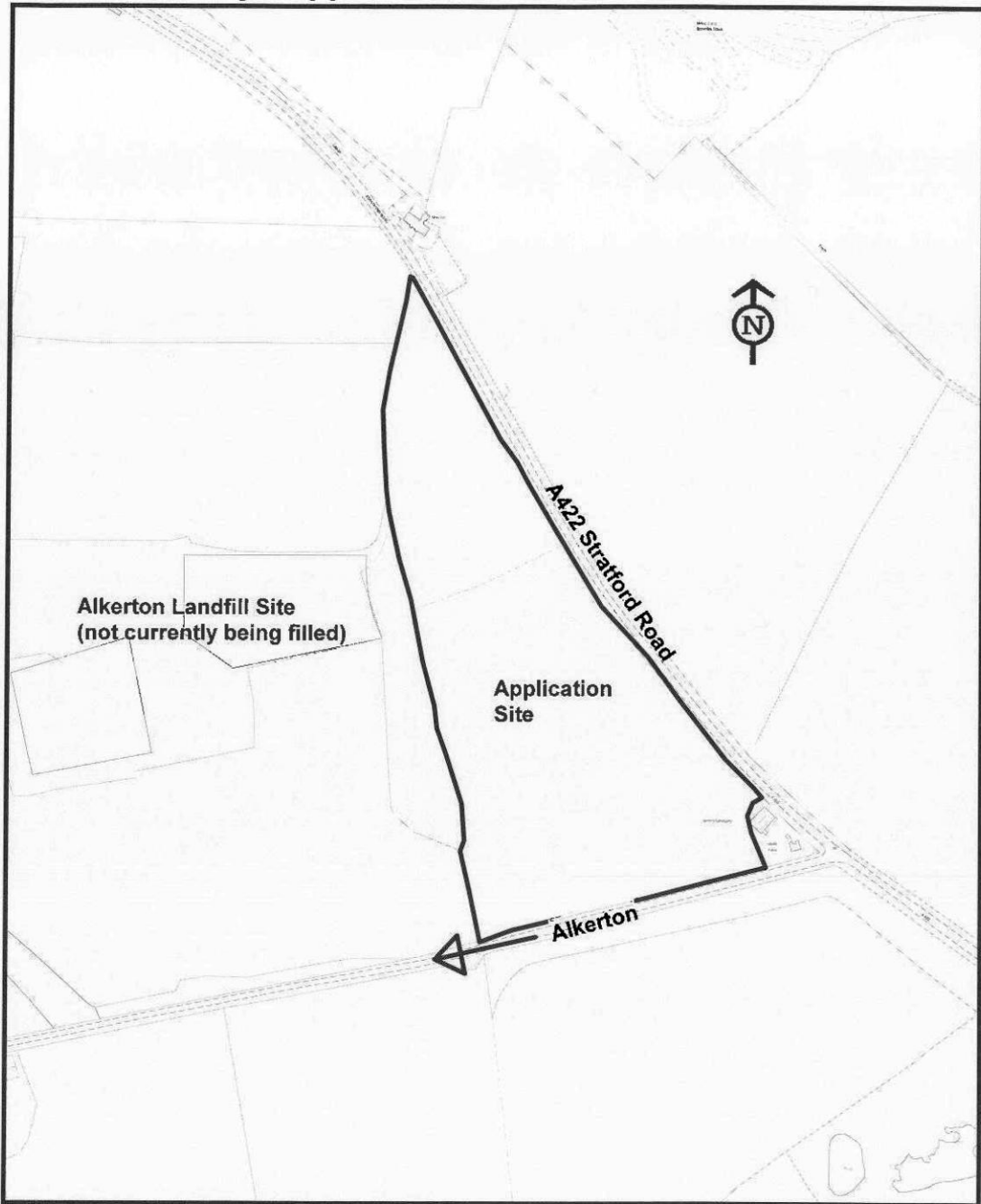
### 27. **Recommendation**

**It is RECOMMENDED that Application No. MW.0113/12 be approved subject to the conditions set out in schedule 1 attached to this report.**

MARTIN TUGWELL

Deputy Director for Environment & Economy (Strategy & Infrastructure Planning)  
October 2012

### Alkerton Quarry - Application no MW.0113/12



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