

Planning Report

For: PLANNING AND REGULATION COMMITTEE – 2 MARCH 2015

By: Deputy Director (Strategy and Infrastructure Planning)

Development proposed:

Details Pursuant to Condition 13 (Fence replacement details) of Planning Permission P13/V0880/CM (MW.0056/13) at Radley Ash Disposal Site, Thrupp Lane, Radley

Division Affected: Kennington and Radley

Contact Officer: Kevin Broughton **Tel:** 01865 815042

Location: Radley Ash Disposal Site, Thrupp Lane, Radley

Application No: MW.0143/14

Applicant: RWE NPOWER PLC

District Council Area: Vale of White Horse

Date Received: 5 November 2014

Consultation Period: 29/11/2014 to 19/12/2014 (second consultation)

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Recommendation:

The report recommends that application MW.0143/14 be approved.

Part 1 –Facts and Background

Location (see site plan Annex 1)

- 1 Radley Ash Disposal Site is located 700 metres to the south of the village of Radley and 500m east from the eastern outskirts of Abingdon.

The Site and its Setting (see site plan Annex 1)

- 2 The Radley ash disposal site covers an area of 161 hectares. The north-south railway line from Oxford to Didcot bisects the disposal site and marks the boundary between Phase 2 to the west of the railway and Phase 1 to the east of the railway. The issue of replacement fencing covered by this details pursuant application relates to the Phase 2 area to the west of the railway.
- 3 The site lies within the Oxford Green Belt. Areas H/I lies within the River Thames flood plain (Flood zone 3). Area G lies partly within Flood zones 2 & 3. Radley Brook lies to the east of Area G and to the west of the railway line.
- 4 The site comprises former gravel workings that have been engineered to enable the formation of ash lagoons. These ash lagoons have been progressively filled with pulverised fuel ash (PFA) that has been piped to the site from Didcot Power Station.
- 5 The infilled ash lagoons in Phase 1 have been completely restored to agriculture and woodland, having dried out and stabilised some years ago. The Phase 2 ash lagoons to the west of the railway have not been fully restored and have only been partially filled with PFA. Some of the lagoons are nearer to completion than others; some still comprise areas of open water, whereas other parts such as the west of Area H have begun to dry out and comprise grassland and scrub. The site also contains settling and discharge ponds.
- 6 A Byway open to all traffic (BOAT) and the Sustrans cycle path (National Cycle Network) and right of way passes through the Phase 2 part of the site but the route is not affected by the proposals in this application.
- 7 To the north of the Phase 2 part of the site is agricultural land (arable and pasture) and Thrupp Lane which provides access to the site. To the south is the River Thames. To the far west of the site is the Barton Lane business park and the White Horse Leisure and Tennis Centre
- 8 The nearest residential properties are Thrupp Cottage, Thrupp Farm and Thrupp House, located 300m to the north west of Lake H/I.

Background to the Details Pursuant application

- 9 Planning permission P13/V0880/CM (MW.0056/13) was granted on 04/08/2014 for the following:

Revised restoration to nature conservation rather than agriculture, retention of Sandy Overburden Material mound (north of Area I), retention of the majority of the bunds and retention of some of the associated concrete structures to the remaining unrestored ash lagoons (Areas G & H/I) and the settling and discharge pond area east of the Oxford to Didcot railway line, without complying with Conditions A11, A17 & A18 of planning permission SUT/RAD/5948/12-CM

- 10 Condition 13 of P13/V0880/CM states:

No later than three months from the date of this permission a scheme for the erection of replacement and any additional fencing shall be submitted in writing for approval by the Waste Planning Authority. The scheme shall include the following details:

i) A scaled drawing showing the location of the fencing which shall include fencing in appropriate locations along the north boundary of Lakes H & I (fencing where necessary to enclose the site from access off the Sustrans Right of Way), the south east boundary of Area G and fencing in appropriate locations along the south boundary of Lakes H & I (fencing where necessary to enclose the site from the south);

ii) Details of the materials to be used including any re-used parts of the existing fencing where any adverse impacts of its dismantling and removal cannot be otherwise mitigated;

iii) The height of the fencing;

iv) Provision for the management and maintenance of the fencing for a period of five years.

- 11 The Condition was imposed in the interest of the nature conservation (biodiversity) after use of the site. The replacement fence will ensure that the restored areas will be enclosed, thus preventing public access. This will prevent potential disturbance to ground nesting birds and other wildlife that would be caused by dog walkers, off road motor bikes and other types of recreational use.

Details of the Proposed Development

- 12 The applicant has provided a scheme showing the details of proposed replacement fencing, as required by Condition 13. The proposed scheme is available to view in Annex 2 (particularly pages 4-14 of the document).
- 13 The proposed replacement 'agricultural type' fence shall comprise C8/80/15 netting (commonly referred to as "sheep mesh") with 2 strands of plain high tensile galvanised wire above, on the outside (the "public" side) of the posts, and 1 strand of barbed wire at the same height as the upper strand of high tensile wire, but on the inside of the posts facing the enclosed area.
- 14 This arrangement includes barbed wire as a deterrent to casual entry but reduces the probability of someone leaning or falling against the fence from outside the enclosed area being injured by contact with the barbed wire.
- 15 Where the new fence is not on the same alignment as the existing security fence, it will be supported on round, treated FSC certified softwood timber posts, 2.1 m x 125 -150 mm top diameter for straining posts (with struts) at fence ends (including adjacent to gateways) and changes of direction, with intermediate posts 1.8m x 75 -100 mm top diameter at 3m spacing. Struts to wooden straining posts shall be 2.4 m x 75mm -100 mm top diameter. Where required, wood posts shall be driven into the ground: concrete footings will not be provided. Half-round timber posts shall not be used.

- 16 Where the new fence is on the same alignment as the existing security fence the new fence will be supported on the existing galvanised steel angle posts and existing footings as far as possible. These posts will be cut off at approximately 1.2 metres above local ground level, at their existing spacing. Where individual existing metal posts are missing, damaged or the concrete footings have been disturbed or are unsound, the missing or damaged posts will be replaced with wood intermediate posts.
- 17 In all cases the top strand of sheepmesh and the top band of barbed wire shall be no less than one metre (3ft 3ins) high.
- 18 The new fences will be maintained throughout the aftercare period of 5 years from the completion of restoration and fence replacement works. The fences will be routinely inspected and repaired as necessary. Gross accumulations of undergrowth or decaying plant material on or adjacent to the fences, which might otherwise cause the fences to collapse, will be cleared away from the fence lines.

Reason for bringing this Details Pursuant application (Condition 13) to Planning and Regulation Committee

- 19 When the main planning application P13/V0880/CM (MW.0056/13) was considered by the Planning and Regulation Committee on 28 July 2014, whilst accepting the principle of the proposed reduction in height from that existing, members of the committee raised some concerns about the nature of the precise nature of the replacement fencing. When it was resolved that planning permission be approved, members asked for the detailed fence replacement scheme (details pursuant) to be brought back to the Committee.

- **Part 2 – Other Viewpoints**

Consultations

- 20 There is no statutory requirement to consult on details provided pursuant to conditions. However, in this case a consultation period did take place.
- 21 One of the landowners (of a large proportion of the part of the site that is affected by the proposed revisions to restoration) said that he did not want the SOM mound enclosed by the fence and gates proposed under condition 13. As a result of the landowner raising these concerns the applicant has submitted a revised copy of the fence replacement scheme (Version 2.0 date December 2015) omitting the SOM mound area. However, the detailed submission of a scheme for the protection of the SOM mound is required by a separate condition (condition 16) on the planning permission and does not form part of the scheme submitted for condition 13.
- 22 County Councillor Bob Johnston (local member) –No objection
- 23 The Environment Agency –No objection

- 24 Radley Parish Council –No objection but have said ‘still has issue with the removal of existing fences which it considers essential to protect wildlife and prevent nuisance’
- 25 Friends of Radley Lakes –No comments received
- 26 OCC Ecology – No Objection.
- 27 VOWH District Council –No objection
- 28 The Earth Trust –Comments not yet received
- 29 BBOWT Local Wildlife Trust –Comments not yet received
- 30 Natural England –Comments not yet received (extension of time requested)

Part 3 – Analysis and Conclusions

Comments of the Deputy Director (Strategy and Infrastructure Planning)

- 31 The application includes all the details required by condition 13 set out above. The proposed scheme would be similar to normal agricultural fencing which is usually deemed sufficient for protecting former mineral workings restored to nature conservation uses within a rural setting. It would be at least one metre high which should deter most people from entering the land either by design or inadvertently. The barbed wire would be a deterrent but the sheep mesh fence on the public side would protect users of the adjoining land, including walkers from injuring themselves on the fence.
- 32 The proposed fence would be a deterrent but would not stop the most determined trespasser who may well suffer minor injuries when climbing the fence. Motorcyclists would only be able to enter by deliberately cutting through the fence; it would clearly not otherwise be possible to ride a motorcycle through it.
- 33 The proposed sheep mesh fencing should deter most dogs, though it would not keep out those that were to dig beneath the fence. Cats and foxes, along with smaller predators such as stoats and weasels may be able to pass through or over the fence but it would act as a deterrent.
- 34 In commenting on the planning application to which the proposed replacement fencing details have been submitted, there were no objections from Natural England to the proposed reduction in the height of the fencing. Again, the fencing proposed is not dissimilar in both height and materials to that used at other mineral workings which have been restored to nature conservation uses.
- 35 Although the proposed fencing would allow easier access to the site for some wildlife, I do not consider that it would not be justification to refuse the type of fencing proposed. The fence is appropriate to a rural location.

Conclusions

- 36 The replacement fencing details submitted meet the requirements of condition 13. It is recommended that the detailed scheme be approved.

Recommendation

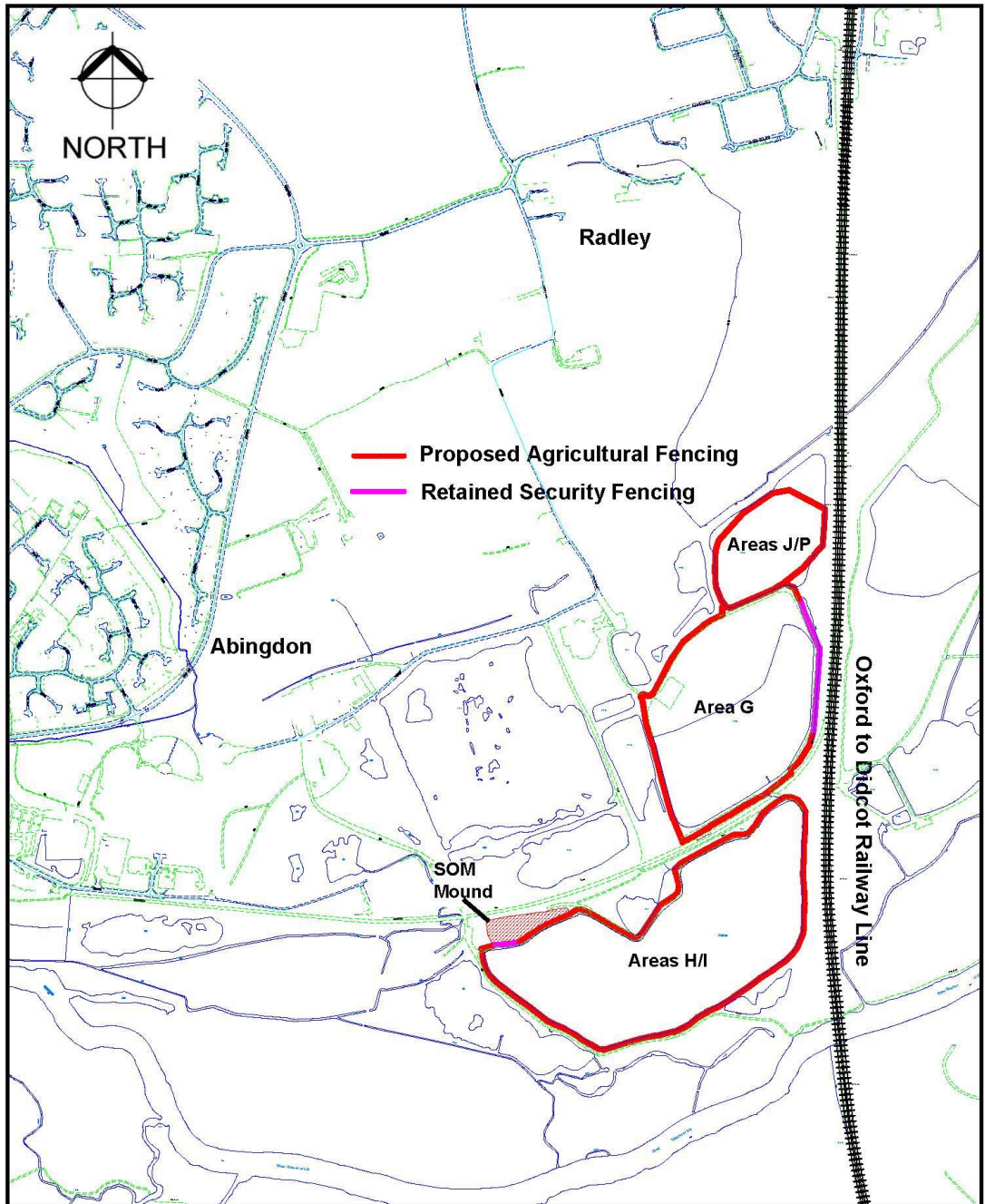
- 37. It is RECOMMENDED that the detailed scheme of replacement fencing pursuant to condition 13 of application MW.0143/14 be approved.**

BEV HINDLE

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

February 2015

**Application no. MW.0143/14
Radley Fence Replacement Details**



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