

**For: PLANNING AND REGULATION COMMITTEE – 18 MAY 2015**

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

**Development Proposed:**

**Progressive extraction of sand and gravel, importation of inert waste materials with restoration to nature conservation and an agricultural reservoir at Sutton Wick. Abinadon**

**Division Affected:** Sutton Courtenay and Marcham

**Contact Officer:** Mary Thompson **Tel:** Oxford 815901

**Location:** Camas Land, Bassett Lane, Sutton Wick

**Application No:** MW.048/05 District ref No. DRA/3595/3-CM

**District Council Area:** Vale of White Horse

**Applicant:** J Curtis & Sons

**Application Received:** 15 September 2005

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**Recommendation**

The report recommends that application DRA/3595/3-CM be approved.

• **Part 1 – Facts and Background**

**Location (see Location Plan)**

1. The application site is located approximately 600m east of Sutton Wick village and the edge of Drayton, 800m south of Abingdon and 1km northwest of Sutton Courtenay.

**Site and Setting (see Site Plan)**

2. The site is located within the wider Sutton Wick complex, other parts of which have been worked for sand and gravel in the past. Much of the wider site is now restored and some areas are undergoing restoration. The application site is split into a northern half and a southern half by Bassetts Lane. It is flanked to the east by an area of past mineral working, now restored to pasture through infilling. The application site is generally level although it rises slightly towards the north east and is at a lower level than adjacent land. It is surrounded by agricultural land.
3. The southern part of the site contains an agricultural reservoir which would be replaced through the restoration.
4. There is a ditch along the northern boundary of the northern half of the site and another (Oday Hill Drain) along the western boundary of the whole area. The site frequently floods in winter.
5. Access to the site is via Bassetts Lane and Stonehill Lane from the B4017. These routes are public bridleways. Peep O'Day Lane, which would be used by lorries transporting sand and gravel from the working area to the processing plant is a bridleway and also a Sustrans cycle route. The entire route from the processing plant to the B4017 is a bridleway.
6. Two properties lie immediately north west of the site, Willowdene and Oday Hill. Stonehill Farm lies a further 350 metres north west along Stonehill Lane. There is a row of residential properties on Drayton Road, approximately 350 metres south of the site boundary.
7. Two overhead electricity transmission lines cross the application site.
8. The application site is visible from Stonehill Lane and Bassett Lane, particularly to the west where the road is on the edge of the higher ground.
9. The site is located in flood zone 3, the area of highest flood risk.

10. The site lies within the safeguarding zone for Dalton Barracks, therefore the MOD have been consulted on the proposals in relation to potential bird strike risk to aircraft.
11. The plant site for the Sutton Wick area is covered by a separate planning consent. It lies approximately 150 metres north east of the application site immediately south of a sewage treatment works.

### **Background and History**

12. The Sutton Wick area has been producing sand and gravel for over 30 years. The Camas land is the final area identified for extraction in the OMWLP 1996 which has not been granted planning permission.
13. An application for extraction in this area with restoration to agriculture was submitted in 2005 and consultations were held. The Environment Agency objected to the proposal as there was no Flood Risk Assessment (FRA) and it was proposed to store soils in the floodplain.
14. The applicant submitted an FRA in 2013. This also resulted in some changes to the operations scheme to modify bund locations and alignments in order to remove soil storage bunds from the floodplain.
15. A further consultation period was held in March 2013 following submission of the FRA. Following this consultation there was some concern amongst ecological consultees that the site had developed greater biodiversity interest since the original application was submitted, due to changes in the hydrology and vegetation on the site. Also, the submitted FRA was not satisfactory to the Environment Agency. Therefore, a revised FRA and revised restoration proposals were submitted and consulted upon in November 2013. There were further amendments and consultation in November 2014. The applicant formally amended the description of the development to include restoration to nature conservation rather than agriculture in February 2015 and a final consultation was then held to allow all consultees the opportunity to comment on the proposals in their final form.
16. An application has been made to extend the life of the processing plant site permission (MW.0124/13) and determination of this application is on hold pending the outcome of the determination of this application for extraction.

### **Details of the Development**

17. It is proposed to extract 350 000 tonnes of sand and gravel from a 10.6 hectare site. The site would be dewatered to allow extraction to take place and extracted material would be transported by dump truck to the existing processing plant, which has a separate planning consent. Restoration would take place progressively as the site is worked. Output from the workings is

anticipated to average 75 000 tpa. At that rate mineral working would take 4-5 years with a further 2-3 years to complete the restoration.

18. It is proposed to import 140 000 cubic metres of inert waste in order for restoration to take place to damp grassland. In the southern part of the site the restoration would incorporate a new agricultural reservoir to replace one that is currently located in that area. This reservoir would cover approximately 1 hectare.
19. The original scheme was for restoration to agriculture. It is now proposed to restore the site to allow for the establishment of a damp grassland habitat similar to the current situation with a nature conservation afteruse. This is proposed because since the application was first submitted the hydrology of the site has changed creating an area that has greater biodiversity value. Ecological consultees do not wish to see this biodiversity lost as a result of the development.
20. New access points are proposed from both northern and southern areas, onto Bassett's Lane. The application states that it is anticipated that there would be an average of 30 lorry movements per day associated with mineral export and 30 lorry movements per day associated with waste import, although this would depend on the rate of working.

#### Amended Working Scheme

21. An amended phased working and restoration scheme was submitted in March 2013 and further revised following reconsultation and resubmitted in November 2013. The Environment Agency were not prepared to accept the storage of soils in the floodplain in this location unless compensatory flood capacity could be found. Therefore, the revised working scheme does not include above ground soil storage. Instead it is proposed to store some soils elsewhere in the Sutton Wick complex, to use the existing agricultural reservoir for soils storage and to use the excavated phase for soil storage prior to restoration.

#### **• Part 2 – Other Viewpoints**

#### **Representations**

22. 2005 - One letter of objection was received from a resident of Oday Hill. This states concern that the extraction of sand and gravel would damage the soil and affect the growing of fruit and vegetables nearby. It also expresses concern about noise, vermin and the impact on property price.
23. *Officer Response – Impact on property price cannot be taken into account. There has been no objection from Natural England in terms of soils. Vermin is unlikely to be a particular problem with mineral extraction or restoration with inert waste. A noise assessment has been submitted with the application and predicts that noise would be within recommended limits, this can also be addressed through condition. The removal of soil bunds from the edge of the site has the potential to increase noise impacts, however the Environmental*

*Health Officer was specifically consulted on this point and confirmed that while there is likely to be a detectable increase in noise it would be very much at the threshold of perception and the absolute sound levels will still be significantly below the levels set out in the appropriate guidance.*

24. March 2013 – Two letters of objection were received. The points raised are set out below.

Letter 1 – (resident of Stonehill Cottage) Although property is some distance from the works, we would be impacted by the use of the access. The access is used for recreational purposes and is not suitable for HGVs as they are pot holed. In the past when similar works did use this access route there were considerable problems due to speeding HGVs, noise, dust and vibration, flies, landfill waste spillage, vehicle parking before the gates opened, joy riding, litter and arson and a collision between a resident's vehicle and a HGV. Following meetings to resolve these issues a weekly road sweep and 20 mph signs were installed. Previous experience has shown that effective measures must be in place prior to implementation. A safe and suitable alternative access should be investigated. If the proposed route must be used there should be effective traffic calming along the entire length and there must be a regular route surface maintenance programme.

*Officer Response – The proposal is to use Stonehill Lane as the access. Conditions can be used for speed restriction signage and for the road to be kept free of pot holes, mud and debris. The potential for litter is less than it was during the previous landfilling operations due to the nature of the waste imported. Traffic calming is not considered necessary.*

Letter 2 – (resident of Drayton) Very concerned about the destruction of an important wildlife habitat. The field is a rich marshland with a variety of bird species. This area has suffered the sewage works, landfill and gravel pits. Why not make the area into a proper nature reserve or country park?

*Officer Response – At the time of this letter, the Ecologist Planner and other ecological consultees were also very concerned about the impact on biodiversity. However, the current proposals include restoration to a replication habitat and management for biodiversity in the long term. Therefore, the Ecologist Planner, BBOWT and Natural England no longer object.*

25. February 2015 – Four letters of representation. The points raised are set out and responded to below.

26. Letter 1 (Owner of Willowdene) – Object. The development will affect the value of the property Willowdene. This property was not taken into account in the noise assessment work. There are already speeding lorries on the road and this would make it worse. Property will be affected by noise, dust, smell and rodents. Would affect privacy and potentially also the landscape and daylight of property. There would be a detrimental effect on the environment.

27. *Officer Response – Impact on property price cannot be taken into account. Willowdene was included in the noise assessment, which concluded that subject to soil storage bunding noise levels at Willowdene would be up to 53 dB LAeq during temporary soil stripping operations and up to 48 dB LAeq during extraction, which is within acceptable limits. The current proposals do not include the soil bund between the working and the properties which was included in the noise calculations. However, the original noise consultant has revisited the calculations and confirmed that noise levels at Willowdene would be up to 49 dB LAeq. Concern about lorries on Stonehill Lane is addressed elsewhere in this report. There is unlikely to be an issue with odour or rodents as the waste would be inert. The development is not considered to impact on the privacy or daylight of this property. The extraction would only be in the area near the property for a short time and a 100 metre standoff from the dwelling to the edge of extraction has been provided on the plans, which could also be imposed by condition.*
28. Letter 2 – (Resident of Oday Hill) Concerned about safety on Stonehill Lane if it is to be used by more HGVs. There should be a limit to daily vehicle movements, a limit to the weight of vehicles and adherence to a lower speed limit around Oday Hill dwellings. The section of Stonehill Lane adjacent to the properties is only a bridleway not a highway and the new land owners do not have an automatic right to increase size and volume of traffic. The proposed environmental screening bund will provide insufficient protection. The extraction would be approximately 150 metres from property and there would be a risk of subsidence. Risk to private water supply due to pumping water. Damage to property from vibration. There would be environmental impacts including on water voles and otter habitat. Clarification is needed on the infill materials and processes for monitoring and enforcement.
29. *Officer response – The environmental screening bund is no longer proposed due to the requirement not to store soils in the floodplain. However, the Environmental Health Officer has confirmed that the workings would not have an unacceptable impact even without it. It is not considered likely that the workings would impact private water supplies as the properties on Oday Hill are higher than the workings and it is likely that there is no hydraulic connection. However, the applicant has stated that should the working adversely affect a well that is the only means of domestic water, the company will pay to have the property connected to the public water main. The applicant has advised that the properties are not at risk of subsidence because they are built on clay which does not have hydraulic continuity with the gravels in the floodplain. Therefore, dewatering the gravels would have no impact on the moisture content of clay. Conditions can be used to limit output, which would limit vehicle movements and also for signage instructing drivers of the speed limit. The Ecologist Planner has no objections in relation to this application and replacement habitat would be provided through the restoration. The infill materials would be inert but*

*the detail would be regulated by the Environment Agency through the permit for waste disposal.*

30. Letter 3 (Tenant at Willowdene) Phase 1 would be visible and is less than 100 metres from property boundary. The watercourse on the boundary is habitat for wildlife. Phase 1 would impact on use of garden and would lead to a loss of privacy and noise and dust nuisance. It might also prevent apple trees in garden from fruiting. The issues raised by others regarding restoration and aftercare have not been properly addressed. There is insufficient information about management of infrastructure. Road has potholes and lorries will make it worse. Development would lead to the industrialisation of the flood plain and deter people from enjoying the countryside for leisure in this area.
  
31. *Officer response – These issues are addressed above. The Environmental Health Officer has no concerns in relation to noise or dust and the Ecologist Planner is satisfied with the replacement habitat provided through the restoration. The workings would be temporary and the long term management of the restored site for nature conservation has the potential to increase the attractiveness of the area.*
  
32. Letter Four (Resident of Oday Hill) – Object. The access road is not an adopted highway and is in a poor state of repair. Junction of Oday Hill and Abingdon Road is dangerous. There are water voles in the ditches and rumours about otters. There are a number of wild birds including kingfishers, deer and badgers. Concerned about the effects on the water table and the long term effects in the floodplain. The water logging of this area is due to gravel extraction in the area. Concerned that the impact on the water table, ensuing land movement and possible pollution from HGVs could cause harm to his land and property.
  
33. *Officer Response – Transport Development Control have no objections to the proposed use of the access road and conditions could be used to ensure that it is maintained in a good state of repair. The potential impacts on the water table and flood plain have been assessed.*

### **Consultations**

A consultation period was held in October 2005. Further consultation was held starting in March 2013, November 2013 and in February 2015, during the following dates:

21/03/13 - 11/04/13

28/11/13 - 19/12/13

16/02/15 - 09/03/15

34. Vale of White Horse District Council - Planning  
2005 - Raise no objections to the proposal, provided the MOD raise no objection.

35. Vale of White Horse District Council – Environmental Health  
November 2013 – No objections on noise or dust grounds.  
March 2013 – No objections on noise or dust grounds.  
2005 - No objections
36. Drayton Parish Council  
2005- Proposals seem sound and area has long been designated for sand and gravel extraction. Concern over noise levels and hope vehicle movements are kept to a minimum on Oday Hill.
37. Sutton Courtenay Parish Council –  
December 2013 – Supports previous request to restore the land to agriculture. An effective conduit for water should be constructed to drain the land to the River Thames. Objects to any proposal for restoration to wetland.
- March 2013 – No objection. Would like to ensure that the land is returned to agricultural use.
- 2005- Proposal consistent with current practice and vehicle movements unlikely to increase. Helpful if reference made in any planning permission that surface must be maintained at least to current standards and to standards suitable for cycling. Plant and vehicle drivers should be warned of public access along lane which serves as part of National Cycle network.
38. Environment Agency  
November 2014 – Withdraw previous objection. The revised FRA is acceptable. Conditions should be attached to any permission granted to ensure that the approved FRA is complied with and that a surface water drainage scheme is submitted and complied with. There should also be conditions for restoration details, a method statement for the construction of shallow recharge trenches and a dewatering scheme.
- December 2013 – Object. The submitted FRA does not meet the requirements of the NPPF technical guidance. It does not demonstrate that soil bunds or pumping of surface water will not increase flood risk. Does not demonstrate that surface water run-off will not be increased. An improved FRA is required.
- May 2013 – Object. The FRA submitted does not comply with the requirements.
- 2005- Holding objection;  
Impact on adjacent landfill: Restoration of gravel pits to lakes may impact on stability and permeability of liner of adjacent landfill. If dewatering is to occur some leachate may become mobile, an assessment will be required.
- Recommended that restoration material be tipped on banks and visually inspected for unsuitable material. Random chemical testing should be undertaken to ensure material not contaminated with heavy metals, oils or hydrocarbons.



The site is located in Flood Zone 3 but the application is not accompanied by a FRA as required by PPG25.

Dewatering may lower groundwater levels locally and derogate domestic groundwater sources. Applicant should conduct survey of all surface water features, wells and boreholes within 500metres of perimeter of proposed excavation to identify those which may be affected. Depending on outcome may be necessary to introduce mitigation measures to protect surface water features during.

39. National Grid - 2005 - No objection

40. CPRE – March 2015 – No objection in principle. The conditions suggested by bodies concerned with ecology, flood management and the environment should be fully incorporated into any consent.

December 2013 – No objection in principle. However, note that significant ecological and hydrological objections have not been satisfactorily addressed. Cannot support the application until the relevant organisations confirm that there concerns have been met.

41. Natural England

November 2014 – Regarding soils and agriculture the application is now considered low risk and therefore no detailed comments are provided. However, general guidance found in Defra's Construction Code of Practice for the Sustainable Use of Soils on Construction Sites should be followed. It should be ensured that the soil stripped for Phase A is used sustainably on the site and not sold off for use elsewhere. It is not entirely clear what afteruse is proposed. If it is to nature conservation more detail is needed on biodiversity enhancements. If restoration is to agriculture then a number of conditions related to soil handling, replacement and aftercare will need to be applied. The application has not been assessed for protected species but standing advice is available.

December 2013 – Previous comments on soils and agriculture have not been addressed in any detail. Therefore, the comments from April still stand and further information must be provided on this. If the site is to be restored to nature conservation, a 20 year aftercare management plan should be provided. The previous objection related to Great Crested Newts can now be withdrawn. It is understood that the OCC Ecologist Planner remains concerned about other species.

April 2013 – Objection. The survey report provided with the application indicates that Great Crested Newts are using features that are to be affected by the proposed development. The information supplied is insufficient for Natural England to provide advice on the likely impact on the species. Further survey work should be carried out when the site is not flooded.

Soil is a finite resource and it is important that it is protected and used sustainably. Further information is required regarding the likely damage to soils

and any impact on best and most versatile agricultural land. A soil survey is required.

Concerned about the level of detail provided regarding restoration. Would support the suggestion of restoration to wet marshy habitat. Restoration should include the provision of habitat suitable for water voles.

#### 42. BBOWT

November 2014 – Ecology report still not adequate. It is critical that the site is restored to nature conservation due to the importance of the site for bird populations and priority habitats. Off-site compensatory habitat for birds should also be secured. More specific details of restoration and long term management are required along with details of priority habitats to be recreated and the inclusion of ponds and scrapes in the restoration plan. It is not clear why the hydrology of the site has changed but there should be monitoring during and after restoration and a method of remedy to rectify any changes in hydrology that would impact on the proposed restoration.

April 2013 – Object. The timing of the Phase 1 Ecological survey means that many flora species may have been missed. TVERC data was not included in the Phase 2 surveys. Further Great Crested Newt surveys are required as the area was in flood, further water vole and grass snake surveys are also required. The restoration proposals are unclear as parts of the submission refer to an agricultural restoration and others to a wet and marshy habitat.

#### 43. Biodiversity Officer

April 2015 – No objections, subject to conditions and the securing of a 20-year long-term management period for nature conservation (in addition to the 5-year aftercare period). Conditions should include ecological mitigation, Updated Surveys for badgers and protected species, Ecological Management Plan, detailed restoration plan, reptile translocation strategy, phasing of works, buffer zones, retention & protection of existing vegetation, a tree protection scheme, ramping of excavations and 5 year aftercare for nature conservation. Informatives should also be added for protected species, breeding birds and badgers.

November 2014 – The site contains areas of UK Priority Habitats and is of considerable importance for breeding and overwintering birds. For example there is an exceptional population of breeding Linnet. The site could potentially exceed the threshold for designation as a Local Wildlife Site. There would be a net loss of biodiversity value of the site during extraction. The proposed restoration carries a risk that habitat creation would not replicate the current biodiversity value. Therefore, compensatory habitat should also be provided to avoid a net loss. The restoration and management plan needs to be more specific. There is reference to the use of fertiliser, this would not be appropriate for a nature conservation restoration. There appears to be some inconsistencies in the documents. The aim of the restoration should be to replicate the variety of priority habitats, for example by providing pond

complexes. A 20 year long term management period is required in addition to the 5 year aftercare. Off-site compensation for birds is necessary.

The tall vegetation on site has now been cut and therefore the ecological assessments may no longer be accurate. However, the vegetation will grow back and the cutting may have enhanced the site for some species. Reptile translocation will be required. A buffer zone would be needed between hedges and ditches. The buffer zone distance needs to be confirmed. The site contains the Round Fruited Rush which is on the Oxfordshire Rare Plants Register. The applicant should provide details of how the site can be worked and restored whilst ensuring that this plant is retained on site and its habitat is enhanced.

December 2013 – Object. The application still does not contain sufficient ecological information. The site appears to be important for birds and surveys should be submitted. Water levels have changed on site since 2005 and an explanation for this should be provided.

April 2013 – Object. The application does not contain sufficient ecological information and contains inconsistent information. Further surveys are needed for species and habitats, including breeding and overwintering birds, Great Crested Newts, water voles and invertebrates. TVERC data should be used. More clarity is required about the restoration proposals.

#### 44. Sustrans

November 2013 - We are concerned about the proposed use of Peep-o-Day Lane as an access route for the gravel extraction. Peep-o-Day Lane is a public bridleway and part of the Hanson Way cycle route. It is used by pedestrians, cyclists and equestrians. In view of these vulnerable users, it is not a suitable route to access the proposed gravel workings.

March 2013 – comments as per November 2013.

#### 45. Defence Estates/ Defence Infrastructure Organisation -

March 2015 – No safeguarding objections.

November 2013 – No safeguarding objections.

April 2013 - No objection. Previously had concerns when a previous version of this application had a restoration scheme featuring three large areas of open water. The scheme has since been changed to predominantly dry land restoration designed to reduce habitat opportunities for large and flocking birds.

#### 46. Archaeology

May 2013 - No objection. The application area was subject to a field evaluation in 2000 the applicant was advised that there were no significant archaeological constraints. However, requirements for level of sample have changed since that time. Recommend that should permission be granted the applicant should be responsible for ensuring the implementation of an archaeological monitoring and recording action (watching brief) to be maintained during the period of extraction. This should be secured by condition.

47. Lead Local Flood Authority – April 2015 – No objection to the change of restoration provided that there is no additional run off from the site to the adjoining lands.

48. Rights of Way Officer

2005 - Proposal relates to site that has been operating for some time and so do not foresee any problems with public rights of way. Operations should continue to give priority to members of the public exercising rights of access and pay due care to public safety at all times.

49. Transport Development Control

April 2015 –The comments made in April 2013 are still relevant. It is important that the road is kept in a good state of repair as it is also used by pedestrians and cyclists. Loose material should not be dragged out onto the public highway. Hours of HGV movements should be restricted and there should be a movement cap. There is the potential for damage of the public highway surface from turning vehicles. Therefore, there should be a condition for a condition survey regularly during the life of the scheme.

January 2014 – No further comments. Reiterate those from April 2013.

April 2013 - No objection. However, local residents have raised concerns about the presence of large vehicles in the road and the condition on the highway. Therefore conditions should be attached to any permission granted requiring the maintenance of the road and access, no deposit of mud and dust on the road and no materials or plant to be deposited on or adjacent to the road.

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

#### **Relevant planning documents and legislation (see Policy Annex to the committee papers)**

50. Planning applications should be decided in accordance with the Development Plan unless material considerations indicate otherwise.
51. The relevant development plan documents are:
  - The Vale of White Horse Local Plan (VLP)
  - The Oxfordshire Minerals and Waste Local Plan (OMWLP)1996
52. The Draft Oxfordshire Minerals and Waste Local Plan Core Strategy (OMWCS) was subject to consultation in February/March 2014. This document is now at a more advanced stage of preparation and further weight can now be given to the policies it contains. At the meeting of the full County Council on 24<sup>th</sup> March 2015, the OMWCS was approved for publication and submission to the Secretary of State for independent examination following

consideration of any representations received. It is therefore appropriate to consider draft policies which are relevant to this development.

53. The Vale of White Horse District Council is in the process of preparing a new Local Plan (VLP 2031). A draft Local Plan Part One 2031 was published in November 2014 and submitted to the Secretary of State for examination in March 2015. Limited weight should therefore be given to its draft policies.
54. The Government's National Planning Policy Framework (NPPF) and the National Policy for Waste (NPPW) are material considerations in taking planning decisions. The national Planning Practice Guidance (NPPG) is also relevant.

### **Relevant Policies**

55. The relevant development plan policies are:

#### Vale of White Horse Local Plan 2011

- DC5 –access and highways
- DC9 – amenity and environment
- NE1 – sites of nature conservation importance
- NE5 -protected species
- TR5 – footpaths and cycle paths

#### Oxfordshire Minerals and Waste Plan 1996

- SD1 - sand and gravel landbank
- PE3 – buffer zones around mineral workings
- PE4 – groundwater
- PE7 – flooding
- PE8 – archaeological assessment
- PE9 – recording of archaeological remains
- PE13 – restoration of minerals sites
- PE14 – sites of nature conservation importance
- PE18 – code of practice
- PB1 – processing plants
- PB2 – removal of processing plants
- SW1- release of land in Sutton Wick for sand and gravel extraction
- SW2 – access to Sutton Wick area
- SW3 – Stonehill Lane
- SW4 – rate of production in Sutton Wick area
- SW5 – afteruses in the Sutton Wick area

56. The relevant emerging policies are:

#### Emerging Oxfordshire Minerals and Waste Core Strategy

- M2 – provision for working aggregate minerals
- M3 – location for working aggregate minerals
- M4 – sites for working of aggregate minerals

- M5 –working of aggregate minerals
- M10 – restoration of mineral workings
- W6 – inert waste infill at quarries
- C3 - flooding
- C4 – water
- C5 – environmental and amenity protection
- C7 – biodiversity and geodiversity
- C9 – archaeology
- C10 – transport
- C11 – rights of way

#### Emerging Vale of White Horse Local Plan 2031

- Core Policy 42 – Flood Risk
- Core Policy 46 - Biodiversity

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

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

57. There are a number of key planning issues in determining an application for extraction of a new area of sand and gravel. They include minerals policy, flood risk, traffic and access, impact on amenity, biodiversity, restoration proposals, archaeology and ecology. The proposal to infill with inert waste must also be assessed against relevant policy.

#### **Minerals Policy**

58. OMWLP policy SW1 identifies an area at Sutton Wick that will be released for sharp sand and gravel extraction in accordance with the other policies in the plan. The Camas Land is part of this area.
59. The site is not identified in the emerging OMWCS (policies M3, M4 & M5), as it does not allocate specific sites for future development. A separate site identification document will be produced after the OMWCS has been adopted. OMWLP policy SW1 is saved and will remain relevant until the new site allocations document is adopted.
60. It is government policy, as set out in the NPPF, that Minerals Planning Authorities should maintain a landbank of sand and gravel of at least seven years and this is reflected in policies SD1 of the OMWLP and M2 of the OMWCS. Following the methodology for calculating the landbank set out in NPPG paragraph 083 the current landbank for sharp sand and gravel is approximately eight years. However, it should be noted that there is a resolution to grant planning permission for a large extension to Gill Mill quarry in West Oxfordshire, subject to the completion of a legal agreement. When this permission is issued the landbank will be approximately 13 years.
61. Therefore, at present the sharp sand and gravel landbank in Oxfordshire is over the seven year minimum. However, seven years is a minimum

requirement and not a maximum. NPPF paragraph 145 states that Minerals Planning Authorities should plan for a steady and adequate supply of minerals by making provision for the maintenance of landbanks of at least seven years. There is no policy support for restricting permissions simply because the minimum requirement is currently met. The strength of the need for the mineral only becomes a significant consideration when the development would cause harm which must be weighed against the need for the development.

62. It should also be noted that at present nearly 30% of the total permitted reserves are at Gill Mill quarry and this will increase to over 50% when the extension permission is issued. The expected average working rate of Gill Mill will limit the rate at which reserves are released to the market and it is expected that working will continue there until around 2036.
63. The NPPF states that great weight should be given to the benefits of mineral extraction, including to the economy (para 144). Minerals policy contained in the NPPF also supports mineral extraction from appropriate locations and OMWLP policy SW1 lends support for extraction in this specific location. However, need and the potential economic benefits of permitting this application must be balanced against the impacts of the development in this location, as considered in this report.

### **Flood Risk**

64. The NPPF paragraph 100 states that development should be directed away from areas of highest flood risk, but where development is necessary it should be safe without increasing flood risk elsewhere. It sets out that the Sequential Test should be used to ensure that development is not permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower probability of flooding. Paragraph 103 states that development should only be considered in areas of flood risk where a site specific FRA shows that the development will be safe and where possible reduce flood risk overall.
65. The NPPG (paragraph 066) states that sand and gravel development is development compatible with the functional floodplain as it is classed as 'water compatible' and that all development in flood zones 2, 3a and 3b should be accompanied by a FRA. Table 3 in NPPG paragraph 067 confirms that 'water compatible' development is appropriate in any flood zone, subject to the application of the Sequential Test. It states that water compatible development in Flood Zone 3 should be designed to remain safe, result in no net loss of floodplain storage and not impeded water flows or increase flood risk elsewhere.
66. OMWLP policy PE7 states that mineral extraction or restoration by landfill should not impede flood flows, reduce the capacity of flood storage or adversely affect existing flood defence structures and that in the floodplain, proposals for mineral extraction and restoration should not result in the raising of existing ground levels.

67. OMWCS policy C3 states that where possible development should take place in areas which are not at risk of flooding. Development in an area of identified flood risk should only take place where alternative locations have been explored and discounted and where a FRA is able to demonstrate that the risk of flooding is not increased.
68. Emerging VLP2031 Core Policy 42 on flooding states that development should be directed towards areas with lowest probability of flooding and the suitability of development within areas of flood risk will be assessed using the sequential test.
69. A site specific FRA was submitted with the application which identifies mitigation measures to reduce the risk of flooding. It concludes that there would be no significant adverse impact on fluvial flood risk on or off site. Additionally, the quarry has the potential to act as flood storage reducing flood risk to the surrounding area. Conditions could be used on any permission granted to ensure that the development is carried out in accordance with the mitigation measures and FRA.
70. The Environment Agency is the statutory consultee with regard to fluvial flood risk. They have considered the FRA and confirmed that they do not have any objection to the application and that they consider it meets the requirements of the NPPF, subject to the implementation of the measures detailed in the FRA.
71. The extraction of sand and gravel from the application area is considered to be in accordance with flood risk policy contained in the NPPF. Although this site is in an area identified as being at risk of flooding, the detailed FRA work concludes that the working proposals would not increase flood risk, subject to mitigation measures to be secured by condition. The Environment Agency response confirms this. A sequential test has been undertaken by the applicant and confirms that there is no alternative available site within an area of lesser flood risk. Therefore, the proposals are in accordance with OMWLP policy PE7, OMWCS policy C3 and VLP2031 Core Policy 42.

### **Inert Waste Infilling**

72. OMWCS policy W6 states that priority will be given to the use of inert waste which cannot be recycled in the restoration of unrestored quarries where such material is required to provide a satisfactory restoration for an appropriate afteruse. The use of inert waste is required in this case to ensure that the quarry is not left as open water, which would cause a bird strike risk. Therefore, the proposal to use inert waste in quarry restoration at this location is supported by OMWCS policy W6.
73. The development includes some infilling with inert waste within flood zone 3b to restore the workings. Policies PE4 of the OMWLP and C4 of the OMWCS



taken together seek to protect adverse impacts on the quantity, quality flows or levels of groundwater.

74. The NPPG states that 'more vulnerable' development should not be permitted in flood zone 3b. It does not allow for the application of the Exception Test in flood zone 3b. The proposed backfill of the quarry with inert waste could be regarded as a separate landfill development. If so, it would be contrary to the guidance contained in the NPPG as landfill is classified as 'more vulnerable' development. However, in this case it is considered that the backfill is part of the 'water compatible' sand and gravel operation and part of the necessary restoration, as restoration to open water was unacceptable to the MOD.
75. The NPPF (paragraph 143) requires policies to ensure land worked for minerals to be reclaimed and restored at the earliest opportunity and that the long term potential of best and most versatile agricultural land is safeguarded. In this case backfilling with inert waste is necessary to achieve the proposed restoration. Without the backfill operation the high quality restoration scheme which has been required by biodiversity consultees, would not be possible. Without inert fill it is likely that the restoration would need to include areas of open water, which is not likely to be acceptable to the MOD given the proximity of the site to Dalton Barracks and concerns about potential increase in birdstrike risk.
76. Any potential conflict with the NPPF paragraphs on filling in flood zone 3b must be weighed against other NPPF paragraphs supporting the proposal for backfill as a necessary part of the restoration to an afteruse that improves biodiversity and does not create an unacceptable bird strike risk. There is strong policy support for the appropriate restoration of mineral workings. In addition the FRA works have shown that there would be no demonstrable harm in this regard. The necessary restoration of sand and gravel workings must be considered to be an integral part of the workings themselves and therefore fall under the 'water compatible' classification. Therefore, it is considered that the proposals for inert waste infill in parts of the site are in accordance with flood risk policies.

### **Traffic and Access**

77. OMWCS policy C10 requires that development has a convenient access and maintains the safety of road users, the efficiency of the road network and amenity. The OMWLP contains a number of policies specific to Sutton Wick to ensure that sand and gravel working is carried out appropriately. SW2 states that access will not be permitted south to Abingdon via Peep O Day Lane or onto the B4016 between Drayton and Sutton Courtenay. Policy SW3 states that access will be via Stonehill Lane and particular attention will be paid to other users of the lane. This application proposes access via Stonehill Lane onto the B4017 north of Drayton. There is no longer any alternative vehicular route to the site but the continued use of the Stonehill Lane route can be secured by planning condition as the route to the public highway is in the application area.

78. OMWLP policy SW4 states that permissions in this area should seek to limit the rate of production from the area due to the access difficulties. Concerns have also been raised by residents about the impacts of HGV movements on Stonehill Lane. Therefore, should permission be granted it is recommended that a condition is added to limit annual production to an appropriate maximum. This would also mitigate the impacts of HGV movements on other users of Stonehill Lane, in accordance with OMWLP SW3.
79. VLP policy DC5 states that developments will only be permitted provided that safe and convenient access is provided between the site and the highway network and the scheme is designed to minimise the impact of vehicles and give priority to the needs of pedestrians and cyclists.
80. VLP policy TR5 states that planning permission will not be given for any development which inhibits the use of any part of the existing footway or cycleway network.
81. Some concern about the use of Stonehill Lane by HGVs exporting minerals and importing waste has been expressed by consultees and representees, especially as it is used as an access to residential properties and the Peep O Day Lane part of the access road is also a Sustrans route. Past permissions for sand and gravel extraction in the area included a planning condition requiring that the access to the B4017 must be maintained in a good state of repair. Such a condition could be attached again to any new permission granted. The developer would therefore be responsible for ensuring that use by HGVs does not cause potholes which would make the road unsafe for other drivers or cyclists. A condition can also be used for a speed limit for HGVs and signage to inform drivers of this. Conditions could be imposed to require details of signage to warn users of the right of way of quarry traffic and vice versa.
82. There has been no objection to this application from the Transport Development Control Team and they have also requested conditions to ensure that no mud, debris, materials or plant is deposited or stored on the road. The use of the proposed access route is supported by OMWLP policy SW3. Therefore, subject to conditions, the development complies with VLP policies DC5 and TR5.

### **Rights of Way**

83. OMWLP policy PE11 states that the rights of way network should be maintained and individual rights of way maintained in situ. OMWCS policy C11 states that the integrity of the rights of way network shall be maintained and if possible retained in situ in a safe and usable condition.
84. The access route to the public highway is a bridleway, however there has been no objections from the rights of way team to the use of this route by quarry traffic. As set out above conditions could be used to mitigate the impact of the use of this route on other users including pedestrians, horseriders and

cyclists. Therefore, the affected public right of way would remain safe and usable in accordance with OMWLP policy PE11 and OMWCS policy C11.

### **Amenity**

85. Planning policy requires that proposals for minerals development should not have unacceptable adverse impacts on residential amenity and other sensitive receptors. OMWLP policy PE18 states that in determining applications the County Council will have regard to the appropriate provisions in the Code of Practice. This sets out details of measures to protect amenity to dwellings and other noise sensitive buildings and uses, including buffer zones, landscaping, standard hours, noise, dust and odour. Policies C5 of the OMWCS and DC9 of the VLP make similar provision. OMWLP policy PE3 requires appropriate buffer zones around mineral workings. The proposed operations plan shows a 100 metre stand off from the closest residential property. This is in line with OMWLP paragraph 4.8 that states that the established standard between mineral workings and an individual dwelling or group of dwellings is 100 metres.
86. The NPPF states that unavoidable noise and dust from mineral workings must be controlled, mitigated or removed at source (para 144).
87. This area of the Sutton Wick complex has already been affected by the mineral and landfill operations and this proposal would bring mineral working closer to the properties on Oday Hill. There has been no objection from the Environmental Health Officer. Although the application originally proposed bunds around the working area, these are no longer proposed due to flood risk. The applicant has provided updated noise assessment figures to demonstrate that noise should still be within acceptable criteria at nearby properties without those bunds. Conditions can be used to impose noise limits and require a programme of monitoring to ensure that they are not exceeded.
88. Dust from sand and gravel working also has the potential to cause a nuisance. Therefore, it is recommended that a condition be added to any permission granted requiring the submission, approval and implementation of a detailed dust monitoring and mitigation plan.
89. OMWLP policy PB1 requires that processing plants and other necessary buildings are sited, designed and landscaped in such a way to minimise environmental disturbance. In this case the plant site is covered by a separate consent, which does contain conditions to ensure that disturbance from the plant site is minimised. The existing consent has expired, however an application to extend the life of the plant site has been submitted and will be determined pending the outcome of this application. A condition could be placed on any permission granted for extraction to ensure that development does not commence unless permission has first been granted at the plant site.
90. The site lies in the flood plain and surrounding properties are higher. Therefore, it is not possible to completely screen the development from the

surrounding landscape. However, the development is temporary and the landscape in this area does not have any special designations. The site has been identified in the OMWLP for sand and gravel extraction. Therefore, the visual impact is not considered to be unacceptable.

91. Concern has been expressed about the potential for vibration to affect nearby properties. The applicant has confirmed that the properties lie on clay rather than sand and gravel (otherwise they would flood) and there is no connectivity between the clay and dewatered gravels so properties would not be at risk of subsidence. Vibration from HGVs is not likely to cause a problem as speeds would be low and there has not been a problem in the past when HGV usage of the route was higher.
92. Concerns have been raised about the potential impact on water supplies. It is considered unlikely that there is a hydraulic connection between domestic wells and the workings, as the properties are at a higher level. However, the applicant has indicated that they would be prepared to pay to have properties connected to mains water should the workings adversely affect any well which is the only means of domestic water to a property. This requirement would need to be included in any Section 106 legal agreement for this application.

### **Biodiversity**

93. OMWLP policy PE14 states that sites of nature conservation importance should not be damaged. Proposals which would affect a nature conservation interest will be assessed by taking into account the importance of the affected interest, the degree and permanence of the projected damage; and the extent to which replacement habitat can be expected to preserve the interest in the long term.
94. OMWCS policy C7 states that minerals and waste development should conserve and where possible enhance biodiversity. Development shall avoid harm to protected, priority or notable species and habitats.
95. The NPPF para 118 states that in determining planning applications, biodiversity should be conserved and enhanced. Planning permission should be refused if significant harm would result from a development and it cannot be avoided, mitigated or compensated for.
96. VLP2031 Core Policy 46 states that opportunities for biodiversity gain will be sought and a net loss of biodiversity will be avoided. If significant harm to undesignated sites cannot be avoided it will be expected that mitigation will be provided to avoid a net loss in biodiversity
97. VLP policy NE1 states that developments likely to affect a known or potential site of nature conservation value will not be permitted unless they are accompanied by an ecological appraisal. VLP policy NE5 states that development likely to have an adverse effect on a specially protected species

will not be permitted unless the adverse effects can be prevented or acceptably minimised or adequate alternative habitats can be provided.

98. The application site has developed a considerable biodiversity interest since the application was first submitted, including areas of UK Priority Habitats. It has no designations for biodiversity importance, although the Ecologist Planner considers that it could exceed the requirements for designation as a Local Wildlife Site if it were assessed. It is of importance for breeding and overwintering birds.
99. The application now includes a restoration plan designed to replicate the variety of UK Priority Habitats currently on the site. The applicant has stated that they would be willing to enter into an agreement for 20 years long term management of the site, following the 5 years of statutory aftercare. There would be a monitoring period for the 5 years aftercare and the following 5 years to ensure that the restoration becomes properly established. The Ecologist Planner has no objection to the application on the basis that subject to the successful implementation of that restoration plan through the use of conditions, aftercare and long term management, there should be no net loss in biodiversity at the site in the long term.
100. Therefore, subject to the implementation of the proposed restoration plan and long term management, the development would not result in a significant harm to biodiversity. The site would be worked in phases and restoration would take place in a progressive manner so at any one time some parts of the site would be available for wildlife habitat. The end restoration would provide a variety of habitats to replicate what would be lost and the 20 years long term management would ensure that these could develop whereas the site has no protection at present. Therefore, subject to conditions and a section 106 legal agreement to secure long term management, the proposals are considered acceptable in terms of impact on biodiversity, in accordance with OMWLP policy PE14, OMWCS policy C7, NPPF paragraph 18. VLP2031 policy 46 and VLP policy NE1.

#### **Restoration and afteruse**

101. OMWLP policy PE11 and OMWCS policy M10, require that applications for minerals and waste development are accompanied by satisfactory proposals for the eventual restoration of the site.
102. OMWLP policy SW5 identifies the appropriate restoration and afteruse for areas identified for working at Sutton Wick. It states that permission would not normally be granted until these afteruses and means of funding them have been secured. This policy requires that the Camas Land be restored to woodland and agriculture with the retention of the agricultural reservoir. The requirements of the Ministry of Defence (MOD) have influenced the appropriate afteruse in this area as concerns over birdstrike render restoration to open water problematic.

103. The agricultural reservoir would be recreated with a softer outline than the existing, rectangular reservoir but the relatively steep banks would be reinstated to deter geese. Planting would be carried out around the reservoir in the form of small blocks of shrub woodland (70% shrubs, 30% trees).
104. The original proposed restoration scheme showed the Camas Land reclaimed to existing levels and returned to pasture or agriculture. The amended scheme shows a restoration to nature conservation. Although there has been a change to the restoration and it is no longer woodland and agriculture as set out in OMWLP policy SW5, it is not proposed to restore the site to open water and there has been no objection to the revised restoration from the MOD. As long as the proposed restoration is acceptable than the fact that it is not in complete accordance with the afteruses set out in SW5 is not considered to make the proposed afteruse unacceptable, especially given that policy is now some years old.
105. As set out above, the proposed restoration scheme is considered to be acceptable in terms of biodiversity.
106. OMWLP policy SW5 also refers to the means of funding afteruses needing to be secured. OMWCS paragraph 4.74 states that to successfully establish an afteruse on minerals sites longer term management may be secured through legal agreement as many habitats and species require a period longer than 5 years to become successfully established. It goes on to state that in Oxfordshire the standard long-term management period is 20 years, in addition to the 5 years of statutory aftercare. The applicant has confirmed that they would be willing to enter into such an agreement for the funding and implementation of long term management at this site and therefore it is recommended that any permission is granted subject to such an agreement.
107. OMWLP policy PB2 requires that processing plants are removed within 24 months of the completion of extraction. In this case the plant site is covered by a separate consent, which does contain conditions to ensure its removal and restoration once it is no longer required for mineral worked from the Sutton Wick complex. The processing plant consent is in the process of being renewed and any new permission would also include conditions for its removal following its use for material extraction from Camas Land.
108. The site lies in the Drayton Parish Council area, but Sutton Courtenay Parish Council area lies immediately to the south of the application site. Sutton Courtenay Parish Council has requested that the land should be restored to agricultural use and object to any restoration to wetland. The proposal is now to restore the site to a damp grassland habitat similar to the current situation that would be managed for nature conservation. This original restoration proposal to agriculture was amended to avoid objections from nature conservation consultees. Whilst Sutton Courtenay Parish Council's views have been taken into account, it is considered that a nature led restoration is appropriate for this site given the biodiversity value that has developed on the site and which would potentially be lost in an agricultural scheme. Inert waste

would be used to restore levels and prevent the creation of lakes, which would be unacceptable to the MOD.

### **Archaeology**

109. OMWLP policy PE8 normally requires an archaeological assessment to be completed prior to the determination of an application for mineral extraction. OMWLP PE9 states that there should be adequate provision for the excavation and recording of remains. Policy C9 of the OMWCS makes similar provision. The archaeology team have confirmed that the application was subject to an archaeological field evaluation in 2000 and no significant archaeological features were identified. Therefore, there is no archaeological objection to this permission be granted, subject to standard conditions for a watching brief. The development is therefore in accordance with OMWLP policies PE8 and PE9 and C9 of the OMWCS.

### **Conclusions**

110. The proposals comply with development plan, national and emerging plan policy in relation to minerals, flood risk, traffic and access, amenity, biodiversity, archaeology and ecology.

### **Recommendation**

**It is RECOMMENDED that:**

- (a) subject to the applicant first entering into a Section 106 legal agreement to cover the funding and implementation of a 20 year long term management plan for the restored site and the provision of a mains water supply should it be necessary to properties currently served by wells that Application DRA/3595/3-CM be approved subject to conditions to be determined by the Deputy Director for Environment & Economy (Strategy & Infrastructure Planning) but in accordance with those set out in Annex 1 to this report;**
- (b) the Deputy Director for Environment & Economy (Strategy & Infrastructure Planning) being authorised to refuse the application if the legal agreement referred to in (i) above is not completed within 13 weeks of the date of this meeting on the grounds that without long term management of the restored site the development would not comply with OMWLP policy PE13 and the guidance set out in paragraph 118 of the NPPF.**

BEV HINDLE  
DEPUTY DIRECTOR (STRATEGY AND INFRASTRUCTURE PLANNING)

**Annex 1 – Conditions**

1. Complete accordance with plans and particulars
2. Commencement within three years of permission
3. Archaeological watching brief
4. Production limit
5. Maintenance of access road
6. Route to highway
7. HGV speed limit on access road and related signage
8. Noise limits
9. Noise monitoring
10. No working within 100 metres of any property (noise)
11. Compliance with flood risk assessment and mitigation measures
12. Submission and implementation of a surface water drainage scheme
13. Details of dewatering to be submitted for approval
14. No mud, debris or storage of plant on access road to highway or on the highway
15. Submission of detailed dust monitoring and mitigation plan
16. Submission and implementation of a detailed restoration scheme
17. Submission and implementation of a working method statement for the construction of the shallow recharge trenches and the lining of the gravel faces
18. Ecological Mitigation
19. Approved Documents
20. Updated Badger Survey
21. Updated Protected Species Surveys (excluding badgers)
22. Ecological Management Plan
23. Detailed Restoration Plan (to accompany Ecological Management Plan)
24. Reptile Translocation Strategy
25. Phasing of Works
26. Buffer Zones
27. Retention & Protection of existing vegetation
28. Tree Protection Scheme
29. Ramping of excavations
30. 5 year aftercare for nature conservation
31. Scheme for location and operation of soil storage bunds
32. Permission not to be implemented until permission for plant site is in place.



## **Annex 2 – 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 and the habitat on and around the proposed development site indicate that a European Protected Species is likely to be present.

The application details the following mitigation measures for otters of a buffer zone along the watercourse.

This mitigation measure set out by the applicant's ecologist are considered to be convincing and in your officers opinion will secure "offence avoidance" measures.

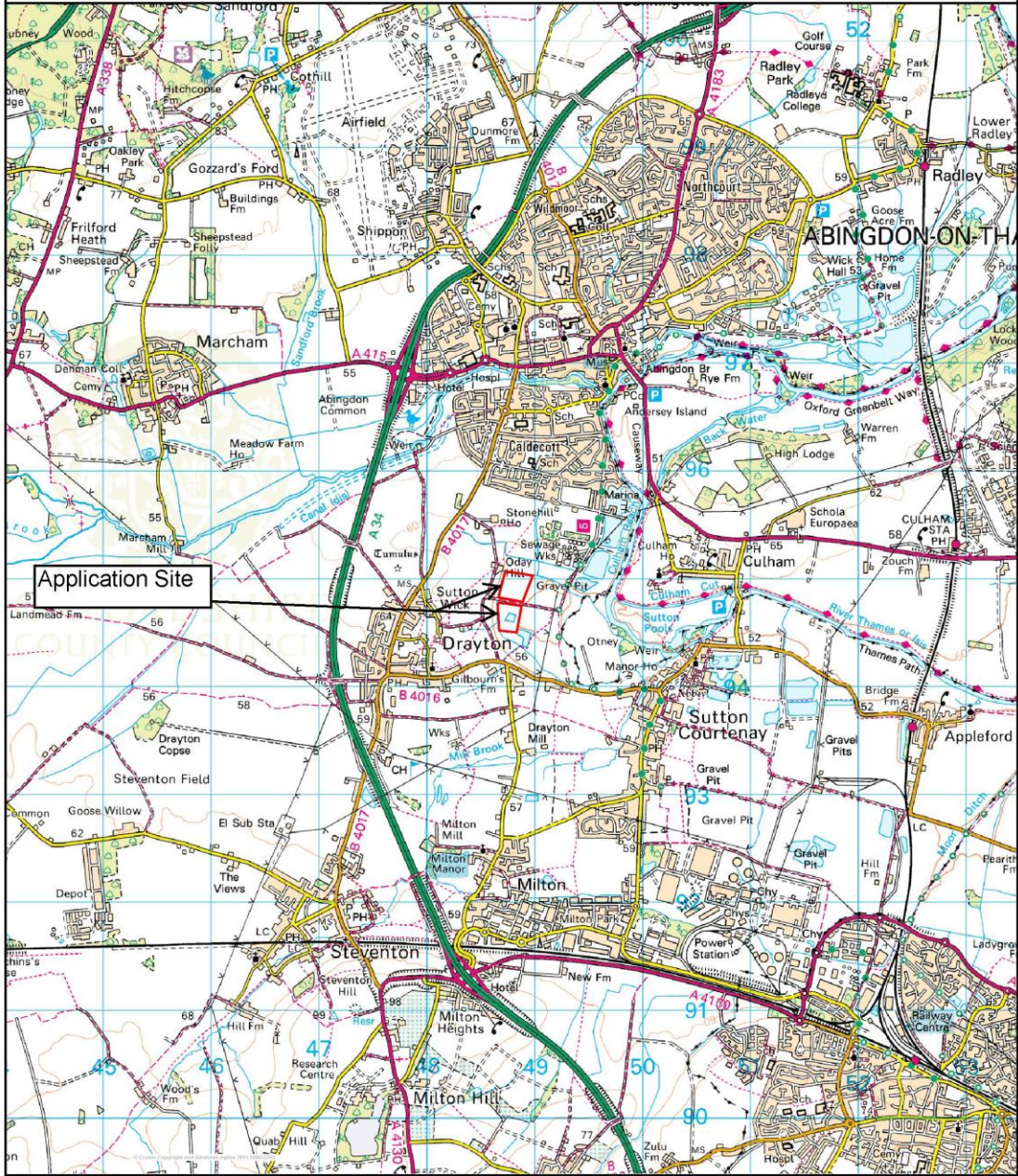
Your officers would therefore recommend a conditions to secure the implementation of the buffer zone as an offence avoidance measure, to ensure that no offence is committed.

## **Compliance with National Planning Policy Framework**

In accordance with paragraphs 186 and 187 of the NPPF Oxfordshire County Council take a positive and proactive approach to decision making focused on solutions and fostering the delivery of sustainable development. We work with applicants in a positive and proactive manner by;

- offering a pre-application advice service, and
  - updating applicants and agents of any issues that may arise in the processing of their application and where possible suggesting solutions.
- Issues which arose in the processing of the application included concerns about flood risk and impact on biodiversity and these were discussed with the applicant in a series of meetings and ultimately addressed through the provision of additional information.

# Sutton Wick - Location Plan



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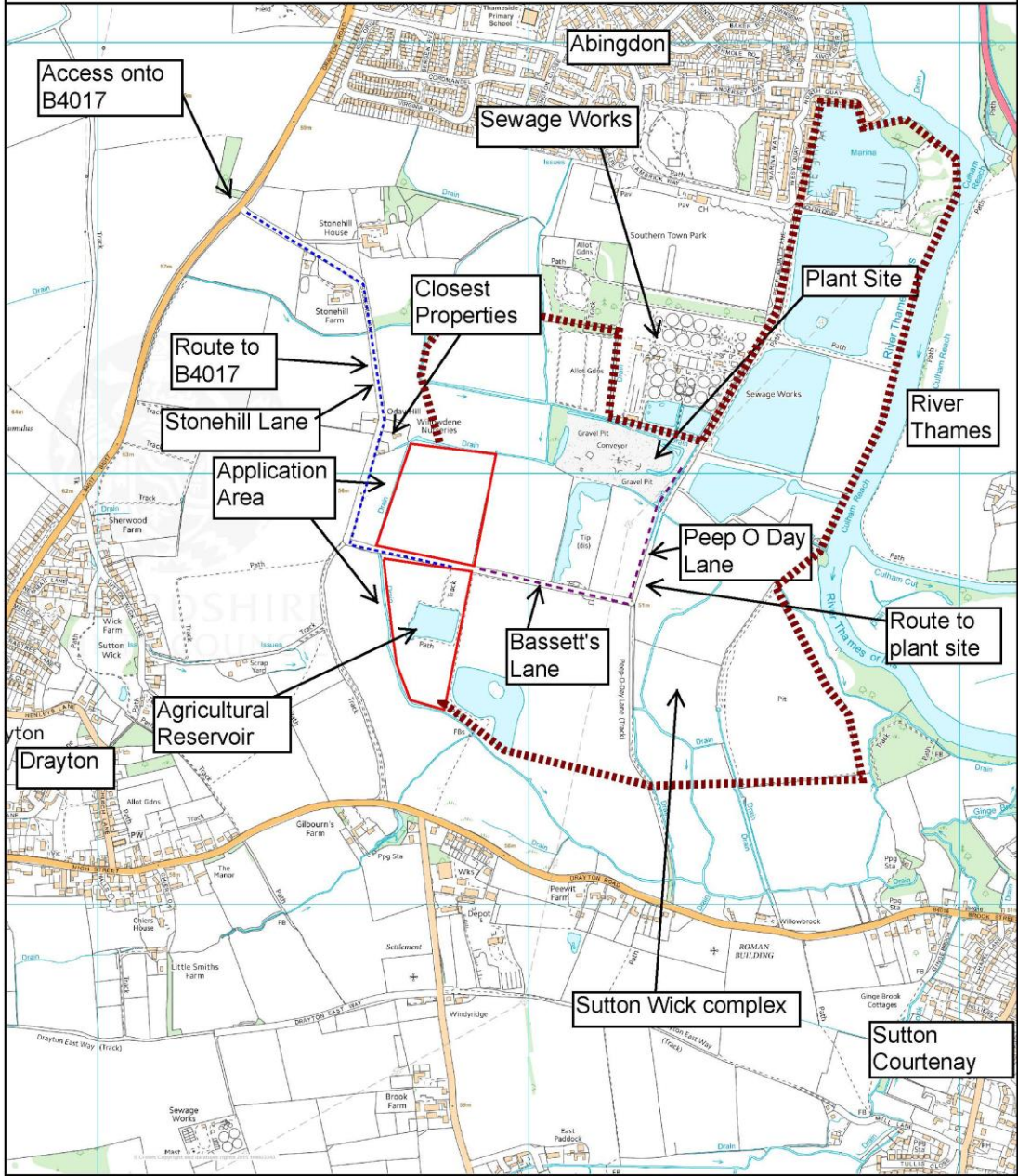
Scale 1/49446 Date 30/4/2015

Centre = 448793 E 194918 N



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# Sutton Wick - Site Plan



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Scale 1/12362 Date 30/4/2015

Centre = 448960 E 194733 N



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