

**For: PLANNING AND REGULATION COMMITTEE – 28 NOVEMBER 2016**

**By: ACTING DIRECTOR FOR ENVIRONMENT AND ECONOMY**

**Development Proposed:**

Section 73 application to continue the development of waste disposal and ancillary operations, extraction of clay and backfilling with controlled waste, without complying with conditions 1, 2, 4, 13, 14, 21, 22 and 24 of planning permission 09/1182/P/CM to allow for a revised working plan and restoration scheme.

**Division Affected:** Eynsham

**Contact Officer:** Mary Thompson / Gemma Crossley

**Location:** Dix Pit Quarry & Landfill Site, Linch Hill, Stanton Harcourt, Oxon, OX29 5BB

**Application No:** MW.0088/16      16/02554/CM

**Applicant:** FCC Environment (UK) Limited

**District Council Area:** West Oxfordshire

**Date Received:** 12 July 2016

**Consultation Period:** 21 July – 11 August 2016

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**Recommendation**

The report recommends that the application (MW.0088/16) be approved.

• **PART 1 – FACTS AND BACKGROUND**

**Location (see site plan Annex 1)**

1. The application site comprises the Dix Pit landfill complex, which lies 1.6 km (1 mile) south of the village of Stanton Harcourt in West Oxfordshire. It is sited circa 11 km (6.8 miles) west of Oxford City Centre.

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

2. Dix Pit is a former quarry and airfield which is now the location of a number of waste related operations, including the landfill site, a Household Waste Recycling Centre (HWRC) and Waste Transfer Station (WTS). There is also a mothballed concrete block works, an active concrete batching facility and industrial units within the landfill site boundary. The application boundary comprises the entire landfill site which covers approximately 54 hectares.
3. Dix Pit Local Wildlife Site is a lake and former gravel working which attracts a number of bird species. This lies to the west of the application area.
4. The Devil's Quoits Scheduled Ancient Monument (SAM) is located within the western part of the site, adjacent to the large lake. It comprises a circle of 36 standing stones within an enclosure. It originally dated from the late Neolithic period, with the stones themselves and the enclosing ditch and bank being reconstructed using archaeological evidence. It has not been subject to mineral working or waste disposal as it is protected by designation and a legal agreement.
5. The haul road running through Dix Pit provides two potential accesses to the road network, either from Blackditch, near the B4449 in Stanton Harcourt, or Cow Lane to the east. However, traffic associated with the landfill is only permitted to use the B4449 access.
6. The nearest residential properties are 2 Linch Hill Cottages, which lie immediately adjacent to the eastern site boundary. There is also a residential dwelling at Cutmill Farm which lies within the application site area in the south of the site on the western boundary. Although it lies within the application area this property is located some distance from the landfill areas which are the subject of this application. The edge of Stanton Harcourt village lies approximately 300 metres to the north of the application area.
7. Bridleway 362/12 crosses the haul road from the B4449, then skirts around the south western site boundary before following the access track to Cow Lane. Footpath 29 crosses the application site area in the south west before heading south west away from the site. Footpath 10 runs from the north point, around the eastern site boundary. The site contains a permissive footpath which

provides access to the Devil's Quoits and continues to the northern boundary of the site to connect with a definitive footpath 11. Further permissive footpaths are proposed as part of the restoration of the site to provide a route around the Devil's Quoits and also east-west across the site.

8. The site lies within the Lower Windrush Valley Project Area and the Lower Windrush Valley Conservation Target Area (CTA).

### **Background and History**

9. Permission was issued for sand and gravel extraction at Dix Pit in 1951 and extraction continued into the 1970s. The site has been an operational landfill site since the 1980s. The site is divided into 6 phases; the phases in the east and north of the site have already been restored to grassland.
10. A planning application was submitted in 1993 to ensure that the permission for landfilling continued to apply after a change in the law meant that local authorities could no longer operate landfill sites, as the previous consent could only be implemented by OCC. This also included an updated working and restoration scheme, the extraction and export of clay from the base of the void and some changes to which areas would be infilled. Permission was granted in 1998 (0293/93), which required the cessation of disposal by 31<sup>st</sup> December 2028.
11. In 2009 application 09/1182/P/CM (MW.0187/09) for the variation of condition 9 attached to permission 0293/93 was approved to continue the development with amendments to the conditions. This allowed working to take place on Good Fridays.
12. Permission 0293/93 included the Household Waste Recycling Centre (HWRC), which was then known as a Civic Amenity Facility (CAF) and was granted in 1998. In 2004 a separate permission was issued for the HWRC (04/1485/P/CM).
13. In January 2015 the site ceased to accept municipal, commercial or industrial waste. Waste soils continue to be imported and used for infill and restoration purposes.

### **Details of the Development**

14. The applicant has submitted a section 73 application to amend a number of conditions on the existing consent 09/1182/P/CM to change the way that the approved landfilling operation would take place.
15. The main purpose is to amend the restoration scheme. There is no change to the areas which have already been backfilled, however some areas which have not yet been filled (phase 6 and part of phase 4) are now proposed to be restored at a lower level for nature conservation use. FCC have offered to manage the area for nature conservation for 20 years following restoration. As a result of the proposed reduced importation and lower level of restoration,

landfilling could be completed within 5 years (by 2021), which is 7 years earlier than currently permitted. In phase 5 and the remainder of phase 4, non-hazardous and inert wastes would continue to be accepted to restore this part of the site to agriculture in accordance with the currently approved plans.

16. The applicant states that the currently permitted restoration plan cannot now be achieved within the permitted timeframes due to a reduction in waste arriving at the site since the diversion of municipal waste to the Energy from Waste Facility at Ardley in north Oxfordshire. Dix Pit landfill site ceased to accept 'black bag' municipal, commercial or industrial waste in January 2015.
17. There is no limit on annual tonnage or vehicle movements in the existing landfill planning consent. However, the length of the permission was based on an input rate of 100,000 cubic metres per year. The applicant states that 420,000 cubic metres of waste will be needed to complete the restoration to the proposed new levels. Therefore, the current/past rate of infilling would not need to increase in order for the landfill to be completed within 5 years instead of 12.
18. HGVs are currently required to access the site from Blackditch, rather than from the alternative access onto Cow Lane, and this is not proposed to change. The existing Routing Agreement dated 20 October 1998 requires that any heavy commercial vehicle associated with the development shall only use approved routes, which includes the B4449, B4044, A420, A40 and A34. It also permits the use of the then proposed Sutton bypass. There is no current restriction on traffic using the B4449 through Sutton village.
19. The proposed changes to the restoration scheme would require changes to conditions 1, 2, 3, 4, 7, 10, 13, 14, 21, 22 and 24 (see Annex 2 for further detail). Some of these changes are proposed simply to omit reference to the HWRC / CAF, which is now permitted under a separate planning consent.
20. The revised restoration plan also includes changes to the rights of way. The currently approved restoration plan shows the diverted footpath 10 re-instated north-south across the central landfill area. The proposed new restoration plan shows the route of the reinstated footpath 10 around the eastern perimeter of the site instead. This is a definitive route, which would therefore be permanently diverted. There are other definitive routes around the site's boundary.
21. The new restoration plan also proposes a permissive path east-west across the middle of the site connecting the Devil's Quoits with the footpath on the eastern boundary; along the western boundary next to the lake (this path is already in place); and a circular route around the Devil's Quoits.
22. The new permissive rights of way and connections would be installed upon completion of final restoration, which is anticipated to be in 2022. FCC have proposed that they would commit to keeping the permissive rights of way open for public use for the duration of the 20 year management period on the nature reserve.

23. Following comments from the Rights of Way Officer, the applicant has submitted a revised Restoration Masterplan (drawing reference LE12869-002 Rev B). This revised scheme proposes the dedication of the previously proposed permissive footpath bordering the western boundary and the footpath running east-west through the centre of the site.

### **Proposed changes to conditions**

24. Annex 2 contains details of the proposed changes to the conditions.

25. Conditions 1, 13, 14, 21 would need to be amended simply to update plan references to include the revised restoration proposals.

26. Condition 2 contains the end date for landfilling. The current consent requires the cessation of landfilling by the end of 2028 and it is proposed to change this to the end of 2021.

27. Condition 3 on the current consent identified an area in which there should be no waste disposal. This would no longer be required as it is clear in the new plans that this area would be retained as a nature conservation area.

28. Condition 4 identifies the phases from which clay can be extracted. Under the new proposals clay would only be extracted from one of the three phases currently permitted and so the condition would need to be updated to reflect this.

29. Conditions 7 and 10 contain the permitted hours. No change is proposed to the operating hours, however, it is proposed to amend the condition 7 to remove the reference to the Civic Amenity Facility, as the Household Waste Recycling Centre (as it is now known) is covered by a separated permission. Condition 10 is proposed to be removed as it only concerns HWRC hours.

30. Condition 22 requires the submission of a detailed aftercare scheme and condition 24 requires its implementation. An aftercare scheme has been submitted with this application and so it is proposed to change the conditions so that they require compliance with the submitted scheme.

31. In addition to the changes set out above, minor changes are proposed to reflect the fact that the HWRC now has its own planning permission and therefore no longer needs to be referenced in these conditions.

• **PART 2 – OTHER VIEWPOINTS**

**Representations**

32. No letters of representation have been received.

**Consultations**

33. Consultation responses are available to read in full on the eplanning website<sup>1</sup> and are summarised below. To summarise there have been no outstanding objections from statutory consultees.
34. West Oxfordshire District Council Planning – No objection.
35. The Technical Pollution Services, who respond on Environmental Health issues, have no objection or adverse comments regarding noise or acoustics.
36. Stanton Harcourt Parish Council – They provide comments, stating that they are disappointed that the Parish Council's earlier feedback on the proposals have not been incorporated into the application. They believe that the restoration should include measures to compensate the local community for the inconvenience experienced over a long time frame, suggesting this could include bicycle tracks, parking to encourage outdoor recreation or a trim trail. They remain concerned about the dangers of living close to a landfill site, including from Hydrogen Sulphide in the atmosphere.
37. Archaeology - The proposed scheme will not affect any currently known archaeological sites or features. It may however affect the setting of a Scheduled Ancient Monument, i.e. the reconstructed Devil's Quoits, a substantial prehistoric henge and as such Historic England should be consulted.
38. Historic England – First Response – The application should not be determined until further information has been submitted regarding the significance of the Devil's Quoits Scheduled Monument and the potential impacts of the changes to the restoration scheme on this. This should include the future management strategy for rabbit control.
39. Historic England commented that the site forms part of the setting of the Devil's Quoits Scheduled Monument. The monument has considerable illustrative significance as it provides the only example in the region of what a henge monument would have looked like. The setting contributes to this in a limited way as the current setting does not illustrate the flat, open, grassland setting in which it was originally built. The survival of the ditch deposit means that the monument has some evidential significance and it is possible that this is being impacted by

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<sup>1</sup> <http://myeplanning.oxfordshire.gov.uk/swiftlg/apas/run/WCHVARYLOGIN.display>

extensive rabbit burrowing. Whether or not the new restoration scheme would further impact on evidential significance through continuing rabbit damage would depend on the future management of the area. The impact on illustrative significance is hard to assess as the planning application does not address the monument or its setting. The revised scheme may be more harmful as the woodland and hedges now proposed could make the monument feel enclosed. Excellent work has been carried out on this site in the past and this advice is intended to ensure that this work continues and the value of what has been achieved is not diminished.

40. Following the submission of a Heritage Statement dated September 2016, Natural England provided a final response in which they confirm that they do not object to the application. They welcome the proposal to deal with ongoing rabbit damage to the scheduled monument. Works to exclude and control rabbits should take place as soon as reasonably practicable. FCC have since confirmed that this could take place within 6 months of the date of any new planning permission.
41. Natural England – No objection and no conditions requested. The site is in close proximity to the Stanton Harcourt Site of Special Scientific Interest (SSSI), however if the development is carried out in accordance with the submitted details it would not damage or destroy the features of interest.
42. MOD – No safeguarding objection.
43. Oxford Airport – No objection, subject to all necessary measures being taken to reduce the hazard of birds to aircraft, including any netting over long term waste disposal areas or large water features.
44. County Councillor Cllr Charles Mathew – Commented that all inert waste should be brought via Hardwick and the A415 i.e. not through the village of Sutton.
45. Highway Authority – No objection. The change to the restoration scheme would involve considerably less material coming into the site and the extant permission input rate would not be exceeded. Therefore, there is no anticipated net impact on the transport network.
46. Following the request from Cllr Mathew regarding the routing of vehicles, the issue of routing and vehicle movements were discussed further with the Highways Officer. Taking into account the lack of a restriction on movements currently, the existing and anticipated number of movements to complete restoration of the site, it is not considered sufficient to justify a cap on movements or a routing agreement for highway capacity reasons.
47. Biodiversity – First response – Objection. Support the revised restoration scheme in general, as the change of restoration of part of the site from agriculture to nature conservation should lead to a net gain in biodiversity. However, concerned about the seed mix proposed. A Natural England licence would be needed for Great Crested Newts and therefore proposals must accord

with the derogation tests. No evidence has been provided on this. The site is within the Lower Windrush Valley Conservation Target Area. The habitats in the revised restoration proposals appear to reflect the targets for this.

48. Second response – No objection given the replacement seed mix now proposed. Biodiversity conditions from the original consent should be carried forward with additional informatives relating to protected species, newt licence, birds and wild mammals.
49. Environmental Strategy Officer (incorporating comments from Lower Windrush Valley Project Officer) – First response - Generally support revised restoration scheme. It should lead to a net gain in biodiversity compared to the approved scheme and provides the opportunity for green infrastructure provision within the Lower Windrush Valley. However, improvements could be made to the proposals for access and biodiversity enhancements. Details should be provided about car parking. An application is with WODC for 50 dwellings immediately north west of the site. If approved this would have a significant impact on the levels of future use of the site.
50. FCC have responded as follows:
  - a. to say that they welcome the support to the proposals;
  - b. the proposed paths adjacent to the lake will be maintained to ensure that they allow for safe and comfortable passage by users and they will be managed and maintained by FCC during the aftercare period;
  - c. there is an existing gate at either end of the path and that viewing points have been included within the restoration scheme at the request of local bird interest groups;
  - d. benches and bird hides are not included within the restoration scheme as the concept is to restore the land to a site that is simple to maintain but that delivers amenity benefits through informal use. In their experience benches/hides can become a focus point to anti-social behaviour;
  - e. The Devil's Quoits monument is already a designated Management Area under the current planning permission and S106 agreement. No changes are proposed.
  - f. Car parking has not been included in the scheme due to security and potential anti-social behaviour considerations.
  - g. FCC consider there is already sufficient biodiversity enhancement provided within the scheme.
51. The Environmental Strategy Officer responded to say that he did not agree with FCC's comments regarding anti-social behaviour and that in his experience the positives outweigh the negative. He also believes the suggested additional features, including car parking provision, requires further consideration.
52. Drainage/Lead Local Flood Authority – Responded with no comments.



53. The Arboricultural Officer has responded with no objections from a trees perspective.

54. Rights of Way – First Response – Footpath 10 should be diverted back to an alignment as close as possible to the original as shown in the Section 106 agreement. That agreement also provided for footpath 11 to be extended to the north of the site. There is the opportunity for an improved footpath 11 where it passes by the lake as the current path is sloping, uneven and narrowed by tree growth. The gate on the existing path could be removed. Any furniture must be authorised and to British Standard specifications.

55. Rights of Way – Final response – The Officer requests:

- a. that the western footpath is dedicated all the way to and across the haul road to meet the existing public right of way network at Bridleway 362/12; and
- b. that footpath 10 which is proposed to be diverted to run along the northeastern boundary of the site is 4m wide and the proposed hedge is planted on the landfill side of the fence, so as to reduce the possibility of it overgrowing the footpath, causing narrowing of the footpath and reducing accessibility.

56. Environment Agency – Response awaited.

57. Responses have not been received from the County Planning Policy Team, the Waste Management Team, BBOWT, Thames Water, the Ramblers Association, the Open Spaces Society and the CPRE.

• **PART 3 – RELEVANT PLANNING DOCUMENTS**

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

58. In accordance with Section 70 of the Town and Country Planning Act 1990, planning applications must be determined in accordance with the Development Plan unless material considerations indicate otherwise.

59. The relevant development plan documents are:

The Oxfordshire Minerals and Waste Local Plan 1996 (OMWLP) - saved policies.

The OMWLP was adopted in July 1996 and covered the period to 2006. 46 policies within the OMWLP have been “saved” until such time as the replacement Minerals and Waste Local Plan (RMWLP) is adopted. As the OMWLP pre-dates the NPPF, an assessment of the consistency of the saved policies with the NPPF and NPPW has been undertaken to ensure the

continued validity of these policies to assist decision makers, developers and the local communities.

The West Oxfordshire Local Plan 2011 - saved policies

60. The Draft Oxfordshire Minerals and Waste Local Plan Core Strategy (OMWCS) was submitted to the Secretary of State for independent examination in January 2016. Following an examination hearing held in September, the Inspector has produced an Interim Report dated October 2016. Therefore, although the OMWCS is not yet adopted, it is at an advanced stage and the draft policies should be given due weight.
61. The Emerging West Oxfordshire Local Plan 2011-2031 was submitted to the Planning Inspectorate for independent examination in July 2015. The first hearing sessions were held in November 2015, following which the examination was suspended until December 2016 to allow further work to be undertaken in relation to housing need. The Council is currently consulting on the Proposed Modifications. Therefore, the EWOLP is at an advanced stage and so the policies can be afforded due weight.
62. The National Planning Policy Framework (NPPF), published in March 2012, is a material consideration.

**Relevant Policies**

63. The relevant policies are:

Oxfordshire Minerals & Waste Local Plan (OMWLP) 1996 (saved policies)

W7 – Landfill Restoration

PE9 – Scheduled Ancient Monuments

PE11 – Rights of way

PE12 – Public Access

PE13 – Restoration of mineral workings and landfill sites

PE14 – Nature conservation

PE18 – Imposition of conditions to protect amenity

SH2 – Traffic in Sutton

SH3 – Routing agreements in the Stanton Harcourt area

SH5 – After-uses in the Stanton Harcourt area

SH6 - Long-term management and maintenance

West Oxfordshire Local Plan (WOLP) 2011

BE2 – General development standards

BE12 – Archaeological Monuments

NE3 – Local landscape character

NE13 – Biodiversity conservation

T1 – Traffic generation

TLC8 – Public Rights of Way

TLC11 – Lower Windrush Valley

Draft Oxfordshire Minerals and Waste Core Strategy (OMWCS)

C1 – Sustainable Development  
C5 – Local Environment, Amenity and Economy  
C7 – Biodiversity and Geodiversity  
C8 – Landscape  
C9 – Historic Environment and Archaeology  
C10 – Transport  
C11 – Rights of Way  
M10 – Restoration of Mineral Workings  
W6 - Landfill

Emerging West Oxfordshire Local Plan (EWOLP) 2011-2031

OS1 – Presumption in Favour of Sustainable Development  
T1 – Sustainable Transport  
T2 – Highways Improvement Schemes  
EH1 – Landscape Character  
EH2 – Biodiversity  
EH6 – Environmental Protection  
EH7 – Historic Environment

• **PART 4 – ANALYSIS AND CONCLUSIONS**

**Comments of the Acting Director for Environment and Economy**

64. All planning application must be determined in accordance with the Development Plan, unless material considerations indicate otherwise, in accordance with the Town and Country Planning Act 1990. The key planning policies are set out above and discussed below in accordance with the key planning issues, which are restoration, amenity, landscape, biodiversity, highways and traffic, rights of way and the historic environment.

65. The NPPF sets out a presumption in favour of sustainable development, which is supported in policy OS1 of the emerging WOLP and policy C1 of the draft OMWCS.

**Restoration**

66. NPPF paragraph 144 states that when determining planning applications, local authorities should provide for restoration and aftercare at the earliest opportunity to be carried out to high standards.

67. OMWLP policy W7 part i) emphasises the importance of restoration and completion within an acceptable period and policy PE13 states that mineral workings and landfill sites should be restored within a reasonable time to an afteruse appropriate to the location and surroundings. Both of these policies are considered to be consistent with the NPPF.

68. OMWCS policy W6 requires that landfill sites are restored in accordance with policy M10, which states that mineral workings will be restored to a high

standard and in a timely and phased manner to an afteruse that is appropriate to the location and delivers a net gain in biodiversity. It includes a list of factors to take into account in considering whether an afteruse is appropriate in an area, including flood risk, landscape character, transport, biodiversity and local communities.

69. The applicant has applied to bring the date for completion of restoration forward. The facilitation of an early restoration would comply with the requirements in OMWLP policy PE13 and OMWCS policy M10 for restoration to be timely. It would allow the restoration to take place at the earliest opportunity, in accordance with NPPF paragraph 144.
70. The restoration of an area to biodiversity, which was previously intended to be infilled and restored to agriculture, is supported by the NPPF and emerging policy which requires a net gain in biodiversity. OMWLP policy PE13 also requires afteruses to be appropriate to the location. Policy SH5 of the OMWLP sets out that after-uses should normally comply with the Proposals Map, for the Stanton Harcourt Area (Lower Windrush Valley) this is shown on Inset Map 3, which shows appropriate after-use categories as lakeside water-related activities, agriculture and woodland. The adjoining lake is recommended for nature conservation. Upon completion, this site will support agriculture, public access and amenity uses, as well as woodland and nature conservation. This is considered to comply with policy SH5. As the site is located within the Lower Windrush Valley Conservation Target Area (CTA), there is policy support for enhancing biodiversity and public access in this area, such as policy NE13 and TLC11 of the WOLP. This is also supported by the Environmental Strategy Officer, although he also requests that consideration is given to the installation of additional features such as benches, bird hides and designated car parking in order to provide further public benefits.
71. Overall, it is considered that the proposals are supported by existing and emerging policy relating to landfill and restoration including OMWLP policy PE13, W7 and SH5, OMWCS policies M10 and W7, WOLP policies NE13 and TLC11 and the NPPF, particularly in that the proposal would ensure the site is restored within a shorter period of time than was originally anticipated i.e. by 2021 rather than 2028.

### **Impacts on Amenity**

72. OMWLP policy W7 (b) states that proposals for landfill will be assessed against a number of criteria. Some of these criteria are consistent with the NPPF and others are not. The consistent criteria include that there should be no material damage or disturbance to the environment or the amenities of residential or other sensitive uses, including by noise, dust, vermin, smell, visual impact. OMWLP policy PE18 states that in making decisions the Code of Conduct will be taken into account, this sets out how operations should take place in terms of buffer zones, landscape screening, hours of working, noise, dust and odour. This policy is considered consistent with the NPPF. Policy EH6 of the EWOLP states that proposals which are likely to cause pollution will only be permitted if

measures can be implemented to minimise this to a level which provides a high standard of protection for health, environmental quality and amenity.

73. OMWCS policy C5 states that proposals for minerals and waste development should demonstrate that they will not have an unacceptable adverse impact on the environment, residential amenity and other sensitive receptors, including from noise, dust, visual intrusion, vermin, birds, litter and cumulative effects of development.
74. The permitted landfill operation is currently subject to a large number of planning conditions and these would be brought forward to any new permission granted. The proposed change to infill with inert waste, rather than domestic waste, would lessen the potential for amenity impacts and these impacts would be of a shorter duration if the proposed changes to the restoration scheme are permitted. In addition, the EHO has not raised any objection to the proposals and the landfill would need to continue operating in accordance with its Environmental Permit, regulated by the Environment Agency, which would place greater requirements upon the operator in terms of environmental restrictions.
75. Amenity impacts associated with transport and traffic are discussed below.
76. The development is considered to be acceptable in terms of impact on amenity. The changes now proposed would be likely to cause less potential amenity impacts than the currently approved scheme. The development is considered to be in accordance with OMWCS policy C5, OMWLP policies W7 (b) and PE18, and policy EH6 of the EWOLP.

### **Landscape**

77. WOLP policy BE2 states that new development should respect and where possible improve the character and quality of its surroundings. It provides a number of criteria which proposals must meet, including: (e) that the landscape surrounding and providing a setting for existing towns and villages is not adversely affected and (f) that any appropriate development in the open countryside will be easily assimilated into the landscape. Policy NE3 states that development will not be permitted if it would harm the local landscape character of the District. It also states that the Lower Windrush Valley Project Report should be taken into account.
78. Policy C8 of the OMWCS seeks to see landscape character respected and enhanced.
79. Policy EH1 of the EWOLP states that new development should respect and where possible enhance the intrinsic character, quality and distinctive features of the local landscape. Special attention and protection will be given to the landscape and biodiversity of the Lower Windrush Valley Project area.
80. It is considered that the proposals would have an overall landscape benefit as the site would be restored to countryside sooner than it would under the currently

approved plans. The proposed amended restoration including retained ponds and woodland is considered to be appropriate in the landscape context.

81. Whilst the Environmental Strategy Officer has requested further biodiversity enhancement and additional features to support public access, such as benches, bird hides and car parking, the applicant is not forthcoming in providing these as they believe they may attract anti-social behaviour and require greater management and maintenance. Whilst such features, or a contribution towards such features, would provide additional benefits to the local community, the long-term management must be taken into account. The applicant suggests that if there is a local interest group with the resources to actively manage such features, that they contact the landowner to discuss how an agreement outside of the planning process could be facilitated. The Environmental Strategy Officer is not raising a formal objection of this point and it is not considered that refusal on this basis could be supported at appeal. Policy SH6 of the OMWLP states that the Council will seek the establishment of long-term management and maintenance of nature conservation areas, footpaths and areas of general public access. The 1998 legal agreement included for the long-term management of two areas of the site MA1: Devil's Quoits and MA2: Silt Ponds. As part of this application, a further management area, MA3, would be created and therefore would also require long-term management. This would comply with policy SH6. Consideration to the requests of the Environmental Strategy Officer could be made in the preparation of the revised management and maintenance programme for the site, which would be required by legal agreement as set out in the recommendation below.

82. The proposals are considered to be in accordance with relevant landscape policies including WOLP policy BE2 and NE3, OMWCS policy C8 and EWOLP policy EH1 in providing a site that, when restored, would respect and enhance the local landscape character and ensure restoration and completion at the earliest opportunity.

### **Biodiversity**

83. OMWLP policy PE14 states that proposals that would affect a nature conservation interest will be assessed taking into account the importance of the affected interest. This is consistent with the NPPF in terms that it affords protection to wildlife sites reflecting their importance.

84. OMWCS policy C7 states that waste development should conserve and where possible deliver a net gain in biodiversity. Policy NE13 of the WOLP states that the Council will seek to safeguard, maintain and enhance priority habitats and species within the District.

85. Policy EH2 of the EWOLP states that the biodiversity of West Oxfordshire shall be protected and opportunities to achieve a net gain actively pursued.

86. The proposed amendment to the restoration would mean that an area currently due to be restored to an agricultural afteruse would instead be restored to nature

conservation. This should allow for a net gain in biodiversity, which is supported by the NPPF and other policies.

87. The Environmental Strategy officer suggested that further improvements could be made to improve the biodiversity of the application area, by including areas of species rich grassland in parts of the grazed grassland restoration. The applicant does not propose this. It is considered that although there is scope for a further improved restoration plan, the amendments to the restoration plan which have been provided would include a net gain in biodiversity compared to the currently permitted restoration and therefore, is in accordance with policy.
88. In summary, it is considered that the proposed changes to the existing landfilling consent would improve biodiversity on the site, in accordance with OMWLP policy PE14, OMWCS policy C7, WOLP policy NE13 and EWOLP policy EH2.

### **Highways and Traffic**

89. The existing permission (09/1182/P/CM) requires HGVs to use the Blackditch access rather than the Cow Lane access, however the existing Routing Agreement dated 20 October 1998 requires that HGV's only use approved routes, which includes the B4449, B4044, A420, A40 and A34. It also permits the use of the then proposed Sutton bypass. There is no current restriction on traffic using the B4449 through Sutton village. The permission for a waste transfer station at the site has a routing agreement that requires vehicles to turn left only out of Blackditch onto the B4449, then onto the A415. This ensures that HGVs from that development take the quickest route onto the A road network and avoid the village of Sutton.
90. OMWLP policy SH2 states that planning permission will not be granted for waste disposal, including development which would intensify existing workings, where the development would lead to a significant increase in traffic in Sutton. This policy has been assessed as likely to be consistent with the NPPF regarding traffic impacts. The policy goes on to say "*unless the Sutton bypass has been constructed and brought into use*". At the time that the OMWLP was adopted, there were proposals for a bypass around Ducklington, Sutton and Eynsham. At the time of writing, this bypass has not been constructed and there are no plans for it to come forward in the near future. Therefore, it would seem unreasonable to place restrictions on an existing operation based on a highway scheme that has no certainty.
91. The application, whilst relating to waste disposal, would not intensify the existing workings. In fact, the application has come forward because the site will receive less material than originally anticipated and therefore can be restored earlier and at lower levels. The application does also not result in a significant increase in traffic.
92. The existing consent does not include a planning condition which restricts the number of daily vehicle movements and the applicant has confirmed that they would resist any such restrictions and consider withdrawing the application if



such a condition were imposed. Saying this the applicant has provided an indication of the previous and existing movements associated with the landfilling and restoration of the site. Previously the site accepted between 100,000 and 120,000 tonnes per annum of non-hazardous wastes, on top of which, soils were imported for concurrent restoration of areas as they were capped. Vehicles importing non-hazardous wastes would have been a mix of 6t RCVs and 10t HGVs, which over 278 working days per annum would average 54 HGVs per day. FCC expect to restore the site using between 100,000 and 150,000 tonnes per annum of soil wastes, this is likely to be imported using on average 20t vehicles, giving an average of 27 HGVs per day. However, soils are normally sourced on a contract basis and therefore larger volumes could be imported over a shorter period. Despite this, it is likely that daily HGV movements will be lower than those experienced previously.

93. Cllr Mathew has requested that all inert waste being delivered to the site is transported via Hardwick and the A415. There is no such restriction on movements under the current planning permission, which the applicant could continue to operate under, even if this application is refused. The applicant has explained that all movements associated with the restoration of the site travel via the B4449 east through Sutton village to the A40 towards Oxford. If they were required to avoid Sutton village, this would add circa 15km to the journey of each HGV, which would have an impact on the cost of transporting the material and therefore the applicant's ability to win contracts and attract the material required for restoration of the site in the proposed timeframe. This would also be contrary to policy C10 of the draft OMWCS which requires that waste management facilities minimise the road distance travelled.
94. As such FCC have stated that they are not willing to sign a new routing agreement to restrict travel through Sutton village. The current landfill permission permits the importation of waste until 2028 with no routing restriction protecting Sutton village. This application proposes to restore and complete the site by 2021, some 7 years earlier than under the existing planning permission, which will reduce traffic impacts through Sutton and be a significant benefit in achieving the earlier restoration of the site when compared to the existing permitted situation.
95. FCC have confirmed that they would be willing to agree to measures to monitor vehicle speeds through Sutton and to take action where there is a breach of limits. This would comply with policy C10 of the draft OMWCS in that it would lead to improvements in the safety of all road users and residential and environmental amenity to ensuring traffic speed limits are adhered to.
96. Further, the Highways Officer considers that the number of movements associated with the proposal would not have a significant impact on highway safety and as such a requirement for vehicle routing is not justified. Such a routing agreement is not supported by policy SH2 of the OMWLP or policy T2 of the Emerging WOLP.
97. The development would not put additional HGVs through Sutton through the life of the site, as landfill traffic is already permitted to use the B4449, including

through Sutton, under the permitted consent and existing routing agreement, in the absence of the Sutton bypass. It would not lead to an increase in traffic nor an intensification of workings. As such, a new routing agreement protecting Sutton village is not required to ensure that the proposals meet the requirements of OMWLP policy SH2 and although the removal of landfill traffic from Sutton would have amenity benefits and would be supported by the OWMLP, in this case there is not sufficient policy justification to require it. Should permission be granted, a supplemental routing agreement would be required to link development under this proposal to the existing routing agreement of 1998.

98. WOLP policy T1 states that development which would generate significant levels of traffic will not be permitted in locations where travel by means other than private car is not a realistic alternative. NPPF paragraph 32, as well as policy C10 of the Draft OMWCS and policy T1 of the EWOLP state that developments which would generate significant amounts of movement should be accompanied by a Transport Assessment and decisions should take into account whether opportunities for sustainable transport modes have been taken up and whether safe and suitable access can be achieved.
99. There is not considered to be a significant increase in movements associated with the site as a result of the proposal above that already permitted and in fact there would be a reduction over the shortened life of the site. Therefore, there can be no intensification on the highways and no such increase in potential amenity impact as a result of HGV traffic, in accordance with policy C10 of the draft OMWCS.
100. Policy SH3 of the OMWLP refers to the Blackditch, Sutton and Eynsham bypasses being a preferred route. This policy is not applicable as the Sutton bypass has not yet been constructed.
101. For these reasons, the development is considered to be in accordance with the NPPF, policy SH2 of the OMWLP, policy C10 of the draft OMWCS and policy T1 of the WOLP, and policies T1 and T2 of the EWOLP.

### **Rights of Way**

102. OMWLP policy PE11 and OMWCS policy C11 state that the rights of way network should be maintained and diversions should be temporary, safe and convenient. OMWLP PE11 is considered to be consistent with the NPPF. Policy TLC8 of the WOLP states that existing public rights of way will be safeguarded and improved access sought. Policy PE12 of the OMWLP states that, in appropriate cases, general public access will be sought to restored mineral workings.
103. The proposals include some amendments to the currently approved restoration scheme, as well as some additional rights of way provision. The original revised restoration scheme included many of these rights of way as permissive paths, which mean that the defined route is subject to being amended by the

landowner. The Rights of Way Officer requested that these be made definitive rights of way so as to ensure their long-term retention and maintenance. The applicant has therefore amended the restoration scheme to provide for dedicated routes along the western boundary of the site, through the centre on an east-west orientation and along the eastern boundary. These proposed rights of way would provide a number of circular route options for public access.

104. FCC have agreed to manage the permissive paths through the site for public access for the duration of the 20 year long term management plan for the nature conservation area.
105. The Rights of Way team initially queried why it is no longer proposed to reinstate footpath 10 to its original line. The applicant has confirmed that this is because of safety issues due to the presence of gas infrastructure, and to facilitate the management of the land for agriculture. The Rights of Way team also queried the quality of the path along the lakeside. The applicant has confirmed that they will maintain this path to ensure that it allows for safe and comfortable passage by users.
106. The Environmental Strategy officer originally commented that the addition of benches and a bird hide would be welcomed. The applicant has confirmed that this was not proposed as this is an isolated rural site and they wish to avoid items which could encourage antisocial behaviour or vandalism. The applicant has also confirmed that they do not intend to provide a car park for access to the rights of way in the area or the Devil's Quoits.
107. The proposals are considered to comply with rights of way policies, including OMWLP policies PE11 and PE12, OMWCS policy C11 and WOLP policy TLC8.

### **Historic Environment**

108. The EWOLP policy EH7 states that all development proposals should conserve or enhance the special character and distinctiveness of West Oxfordshire's historic environment. Policy PE9 of the OMWLP requires that SAM's and their settings should be preserved. Policy BE12 of the WOLP takes this further in stating that proposals that adversely affect the site or setting of nationally important archaeological monuments and monuments of local importance, will not be permitted. Policy C9 of the draft OMWCS states that great weight will be given to the conservation of scheduled monuments.
109. The proposed change would lead to early cessation of the impacts on the Devil's Quoits Scheduled Monument caused by landfilling in close proximity. Historic England originally raised concerns about the impact of the proposed new restoration scheme on the Scheduled Monument, stating that the use of woodland and hedges could make the monument feel more enclosed. In response to the request for an assessment from Historic England, a Heritage Statement was submitted by the applicant. The Statement concluded that the wider landscape does not contribute to the significance of the reconstructed

Devil's Quoits henge monument and stone circle. Therefore the amended restoration scheme would not result in any degree of change which would result in a loss of significance to the reconstructed monument. The proposed scheme seeks to remove a hedge partition across the restored eastern landform, which would be viewed as an impermeable barrier when viewed from the henge bank. Historic England are satisfied with the further information provided and subject to the rabbit management provisions put forward by the applicant being implemented within a reasonable time period, they have no objections to these proposals.

110. The development is considered to be in accordance with policies aimed at protecting the historic environment, including policy PE9 of the OMWLP, policy BE12 of the WOLP, policy C9 of the draft OMWCS and EWOLP policy EH7, subject to the necessary conditions and legal agreement provisions.

### **Legal Agreements**

111. A legal agreement would be needed to secure the long-term management of areas restored to nature conservation.

112. There is an existing Section 106 legal agreement for the site dated 20<sup>th</sup> October 1998. This includes management of the Devil's Quoits and silt ponds for a 20 year period. It also provides for 20 years public access to the Devil's Quoits from the date of its restoration until 20 years after the completion of aftercare on the last phase of the site to be completed. It also requires financial contributions on the basis of the amount of clay extracted.

113. The proposed change to the restoration does not affect either the Devil's Quoits or the silt pond management areas and so the approved management plans would remain as approved. However, a new legal agreement would be needed to secure additional management provisions over the proposed new nature conservation area. This will also need to bring forward provisions from the 1998 agreement which are still relevant, such as access to the Devil's Quoits.

114. A new legal agreement would also be required to ensure the provision of the proposed dedicated and permissive rights of way as shown on the revised Restoration Masterplan, drawing reference LE12869-002 Rev B dated 16/09/15.

115. A supplemental routing agreement would be required linking the proposed development to the existing routing agreement of 1998.

### **Other Issues**

116. Stanton Harcourt Parish Council have expressed concerns about the health dangers of living near a landfill site, especially in relation to Hydrogen Sulphide escaping into the atmosphere. This is a pollution issue which is covered by the Environmental Permitting process, rather than through the planning regime.

The Environment Agency have not objected to this application, which would result in less municipal waste being imported, reduce the quantity of inert waste landfilled and reduce the number of years that the site would operate for, compared to the existing planning consent.

### **Conclusions**

117. The proposed amendments to the conditions on the landfill consent would facilitate the timely and satisfactory restoration of the site, in accordance with OMWLP policy PE13 and OMWCS policy M10. The proposed changes would lessen the visual impact of the approved scheme by reducing the height of the landfill, in accordance with policies aimed at protecting the landscape, including OMWCS policy C8, WOLP policies BE2 and NE3 and EWOLP policy CP17. The incorporation of biodiversity enhancements into the restoration of Phase 3 would have benefits for biodiversity in the area, in accordance with OMWLP policy PE14 and OMWCS policy C7. The reduction in the amount of material to be imported to the site results in a shortening in the life of the landfill, which in turn decreases the number of traffic movements on the local highway network, including along the B4449 through the village of Sutton. This is considered to accord with policies SH2 and SH3 of the OMWLP and policy C10 of the draft OMWCS.

### **RECOMMENDATION**

118. **It is RECOMMENDED that subject to:**

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

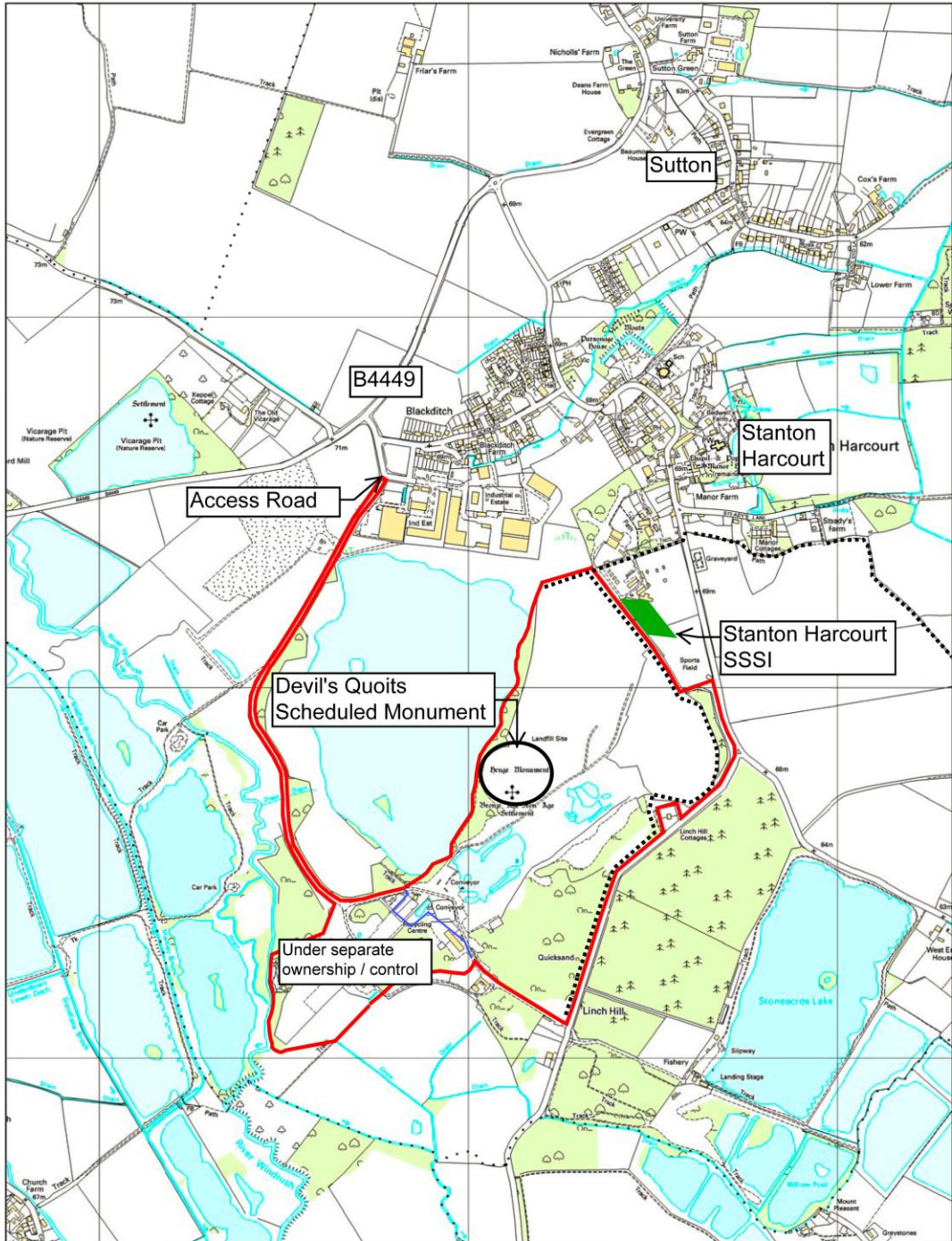
**that Application MW.0088/16 be approved subject to conditions as on existing consent 09/1182/P/CM, with the amendments to conditions and additional conditions and informatives to be determined by the Acting Director for Environment and Economy, in accordance with the details set out in Annex 2 and with any necessary updates to the wording of existing conditions to ensure clarity and reflect changes to policy since the original permission was issued.**

BEV HINDLE  
Director for Environment and Economy

November 2016

**Annex 1: Location and Site and Settings Plan**

Annex 1: Location and Site Setting Plan  
Dix Pit Quarry and Landfill Site, Linch Hill, Stanton Harcourt  
Application 16/02554/CM (MW.0088/16) for the Variation of Conditions to consent 09/1182/P/CM.



## **Annex 2: Amendments to Conditions and additional conditions and informatives**

### **Condition 1**

**Current Wording:** This condition lists the approved documents.

**FCC proposed wording:** Amendments to the approved list of plans to refer to updated plans submitted with this application.

**Comment:** This change is acceptable.

### **Condition 2**

**Current Wording:** The development hereby granted shall be for a limited period expiring on 31 December 2028 and the site, including the Civic Amenity Facility, shall be restored in accordance with approved plan S59/gr/28B but with finished levels not in excess of those on approved plan S14.I/7C, except as amended by other restoration conditions of this permission or unless otherwise agreed by the local planning authority in writing, within 12 months of clay extraction and deposit of waste having permanently ceased or by 31 August 2030 whichever is the sooner.

**FCC proposed wording:** The development hereby granted shall be for a limited period expiring on 31 December 2021 and the site shall be restored within 12 months of that date in accordance with approved plan LE12869-002 but with finished levels not in excess of those on approved plan S14.I/7C.

**Comment:** This change is considered to be acceptable. The change to the end date would reduce the duration of impacts associated with the landfill and facilitate restoration at the earliest opportunity. The applicant's proposed wording refers to the original pre-settlement contour plan. This continues to be relevant for phases 1, 2, and 3 in which landfilling has already taken place. Under the amended plans there would be no settlement in phase 4 as part would not be filled and part would be infilled with inert waste, therefore it would be filled and restored to the final levels shown on the revised masterplan LE122689-002.

### **Condition 3**

**Current Wording:** No waste disposal operations shall take place in the area shown crosshatched on approved plan S59/gr/3d.

**FCC proposed wording:** It is proposed to remove this condition.

**Comment:** The condition is no longer required as the referenced plan would be replaced by a plan (LE12869-002) which shows that waste disposal would not take place in this area.



#### **Condition 4**

**Current Wording:** Clay shall only be extracted from phases 3, 5 and 6 as shown on approved plan S59/gr/3d.

**FCC proposed wording:** Clay shall only be extracted from the borrow pit shown on Drawing 410A277 Working Plan 2016.

**Comment:** FCC now only wish to extract clay from the area shown on the plan. This is a smaller area of the area previously permitted for clay extraction and it is considered to be an acceptable change to the condition.

#### **Condition 7**

**Current Wording:** With the exception of the use of the Civic Amenity Facility, no operations shall be carried out, no plant operated, nor lorries enter or leave the site other than between:

- a) 0700 and 1800 hours Mondays to Fridays and between 0700 and 1300 hours on Saturdays and Good Friday Bank Holiday and
- b) on Sundays or bank holidays, except as mentioned in 7 (a).

**FCC proposed wording:** No operations shall be carried out, no plant operated, nor lorries enter or leave the site other than between:

- a) 0700 and 1800 hours Mondays to Fridays and between 0700 and 1300 hours on Saturdays and Good Friday Bank Holiday and
- b) on Sundays or bank holidays, except as mentioned in 7 (a).

**Comment:** The amendment proposed by FCC is simply to remove the reference to the civic amenity facility, now covered by a separate consent. It is also an opportunity to simplify the wording and ensure that it refers to both bank and public holidays.

#### **OCC proposed wording:**

No operations shall be carried out, including lorries entering or leaving the site, other than between:

- a) 0700 and 1800 hours Mondays to Fridays and between 0700 and 1300 hours on Saturdays and Good Friday Bank Holiday.

No operations shall take place on Sundays or on bank or public holidays, except on Good Friday as set out above.

#### **Condition 10**

**Current Wording:** Receipt of waste delivered by the public at the Civic Amenity Facility shall not be permitted except between the hours of 0800 and 2000 (or dusk, whichever is the earlier).

**FCC proposed wording:** It is proposed to remove this condition.

**Comment:** The civic amenity facility, now known as a HWRC, is covered by a separate consent and does not need to be referenced in these conditions. The condition can be removed.

### **Condition 13**

**Current Wording:** No soil or overburden shall be stockpiled at the site, other than in the "soil storage and screening area" shown on approved plan S59/gr/3d unless in accordance with a scheme submitted to the Waste Planning Authority and agreed in writing specifying the location form and height of stockpiling.

**FCC proposed wording:** No soil or overburden shall be stockpiled at the site, other than shown on approved plan (410A277 Working Plan 2016) unless in accordance with a scheme submitted to the Waste Planning Authority and agreed in writing specifying the location form and height of stockpiling.

**Comment:** It is proposed to amend the condition by referring to the updated plan reference. This is acceptable.

### **Condition 14**

**Current Wording:** No clay shall be stockpiled at the site unless in accordance with a scheme submitted to the Waste Planning Authority and agreed in writing specifying the location, form and height of stockpiling.

**FCC proposed wording:** No clay shall be stockpiled at the site unless in accordance with Drawing 410A277 Working Plan 2016) or an alternative scheme submitted to the Waste Planning Authority and agreed in writing specifying the location, form and height of stockpiling

**Comment:** It is proposed to amend the condition by referring to the updated plan reference. This is acceptable.

### **Condition 21**

**Current Wording:** The existing trees, bushes and hedgerows as outlined on approved plan S59/gr/28B, shall be retained and shall not be felled, lopped, topped or removed without the prior written approval of the Waste Planning Authority. Any such vegetation removed without consent, dying, being severely damaged or becoming seriously diseased as a result of operations permitted by this permission shall be replaced with specimens of such size and species as may be specified in writing by the Waste Planning Authority in the planting season immediately following such occurrences.

**FCC proposed wording:** The existing trees, bushes and hedgerows, and all future trees, bushes and hedgerows once planted, as outlined on Drawing LE12869-002, shall be retained and shall not be felled, lopped, topped or removed without the

prior written approval of the Waste Planning Authority. Any such vegetation removed without consent, dying, being severely damaged or becoming seriously diseased as a result of operations permitted by this permission shall be replaced with specimens of such size and species as may be specified in writing by the Waste Planning Authority in the planting season immediately following such occurrences.

**Comment:** It is proposed to amend the condition by referring to the updated plan reference. This is acceptable.

## **Condition 22**

**Current Wording:** No preparation or working shall take place in phase 3f as shown on approved plan S59/gr/3d until detailed restoration and aftercare schemes have been submitted to and approved by the local planning authority in writing for working phases 1 to 3f. No preparation or working shall take place in any subsequent phase to phase 3f as shown on approved plan S59/gr/3d until a detailed restoration and aftercare scheme has been submitted and approved for that phase. These schemes shall specify:

- a) drainage design
- b) landfill gas control system, leachate control system
- c) the aftercare steps and the periods during which they are to be taken
- d) provision for annual aftercare site meetings.

**FCC proposed wording:** The detailed restoration and aftercare provisions for phases subsequent to Phase 3f will be completed in accordance with the Dix Pit Aftercare Scheme dated September 2015.

**Comment:** Condition 24 requires each restored phase to be subject to a 5 year aftercare period in accordance with the Aftercare Scheme dated September 2015. Therefore, a separate condition for the phases subsequent to Phase 3f is no longer required and the condition can be deleted.

## **Condition 24**

**Current Wording:** Aftercare of each phase of restored land shall take place for a period of 5 years and in accordance with the approved outline scheme and detailed schemes agreed in accordance with conditions 22 and 23.

**FCC proposed wording:** Aftercare of each phase of restored land shall take place for a period of 5 years and in accordance with the Dix Pit Aftercare Scheme dated September 2015.

**Comment:** It is proposed to amend the condition by referring to the updated plan reference. This is acceptable.

**Additional Conditions:** The timely implementation of rabbit control measures as requested by Historic England.

## **Informatives**

- If any protected species [e.g. bats, badgers, dormice, otters, water voles, reptiles, amphibians, breeding birds] are found at any point, all work should cease immediately. Killing, injuring or disturbing any of these species could constitute a criminal offence. Before any further work takes place a suitably qualified ecological consultant should be consulted for advice on how to proceed. Work should not recommence until a full survey has been carried out, a mitigation strategy prepared and licence obtained (if necessary) in discussion and agreement with Natural England.
- A Habitat Regulations licence from Natural England for great crested newts is required to make this permission lawful.
- All bird nests, eggs and young are protected under the Wildlife & Countryside Act 1981 (as amended) which makes it illegal to intentionally take, damage or destroy the nest of any wild bird while it is use or being built. Therefore, no removal of trees, scrub, hedgerows, grassland should take place between 1st March and 31st August inclusive to prevent committing an offence under the Wildlife & Countryside Act 1981 (as amended).
- All wild mammals are protected from unnecessary suffering, including suffocation in burrows. Where common mammals such as hedgehogs, rabbits, foxes, voles and mice are encountered during works, they should be allowed to safely escape the working area to avoid unnecessary cruelty. Should any burrows be located in the vicinity of intrusive works, ecological advice should be sought to determine which species is present and what measures can be taken to avoid any unnecessary suffering to mammals.

### **Annex 3: European Protected Species**

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

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

4. Damage or destruction of an EPS breeding site or resting place.

Ecological survey results indicate that a European Protected Species is likely to be present and the proposed development is likely to result in an offence under the Conservation of Species & Habitats Regulations 2010. However, the applicant has secured a Licence from Natural England, therefore no further consideration of the Conservation of Species & Habitats Regulations is necessary.

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

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

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

Issues which arose in the processing of the application included requests for further information for a number of consultees including Historic England, the MOD and the Ecologist Planner. The applicant responded to these requests.

