

Divisions Affected – Kennington and Radley

PLANNING AND REGULATION COMMITTEE

6 SEPTEMBER 2021

Use of the existing processing plant site to process sand and gravel from the nearby 94 acre Review of Old Mineral Permission (ROMP) site (Ref: DD1 and DD2), the installation of a field conveyor system to the site boundary and ancillary facilities for the transportation, storage and processing of the sand and gravel and the use of an existing haul road

Report by Assistant Director for Strategic Infrastructure and Planning

Contact Officer: David Periam Tel: 07824 545 378

Location: H Tuckwell And Sons Ltd, Thrupp Lane, Radley, Abingdon, Oxon, OX14 3NG

OCC Application No: MW.0075/20

SODC Application No: P20/V1757/CM

District Council Areas: Vale of White Horse

Applicant: H Tuckwell And Sons Ltd

Application Received: 29 June 2020

Consultation Period: 23 July 2020 – 13 August 2020

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Executive Summary

1. The report sets out the proposed development for which planning permission has been applied under application no. MW.0075/20. Having considered the report against the development plan and other material considerations including consultation responses and representations received it is recommended that subject to the completion of a section 106 Agreement for the provision of a permissive path and to conditions to be determined by the Assistant Director of Strategic Infrastructure and Planning, that the application be approved.

PART 1- FACTS AND BACKGROUND

Location (See Plan 1):

2. Thrupp Lane Quarry processing plant site is located approximately 700 metres to the east of the outskirts of Abingdon and 700 metres south of Radley. There is a concrete batching plant with permanent consent immediately to the north-west of the application site.

Site and Setting:

3. The wider Thrupp Lane quarry has been extensively worked for sand and gravel and progressively restored with pulverised fuel ash (pfa) The site is surrounded by land which has been worked for sand and gravel and restored. There is a separate area of land which has permission for sand and gravel extraction under the ROMP permissions DD1 and DD2 some of which has not yet been worked. This lies to the south west of the application site, adjacent to the River Thames.
4. The processing plant site area is in the north of the application site (Tuckwell's Yard), immediately south of Thrupp Lane from which road access is taken. The application area covers 1.8 hectares and includes the processing plant site, a conveyor which runs southwards from the processing plant adjoining a haul road and a Bailey Bridge which provides access into the ROMP permissions DD1 and DD2 area.
5. The development is located in the Oxford Green Belt on an area of land that is in part currently in use as a minerals stockpile area and a vehicular haul road along which line the proposed conveyor would run. At its southern end it would pass through a wooded area abutting the disused railway line where the proposed Bailey bridge would cross the disused railway line. There would be some limited loss of vegetation. The wider area is relatively rich in a range of habitats including water bodies and further woodland. Thrupp Lake lies approximately 50 metres to the west of the proposed line of the conveyor. The River Thames lies approximately 400 metres to the south. The area therefore contains wet lands and woodland. The land lies within

the Impact Risk zones to the Culham Brake Site of Special Scientific Interest approximately 1.6 Km to the south-west. The application site lies within a Conservation Target Area and within the Radley Gravel Pits Local Wildlife Site . There are two other Local Wildlife Sites in the area. The application site lies largely in Flood Zone 1 although a small area is within Flood Zone 2.

6. Two Scheduled Monuments are located in the vicinity of the site: Settlement East of Goose Acre Farm at approximately 260 metres to the north-east and Settlement Sites North of Wick Hall approximately 526 metres to the north. The nearest residential property is Home Farm approximately 120 metres to the north of the site's access onto Thrupp Lane. The site lies within a rural area with the village of Radley approximately 700 metres to the north and Abingdon approximately 700 metres to the west.

Relevant Planning History:

7. Planning permission no. MW.0001/12 was granted in July 2012 for similar development to that proposed in the current planning application being the use of the processing plant site to process sand and gravel extracted from the ROMP permissions DD1 and DD2 area and the installation of a field conveyor system to the site boundary and ancillary facilities for the transportation, storage and processing of sand and gravel. This planning permission has lapsed.
8. The ROMP permissions DD1 and DD2 area has permission for the extraction of sand and gravel until 2042; however this is currently suspended under the provisions of the Environment Act 1995 as no application for modern planning conditions to be attached to the old consents has been submitted. The council's consideration of the service of a full or partial Prohibition Order, which would prevent the remaining sand and gravel reserves being worked should it be confirmed by the Secretary of State, is the subject of a separate report to today's committee meeting.

Details of Proposed Development:

9. The development would cover an area of 1.68 ha. It is proposed solely for the removal of sand and gravel extracted from the existing ROMP permissions DD1 and DD2 area. Although these permissions are currently in suspension, if an application for new mineral conditions were to be submitted and approved, the extraction of mineral could re-commence. The total remaining reserves are approximately 1,000,000 tonnes and it is anticipated that it would take between 10 and 15 years for this to be extracted with output from the processing plant being between 80,000 and 150,000 tonnes per annum. The processing plant would be erected in the processing plant area. It is proposed to use modern low level plant to process the sand and gravel. This would include a washing plant which will use the existing silt lagoons, screens and a crusher. The maximum height of the processing plant would be approximately 8 metres. The stockpiled material would then be used to feed the concrete batching plant or sold as aggregate building products.
10. Following processing, any poor quality sand and gravel and clays would be stored on the plant site and taken by dump truck back to the ROMP permissions DD1 and DD2 area for its restoration using the haul road adjacent to the proposed field conveyor.

The haul road would also be used to allow plant and machinery access to the ROMP permissions DD1 and DD2 area for its development and restoration.

11. The proposed conveyor would be electrically driven. It would sit on steel legs sited on wooden stantions every 3 metres which would be to a height of 0.6 metre on which the conveyor would run on rollers. The total width of the conveyor would be 0.75 metre. The Bailey Bridge would be approximately 20 metres in length with 2 metres long ramp at either end, a running surface 5 metres wide and side panels 1.5 metres high. It would be supported at either end on base plates giving a total width of approximately 6 metres. The existing haul road which is 6.7 metres wide would be extended to provide access for plant and machinery to and from the ROMP permissions DD1 and DD2 area via the Bailey Bridge.
12. Operational hours would be 0700-1800 Mondays to Fridays and 0700-1300 Saturdays and additionally 1300-1800 Saturdays for plant maintenance only.
13. Five additional staff would be employed if the development were to be permitted and carried out.
14. The applicant envisages that new planning conditions will be agreed and mineral extraction recommenced in the ROMP permissions DD1 and DD2 area in 2025. At this point it is expected that mineral extraction at Oday Quarry, Sutton Wick (the CAMAS Land and any future extension), which is operated by the applicant, will have ceased. A 5 year commencement date, from the grant of planning permission, is therefore sought.
15. To reduce the visibility of the historic plant area from views from the north at Thrupp Lane, trees were planted in 2010-2011. These trees have established and, in combination with the existing hedgerows, provide a good visual screen. Trees have also been planted on the western boundary between Thrupp Lane Quarry and a footpath which are maturing to provide a visual screen.
16. It is proposed that the processing shall cease operation and the plant, Bailey Bridge, haul road and field conveyer be removed and other than that retained in association with the use of the concrete batching plant, the application site would be restored to a variety of habitats in keeping with those surrounding with the provision of a new permissive footpath to provide a link between Thrupp Lane and the disused railway line within 16 years of the re-commencement of extraction.
17. The application is supported by a dust management scheme. This identifies that the main cause of concern would be dust arising from the wheels of vehicles on dry roads and yards in windy weather which can be controlled by careful management. It is therefore proposed to adopt the dust management proposal should planning permission be granted.
18. A noise assessment has been provided with the application which has identified that a noise impact at the nearest residential property, Home Farm, is unlikely.
19. An ecological assessment has been provided which identifies that there would be no impacts on protected species or habitats. There is a potential impact on breeding birds through the removal of scrub and it is proposed that mitigation measures including removal of scrub outside the breeding season would be adopted.(Further

ecological information has been provided to address objections raised on biodiversity grounds.)

20. A Flood Risk Assessment has been submitted with the application due to a small part of the application site being within Flood Zone 2 where the conveyor would cross the disused railway line. It is considered that, in consideration of the sequential test which aims for development to be carried out in the least risk flood zone possible, it is not possible to not pass through Flood Zone 2. It is considered that the development falls within the classification of sand and gravel working, is appropriate in Flood Zone 2 and that no Exception test is required. As the conveyor would be sited on legs with a small footprint touching the ground, it is considered that it would not affect surface water flows and no surface water management plan is required. The operational part of the conveyor would sit above the estimated flood level and so would not require any extra flood resistance and resilience measures.
21. The applicant states that the proposed mobile wash plant would utilise the existing silt lagoons which are used to supply water to the concrete plant and for dust suppression on site and were used by the previous wash plant. This is a closed system in which water is allowed to settle in the silt lagoons to remove any suspended solids before being reused. As a result, there are no off-site discharges to controlled waters associated with this lagoon system.
22. The applicant considers that the proposed development would be in a landscape in which quarry and industrial features already occur. Due to the screening provided by surrounding landforms and vegetation, Thrupp Lane Quarry is and will continue to be predominantly well screened from public viewpoints. To ensure that this screening continues, the applicant will ensure that the woody vegetation will continue to be managed as thick and healthy screens.
23. With regard to traffic, it is estimated that the development would generate up to around 64 movements per day based on a maximum output of 150,000 tonnes per annum.
24. The applicant considers that the application accords with both national and development plan policy. This includes an assessment against Green Belt policy: The development proposed is considered to be necessary and integral to the extraction of mineral from the ROMP permissions DD1 and DD2 area and should therefore not be considered inappropriate development. The openness of the Green Belt would also not be affected as the development proposals are temporary, relatively small and low in profile, would not enclose any space or land and are focused within previously quarried and/or developed/industrial land which is well screened from inward views.

PART 2 – OTHER VIEWPOINTS

Consultation & Representations:

25. Responses from five members of the public have been received objecting to the application. One of these is written collectively on behalf of the residents of the hamlet of Thrupp. In addition, objections and comments raising concerns have been

received on behalf of the Friends of Radley Lakes and the Abingdon Naturalists Society. The main objections and issues raised by the responses are summarised as follows:

- Objections/concerns:
 - The information provided is inaccurate and it is not clear how the application proposal has been thought through in relation to the mineral extraction in the ROMP permissions DD1 and DD2 area which it would serve, for example how the haul road within the ROMP permissions DD1 and DD2 area would be located so as to connect to this application without the need for the removal of a mound of stored soil material which lies in Flood Zone 2 (the SOM Mound). The applicant should be encouraged to take a more co-ordinated approach to addressing the arrangements for the processing of the mineral with those for its extraction;
 - The assessments made with regard to the ROMP permissions DD1 and DD2 area submitted in support of the application have incorrectly included land owned by third parties;
 - The application should not be determined in isolation from any application that may come forward for new conditions for the ROMP permissions DD1 and DD2 area and so should be refused at the current time. Should permission be granted then it should be without prejudice to the determination of any application for new conditions for the ROMP permissions DD1 and DD2 area including should more appropriate access arrangements exist;
 - Should the application be granted it should include provision for the same environmental benefits as provided when permission was granted to the now lapsed permission in 2012;
 - The ecological assessments are insufficiently detailed with regard to the assessment of species present (including protected species e.g. Great Crested Newt) and habitats affected including the presence of water bodies and also including the detrimental impact on a Conservation Target Area, County Wildlife Site of the associated quarrying in the ROMP permissions DD1 and DD2 area. Further ecological survey work is required;
 - The application is alleged to be solely related to justifying the retention of the buildings in the Curtis's yard which currently benefit from a temporary planning permission (most recently granted on appeal by the Secretary of State) for uses unrelated to mineral working. The ROMP permissions DD1 and DD2 require the removal of these buildings on the cessation of mineral extraction and the service of the Prohibition Order should be pursued;
 - Alleged failures of the applicant and landowner in the past to work mineral and infill excavated areas without causing adverse environmental impacts;
 - Noise impact from the operation of the conveyor;
 - Traffic impact from the use of Thrupp Lane in the absence of any alternative access via Audlett Drive despite repeated requests for a new road;
 - Detrimental impacts on amenity from the associated mineral extraction in the ROMP permissions DD1 and DD2 area including for quiet public access to the area;
 - Detrimental impacts on scenic beauty from the associated mineral extraction in the ROMP permissions DD1 and DD2 area;
 - Detrimental impacts on drainage of surrounding waterbodies from the associated mineral extraction in the ROMP permissions DD1 and DD2 area;
 - Green Belt impact including that the development is inappropriate in the Green Belt and no Very Special Circumstances exist to justify the grant of planning permission to the application;
 - Contrary to the Radley Neighbourhood Plan; and

- The ROMP permissions DD1 and DD2 area is not included in the Oxfordshire Minerals and Waste Local Plan.
26. The local member (Councillor Bob Johnston) has not submitted a formal response to the application.
 27. Radley Parish Council objects to this application for three reasons.
 - It cannot sensibly be determined independently of decisions on the extraction of the gravel to which the application relates;
 - The proposals lack important environmental mitigations and safeguards contained in the previous 2012 planning permission; and
 - No account is taken of relevant provisions in the draft masterplan for the Radley Lakes area.
 28. The Vale of White Horse District Council is seriously concerned that this application is disingenuous, and is merely a tactic for the owner to seek deferral of the decision of the County Council to serve a Prohibition Order. The District Council therefore asks the County Council to consider carefully the application, particularly in light of the evidence of the applicant's previous pattern of behaviour provided by the previous permission for extraction, granted relatively recently on the site, and which interrupted the previous ROMP process being pursued by the County Council, and which then subsequently remained unimplemented and lapsed.
 29. The District Council Environmental Health Officer raises no objections to the proposed development.
 30. Based on the plans submitted, Natural England considers that the proposed development will not have significant adverse impacts on designated sites or landscapes and has no objection.
 31. The Environment Agency first response: object to the proposed development because the assessment of the risks to nature conservation is inadequate. We therefore recommend that the planning application is refused. We will maintain our objection until the applicant has supplied information to demonstrate that the risks posed by the development can be satisfactorily addressed.
 32. Second response following submission of additional ecological information: Thank you for re-consulting us on the above application on 29 September 2020 following the submission of additional detail from AD Ecology Ltd dated 14th September 2020. The above detail does not satisfactorily address our earlier concerns. We therefore maintain our objection. This latest detail states that a linear pond or waterbody was not found on site. This pond is clearly marked on OS maps and there are records for Great Crested Newts in and around that area. It is possible that this water feature could be subject to seasonal fluctuations, or may be succeeding to wet woodland, but it should not be discounted. The submitted photographs of this area, particularly Photograph 4, focus on the track itself and little beyond this. In addition, the latest detail now refers to a seasonal ditch within the area of scrub where the access track would cross the disused railway, but no further ecological assessment has been carried out. As the proposed extension of the haul road, conveyor and the proposed

Bailey Bridge may have a detrimental impact on priority species and habitat within the vicinity, an extended ecological survey is required to evaluate the level of risk posed by this activity and to show how any such risks will be prevented or mitigated.

33. This objection is supported by paragraphs 170 and 175 of the National Planning Policy Framework (NPPF) which recognise that the planning system should conserve and enhance the environment by minimising impacts on and providing net gains for biodiversity. If significant harm resulting from a development cannot be avoided, adequately mitigated, or as a last resort compensated for, planning permission should be refused. Opportunities to incorporate biodiversity in and around developments should be encouraged. While we understand that this application will be determined on its own merits, it is the applicant's intention to submit a further planning application for the ROMP site to the south. With this in mind, it would be helpful to understand how the proposed haul road is likely to be further extended into the ROMP site in relation to the species and habitat in that location.
34. Third response following the submission of further additional ecological information: We have reviewed the additional information submitted, particularly The Extended Phase 1 Ecology Survey and Preliminary Ecological Appraisal Version 5 final Report (AD Ecology Ltd, June 2021). The additional survey goes some way to address our concerns, with reference to the seasonally wet ditch. However, our primary concern with this application relates to where the haul road and Bailey bridge are located in relation to the pond/linear pond or ditch shown on OS mapping and in Figure 1 of the above survey (identified as pond 2) and the 2020 aerial photograph submitted separately. We therefore maintain our objection to this proposal. We request that a walkalong survey between a point west of the haul road crossing and pond 2 is carried out, with photographs provided along the entire route, with directional markings on a map. The ecological survey should identify whether the pond and ditch are present and look for signs of local biodiversity and not only great crested newts. We consider it is necessary and important to understand the environment around this location so we can assess holistically whether the location of the haul road and Bailey bridge as currently shown will compromise the future extension of the haul road into the ROMP site should the pond/linear ditch be identified and its habitat offer some value. If the additional survey is not carried out until the preparation of the ROMP application and a potential impact is identified, the route of the haul road as currently shown within this application may need to be revised to avoid the water feature. This objection is supported by paragraphs 170 and 175 of the National Planning Policy Framework (NPPF) which recognise that the planning system should conserve and enhance the environment by minimising impacts on and providing net gains for biodiversity. If significant harm resulting from a development cannot be avoided, adequately mitigated, or as a last resort compensated for, planning permission should be refused. Opportunities to incorporate biodiversity in and around developments should be encouraged.
35. Fourth response: We have received confirmation from you that your ecologist has visited the site and has undertaken a comprehensive site visit and has confirmed that they have carried out a visual inspection of the area between the proposed haul road crossing and pond 2. Your ecologist has confirmed that there is no evidence of a pond or waterbody within this area. On this basis, we withdraw our previous objection to this proposal. The majority of the development site is located in Flood Zone 1 with a small area of the proposed conveyor being located in Flood Zone 2. Due to the scale and design of the conveyor, which sits sufficiently above ground

level, we are satisfied that flood risk will not increase as a result of the proposal providing the development proceeds in accordance with the submitted plans.

36. The Ministry of Defence has no safeguarding objections to the application.
37. Network Rail has no objection in principle to the application.
38. The Highway Authority has no objection to the application. The Highway Authority continue to have significant concerns regarding any development proposals, particularly those associated with HGV movements, along Thrupp Lane; any increase in HGV movements along this particular carriageway would be detrimental to the safety of pedestrian and cycling users. For reference, in the vicinity of the site the carriageway is of poor construction/geometry. With reference to the submitted Planning Statement, it is apparent that whilst at present there are no quarrying activities associated with the site, the Thrupp Lane Quarry does currently import in the region of 75,000 tonnes/PA of sand and gravel (33 two-way daily HGV movements) to process for the adjacent concrete batching plant site. The reintroduction of quarrying at the Thrupp Lane site, the subject of a separate planning application, will mean the cessation of the importing of sand and gravel. However, it is understood, whilst the proposed reintroduction of a quarry at the Thrupp Lane Quarry will supply all the sand and gravel to the adjacent concrete batching plant, they will also export up to 75,000 tonnes/PA to other customers. As this is effectively the same annual tonnage as previously, then as there is no material intensification, then in this particular instance, the County Council as Highway Authority have no objection to this particular application. If however in the future, an increase in tonnage PA is proposed, the County Council as Highway Authority would wish to make suitable comment.
39. The OCC Public Health officer has no objection to the application providing that the applicant implement suitable dust management to mitigate dust, in particular during dry periods.
40. The OCC Archaeologist comments that the proposed outlined site has been heavily disturbed and would therefore not appear to have an invasive impact upon any known archaeological sites or features. As such there are no archaeological constraints to this scheme.
41. The OCC Rights of Way officer has no comments to make on the application.
42. The OCC Landscape Advisor comments that this application is similar to the previous consent to access, work and process minerals from the ROMP permissions area (MW.0001/12), which has lapsed. Whilst this previous application sought permission for the project in its entirety, the current application covers only part of the previous development with a further application for the extraction of the ROMP area currently being prepared. From a landscape and visual point of view splitting the application makes a comprehensive assessment of the effects more difficult and it would be better if one comprehensive application for all elements, i.e. including the extraction of the remaining ROMP area, was made. Looking at this application on its own merits, the proposed plant processing & storage area, conveyor belt and haul

road are not expected to cause additional significant landscape and visual effects. The processing & storage area and haul road are already existing and the boundary vegetation along Thrupp Lane provides a reasonably effective barrier in views. It is important that this vegetation does not get adversely affected by the development and adequate protection of all boundary vegetation e.g. by a sufficiently wide buffer (informed by the Root Protection Areas of existing boundary trees) should be ensured. Additional screen planting along the boundaries should also be considered where necessary. I have not been able to find information relating to the proposed height of storage mounds and a condition restricting the height of storage mounds is therefore likely to be required.

43. With regard to timing, operation and restoration of the development site she considers it particularly important that the development pays due regard to the Draft Radley Lakes Masterplan (NB now final May 2021), which is currently being prepared by several stakeholders including landowners, nature conservation organisations and local councils. The proposed restoration does not appear to cause conflicts with the Draft Radley Lakes Masterplan, which is welcomed. However, it is likely that further detail relating to the masterplan will be developed during the lifetime of the development, and it is therefore recommended that the restoration is kept under review and is coordinated with the Radley Lakes Masterplan proposals. In conclusion, she has no objection to the application but conditions relating to the protection of the existing boundary vegetation, height of storage mounds, and the restoration plan should be added to any potential consent.
44. The OCC Ecologist First response: advises that further information in respect of ecology is required. The ecology survey was undertaken in 2018 and is now considered out of date. Given the potential changes to the habitats on site since the survey was undertaken, an updated assessment and evaluation is required. The Environmental Impact Assessment with a chapter for ecology has not been submitted. The updated assessment should inform the necessary mitigation measures required and restoration proposals for the site. Aftercare will need to be demonstrated for 20 years beyond the 5 year aftercare period.
45. Second response, asks for confirmation with regard to Great Crested Newt surveys that the samples were taken by a GCN licence holder, that the 20 water samples were taken from evenly spaced locations, the weather during sampling and any limitations to the survey. No objection subject to the following condition: The works shall be undertaken in accordance with Section 7 of the Extended Phase 1 Habitat Survey & Preliminary Ecological Appraisal Version 5 produced by AD Ecology (June 2021). An Ecological Clerk of Works / Suitably Qualified Ecologist will be present prior to works commencing, to ensure no animals are present. Should any be found, the Ecologist will move them to a safe location.
Reason: To safeguard protected and notable species of conservation concern.

PART 3 – RELEVANT PLANNING DOCUMENTS

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

Development Plan Documents:

46. Planning applications should be decided in accordance with the Development Plan unless material considerations indicate otherwise. The relevant development plan for this area comprises:
- The Oxfordshire Minerals and Waste Local Plan Part 1 Core Strategy 2031 (OMWCS);
 - The Vale of White Horse Local Plan 2031 Part 1 (VLP1)
 - The Vale of White Horse Local Plan 2031 Part 2 (VLP2)
 - Radley Neighbourhood Plan 2018-2031 (RNP) (However, neighbourhood plans cannot include policies specifically for county matters i.e. minerals and waste development).

47. The relevant Development Plan policies are:

Oxfordshire Minerals and Waste Local Plan Part 1 Core Strategy 2031 (OMWCS)

- M10 (Restoration of Mineral Workings)
- C1 (Sustainable development)
- C2 (Climate Change)
- C3 (Flooding)
- C4 (Water Environment)
- C5 (Local environment, amenity and economy)
- C7 (Biodiversity and geodiversity)
- C8 (Landscape)
- C10 (Transport)
- C11 (Rights of Way)
- C12 (Green Belt)

48. The VLP1 policies most relevant to this development are:

- Core Policy 1 – Presumption in favour of sustainable development
- Core Policy 13 – The Oxford Green Belt
- Core Policy 33 – Promoting Sustainable Transport and Accessibility
- Core Policy 42 – Flood risk
- Core Policy 44 – Landscape
- Core Policy 45 – Green infrastructure
- Core Policy 46 – Conservation and improvement of biodiversity

49. The VLP2 policies most relevant to this development are:

- Development Policy 23 – Impact of development on amenity
- Development Policy 25 – Noise generating development
- Development Policy 26 – Air quality
- Development Policy 30 – Water Courses
- Development Policy 31: Protection of Public Rights of Way, National Trails and Open Access Areas

50. The RNP policies which are most relevant are:

- PP.2 – Green Belt
- PP.8 – Radley Lakes
- PP.9 – Roads
- PP.13 – Site Drainage

Other Policy Documents and Material Considerations

51. The **National Planning Policy Framework** (NPPF) was first published in 2012 and revised in July 2018 with minor further revisions made in February 2019 and most recently in July 2021. This is a material consideration in taking planning decisions.
52. The **National Planning Practice Guidance** (NPPG) contains specific advice on matters including flood risk, conserving and enhancing the historic environment, determining a planning application and natural environment.
53. The **Radley Lakes Masterplan** was launched in May 2021 further to the provisions of the Radley Neighbourhood Plan. It does not form part of the development plan but it is a material consideration in the determination of the planning application to which limited weight should be attached.

PART 4 – ASSESSMENT AND CONCLUSIONS

Comments of the Assistant Director for Strategic Infrastructure and Planning

54. The key considerations are:

- i. Sustainable development;
- ii. Green Belt;
- iii. Traffic Impacts;
- iv. Amenity impacts;
- v. Landscape and visual Impacts and Restoration;
- vi. Water environment; and
- vii. Biodiversity impact;

Sustainable Development

55. Policy C1 of the OMWCS states that a positive approach will be taken to minerals and waste development in Oxfordshire, reflecting the presumption in favour of sustainable development contained in the National Planning Policy Framework and the aim to improve the economic, social and environmental conditions of the area. VLP1 core policy 1 reflects the presumption in favour of sustainable development.
56. Policy C1 of the OMWCS also states that planning proposals which accord with the policies in the plan will be approved unless material considerations indicate

otherwise. The development will therefore only be in compliance with these policies if it is also generally in compliance with other development plan policies.

57. The proposed development is parasitic on the sand and gravel being extracted from the ROMP permissions DD1 and DD2 area. This could be worked and exported 'as dug' for processing elsewhere or it could be processed nearby. There would be potential advantages to the mineral being processed at Tuckwell's Yard which is within the ROMP permissions DD1 and DD2 area and where there is the existing concrete batching plant which has a permanent consent. If permitted and implemented then it would avoid the need to construct a new processing plant site closer to or at the extraction area close to the residences at Thrupp hamlet and would limit associated vehicle movements on Thrupp Lane to the north of the Tuckwell's Yard entrance. It would provide additional employment. The development would therefore have potential economic, social and environmental benefits to be weighed against the impacts as discussed below.
58. The rest of this section of the report assesses whether the key issues of the proposed development accord with development plan policy and so informs the conclusion as to whether it is sustainable development.

Green Belt

59. National policy set out in the NPPF states that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. When considering any planning application, planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations. Paragraph 150 of the NPPF states that certain forms of development are not inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it. One of these exceptions is mineral extraction. Whilst this development is not in its own proposing mineral extraction it is a minerals related development against which the policies of the OMWCS are applicable.
60. OMWCS policy C12 reflects this but also states that conditions may be imposed on any permission granted to ensure that the development only serves to meet a need that comprises or forms an 'other consideration' in the Green Belt balance leading to the demonstration of very special circumstances. VLP1 Core Policy 13 reflects national policy. RNP policy PP.2 seeks to protect the Green Belt round Radley and inappropriate development will not be supported except in the very special circumstance as identified in the National Planning Policy Framework and Policy CP13. RNP policy PP.8 states that development which directly promotes nature conservation and/or quiet recreation in the Radley Lakes area will be supported, subject to certain criteria including compliance with policy CP13 with regard to the protection of the Green Belt.
61. The application is not for mineral extraction but is for development that would form ancillary development to the extraction of mineral permitted by the ROMP

permissions DD1 and DD2 which is currently in suspension pending the submission of an application for new conditions and accompanying Environmental Statement. The provision of such items as processing plant and conveyors elsewhere in the county has formed part of new applications for mineral workings including at Green Belt locations. It is therefore considered that this application should be viewed similarly against policy.

62. The low-level conveyor, the Bailey bridge, the haul road and any areas of hardstanding are not considered to impact on the openness of the Green Belt and so do not form inappropriate development in themselves. Whilst the assessment of the previous planning application MW.0001/12 concluded that the development was not inappropriate development in the Green Belt, that application proposed low-level plant, the details of which were to be provided subject to a submission to be made to discharge a planning condition. The current application proposes processing plant at a height of up to approximately 8 metres which it is considered would impact on openness and so cause potential harm. It is therefore considered that this renders the application to be inappropriate development for which Very Special Circumstances must exist for it to be granted planning permission.
63. The development would be temporary and so reversible provided conditions required removal of the processing plant once the mineral from the ROMP permissions area had been extracted and processed. As set out above, there are potential environmental benefits to permitting the development which would facilitate the processing of the mineral within the ROMP permissions area at greater removal from the residences at Thrupp and to limit associated vehicle movements to the upper part of Thrupp Lane. The application presents an opportunity to get permission in place for a more sustainable mechanism for the removal of mineral from the ROMP permissions area rather than potentially the mineral being removed by haul road within the site to Thrupp Lane to then be taken to the processing plant at Tuckwell's Yard (or elsewhere) or with a processing plant within the ROMP permissions area. If this application is refused then there is a risk that the proposal may not be pursued further. Provided any planning permission granted was conditioned such that the development was only implemented in association with the extraction of sand and gravel from the ROMP permissions DD1 and DD2 area, it is considered that, in line with OMWCS policy C12 these are other considerations which lead to the demonstration of Very Special Circumstances.

Traffic Impacts

64. Policy C5 of the OMWCS seeks to ensure that minerals and waste development do not have an unacceptable adverse impact on the local environment including from traffic and air quality. Policy C10 of the OMWCS states that mineral development will be expected to make provision for safe and suitable access to the advisory lorry routes shown on the Oxfordshire Lorry Route Maps in ways that maintain and, if possible, lead to improvements in the safety of road users including pedestrians, the efficiency and quality of the road network, and residential and environmental amenity including air quality. It also states that, where practicable, mineral development should be located, designed and operated to enable the transport of minerals by rail, water, pipeline or conveyor. Developments that would generate significant amounts of traffic will be expected to be supported by a transport assessment or transport statement, including mitigation measures where applicable. RNP policy PP.9 states

that new development will be supported where it complies with other development plan policies and can be satisfactorily accommodated within the existing highways network. Where appropriate new development should support the achievement of the Radley Roads Strategy and provide, financially or in kind, for the mitigation of the effects of the development on the road network.

65. In accordance with paragraph 109 of the NPPF development should only be refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
66. The amenity impact of traffic from the development is addressed below. In terms of the suitability of Thrupp Lane for the proposed traffic generated by the development from a highways perspective, the council as Highway Authority has raised no objection to the application. As set out above, whilst the Highway Authority continue to have significant concerns regarding any development proposals, particularly those associated with HGV movements, along Thrupp Lane, the overall traffic generated is effectively the same annual tonnage as before and so there would be no material intensification. It is not therefore the case that it could be demonstrated that there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
67. The Radley Roads Strategy seeks to see a new access provided to the industrial and commercial sites at the foot of Thrupp Lane i.e. its western end via Audlett Drive or Barton Lane. It looks to see Thrupp Lane become safer for pedestrians and cyclists. This is clearly an aspiration that may be achieved in due course through permission being granted to other developments that may come forward for planning permission but it does not yet exist and it is not considered that this application could be refused against this policy. There is no objection from the Highway Authority and access needs to be maintained in any instance to the Tuckwell's Yard including the permanent concrete batching plant pending the provision of any future alternative at the western end of Thrupp Lane. It is however recommended that an informative be attached to any permission that may be granted to this application requesting that the applicant work with the Parish Council to look at what measures could be provided to mitigate impacts pending any delivery of an alternative in line with policy PP.9.

Amenity Impacts

68. Policy C5 of the OMWCS seeks to ensure that new development will not have an unacceptable or significant adverse impact on the local environment, human health and safety, or residential amenity and other receptors and the local economy including from noise, dust, visual intrusion, traffic, air quality, vibration and mud on the road. VLP2 policy DP23 makes similar provision. OMWCS policy C10 seeks to see residential and environmental amenity, including air quality maintained and if possible improved through suitable access provision to the county's advisory lorry routes. VLP2 policy DP25 states that noise generating development that would have an impact on amenity will be expected to provide an appropriate scheme of mitigation. VLP2 policy DP26 states that proposals that are likely to have an impact on air quality will need to demonstrate measures/mitigation incorporated into the design to minimise any impacts.

69. The main amenity concern from this development is the impact of traffic using Thrupp Lane which has to pass the residential properties between the Tuckwell's Yard and Radley Road. At present mineral is imported from elsewhere to the Tuckwell's Yard and for use in the concrete batching plant which is a permanent facility and could run regardless of the outcome of this application. The intention is that the processing of mineral extracted from the ROMP permissions DD1 and DD2 area would supersede the importation of mineral from elsewhere but up to 75,000 tonnes of processed mineral would be exported from the site along with similar output from the concrete batching plant. The overall balance of vehicle movements is therefore anticipated to be much the same as that which pertains. Whilst there would be no significant improvement there would be no significant unacceptable or additional adverse impact. Conditions could be attached to any planning permission granted to limit the maximum annual throughput of the processing plant to 150,000 tonnes per annum and maximum daily HGV movements to be no more than 64 per day in order to ensure amenity impacts were no greater than at present. Any permission granted could also be conditioned that no mineral was imported to the processing plant from elsewhere and requiring its removal on completion of the development.
70. The conveyor itself would be electrically driven. The applicant has provided a noise assessment which concludes that there would be no unacceptable noise impacts at the nearest property from the development, the nearest part being the processing plant itself. A dust management scheme has also been submitted and compliance with this could be provided for by condition. The Environmental Health Officer has not raised objection to the application.
71. Therefore, it is considered that subject to conditions as discussed above, the development would not have significant adverse impacts contrary to the aims of these policies.

Landscape and visual Impacts and restoration

72. OMWCS Policy C8 states that proposals for minerals and waste development shall demonstrate that they respect and where possible enhance local landscape character, and are informed by landscape character assessment. Proposals shall include adequate and appropriate measures to mitigate adverse impacts on landscape, including careful siting, design and landscaping. Where significant adverse impacts cannot be avoided or adequately mitigated, compensatory environmental enhancements shall be made to offset the residual landscape and visual impacts. VLP1 policy CP44 states that the key features that contribute to the nature and quality of the landscape will be protected including trees, hedges, watercourses, views, tranquillity and areas of cultural and historic value. RNP policy PP.8 states that development which directly promotes nature conservation and/or quiet recreation in the Radley Lakes area will be supported, subject to certain criteria including avoiding detriment to the wider landscape within which the site sits. The Radley Lakes Masterplan recognises the possibility of further mineral extraction in the area and seeks to see a transition to realise the potential of the area for nature conservation and quiet recreation. OMWCS policy M10 requires that mineral workings shall be restored to a high standard and in a timely and phased manner to an after-use that is appropriate to the location and delivers a net gain in biodiversity. OMWCS policy C11 states that improvements and enhancements to the rights of

way network will generally be encouraged and public access sought to restored mineral workings, especially if this can be linked to wider provision of green infrastructure. Where appropriate, operators and landowners will be expected to make provision for this as part of the restoration and aftercare scheme.

73. The site is located partially within the existing Tuckwell's Yard, includes an existing haul road which extends southwards but would include new development extending outside the yard area through the provision of the conveyor, Bailey Bridge and extension to the haul road. There would be some loss of vegetation in order to facilitate the development. However, the site is an area which benefits from substantial existing vegetation some of which was carried out specifically to screen the processing plant site previously. The council's Landscape Advisor has no objection subject to conditions relating to the protection of the existing boundary vegetation, height of storage mounds, and the site's restoration being attached to any planning permission granted.
74. There are two parts to the consideration of landscape and visual impacts: when the site is operational and when the development has been completed and the site restored. Whilst operational the development would have some visual and landscape impact but on completion of the mineral processing, the plant and equipment would be removed and the land would be restored to a variety of habitats in keeping with those surrounding with the provision of a new permissive footpath to provide a link between Thrupp Lane and the disused railway line.
75. The application area falls within Masterplan Zones A and B in the Radley Lakes Masterplan (RLM). Zone A is recognised as the operational area linked to the permanent concrete batching plant and Zone B is largely that which has been previously worked for mineral and restored by the deposit of pulverised fuel ash and is subject to an existing management plan. Habitat Management Zones are then identified and the application area falls within Habitat Zones 8 and 11. The RLM proposal for Zone 8 is that the operational land be retained, with margins managed for woodland screening and wetlands managed for biodiversity. The RLM proposal for Zone 11 is to continue the existing management regime to retain grassland and other species of open habitat and to promote habitat for ground nesting birds such as lapwing and skylark.
76. The restoration plan provided with the application provides an outline for the site's restoration but it is considered that a more detailed final restoration plan should be required to be submitted by condition should planning permission be granted. It is reasonable that this should be in line with the aims of the RLM Habitat Zones referenced above. The provision of a permissive path linking Thrupp Lane to the disused railway line would be in accordance with this policy. A section 106 Legal Agreement would therefore need to be entered into to provide for this. Comment has been made with regard to the maintenance of public access along the disused railway line. Whilst it is known that this is used as a path, it is not part of the rights of way network and so the development would not cause any legal obstruction. It is not a permissive path although there is an aspiration for this in the Radley Lakes Masterplan. Its future provision as a permissive path would clearly link in with the provision of the permissive path proposed in support of this application but that would have to be with the agreement of the relevant landowners. It is not considered that it is a matter which could preclude the grant of planning permission to this application.

77. It is considered that subject to conditions as discussed, the development would be in line with the aims of these policies and support the aims of the Radley Lakes Masterplan.

The Water Environment

78. Policy C3 of the OMWCS requires development to take place in areas with the lowest probability of flooding wherever possible. VLP1 policy CP42 states that the impact of flooding will be minimised by directing new development to areas with the lowest probability of flooding. All development will be required to provide a drainage strategy. Sustainable drainage systems should seek to enhance water quality and biodiversity.
79. Policy C4 of the OMWCS seeks to resist development proposals which would adversely affect the quantity or quality of water resources. VLP2 policy DP30 seeks to protect watercourses. RNP policy PP.8 states that development which directly promotes nature conservation and/or quiet recreation in the Radley Lakes area will be supported, subject to certain criteria including compliance with policy CP42, which requires a site-specific flood risk assessment for all development in Flood Zone 2 and 3 and for appropriate mitigation and management measures to be implemented. RNP policy PP.13 states that development will be supported where it is demonstrated that surface water drainage will not add to the existing site runoff or cause any adverse impact to neighbouring properties and the surrounding environment.
80. The majority of the site lies within flood zone 1, the area of least flood risk. However, the application areas include a small area at the southern end that is within flood zone 2. It is necessary therefore for the sequential test to be carried out which aims for development to be carried out in the least risk flood zone possible. The development would be directly associated with the future working of the remaining sand and gravel from the ROMP permissions DD1 and DD2 area. The national Planning Practice Guidance states that a pragmatic approach should be taken to assessing the availability of alternatives when applying the sequential test. The mineral reserves within the ROMP permissions area lie with Flood Zones 2 and 3 and it is not otherwise possible to access them from Thrupp Lane for their removal without at least passing through Flood Zone 2. It is therefore considered that the development passes the sequential test. As the applicant has stated, the conveyor would be sited on legs with a small footprint therefore touching the ground, it is considered that it would not affect surface water flows and no surface water management plan is required. The operational part of the conveyor would sit above the estimated flood level and so would not require any extra flood resistance and resilience measures. The Environment Agency has not objected to the application on flooding grounds or to its impacts on water resources.
81. It is therefore considered that the development is in compliance with the above policies.

Biodiversity Impacts

82. OMWCS policy C7 states that minerals development shall, where possible, lead to a net gain in biodiversity. It also states that all minerals development shall make an appropriate contribution to the maintenance and enhancement of local habitats, biodiversity or geodiversity and satisfactory long-term management for the restored site shall be included in proposals.
83. VLP1 core policy 45 states that a net gain in green infrastructure, including biodiversity, will be sought. VLP1 core policy 46 states that development which will conserve, restore and enhance biodiversity in the district will be permitted, opportunities for biodiversity gain will be sought and a net loss of biodiversity avoided.
84. RNP policy PP.8 states that development which directly promotes nature conservation and/or quiet recreation in the Radley Lakes area will be supported, subject to certain criteria including avoiding detriment to the integrity of the local ecology by incorporating appropriate measures in development proposals. Where appropriate these will include avoidance measures, mitigation measures and compensation measures.
85. Objections and comments on ecology grounds have been received from a number of parties. Some of the comments received relate to the working of mineral under the ROMP permissions DD1 and DD2 area and these are therefore matters which would be considered when the application for new conditions for the ROMP permissions DD1 and DD2 area is submitted for determination. Comment has also been made that the application is so closely related to the extraction of mineral from the ROMP permissions area that it should not be determined until that application has been submitted and related impacts within the ROMP permissions DD1 and DD2 area considered.
86. The applicant has submitted further ecological information including an extended Phase 1 Ecology Survey & Preliminary Ecological Appraisal. This identified that whilst the site is in a Red Risk Zone for Great Crested Newts, there is no current DNA sampling evidence for the presence of Great Crested Newts but that a methodology would be put in place for further hand searching at the time of vegetation clearance for construction of the proposed development. Should they be identified at that time then work would be halted and a licence sought to move them from Natural England. The applicant has also concluded based on further walking of the site that the waterbody of concern to the Environment Agency and other respondents has scrubbed over and so is no longer present. The County Council's own ecologist has walked the site and looked at the situation on the ground. She has also considered and responded to some detailed comments received in objection to the application on ecological grounds. The applicant has provided the confirmation she requested in her comments above. Her advice is that the development is now acceptable subject to a condition as set out above. The Environment Agency has also withdrawn its objection.
87. With regard to the point made about the determination of the application in advance of the submission and determination of the application for new conditions for the ROMP permissions DD1 and DD2 area, firstly central government does expect

planning applications to be determined in a timely manner and each application has to be determined on its own merits against the development plan and other material considerations. In this case the existence of the ROMP permissions DD1 and DD2 is a material consideration as this application would not otherwise have been made and is parasitic on the winning and working of the mineral. However, this situation also pertained in 2012 when the council granted planning permission to application no. MW.0001/12. Also, whilst the county council formed a Screening Opinion that the current application was EIA development in cumulation with that permitted by planning permission nos. DD1 and DD2, the applicant sought a Screening Direction from the Secretary of State who disagreed and concluded that the development was not EIA development. It is considered that this is material to this point and that the application can be determined in advance of the submission of the application and accompanying Environmental Statement for new conditions for the ROMP permissions DD1 and DD2 at which point the ecological impacts of that development including the land which would be required to link through to the development proposed in this application would be considered.

88. If this application were to be refused then the applicant would have a right of appeal but equally would be under no obligation to do so nor to seek to revise the application and re-submit it. It is considered that if or when the mineral is extracted from the ROMP permissions DD1 and DD2 area, having the option of its removal via the proposed conveyor for processing at Tuckwell's Yard is likely to have environmental benefits over direct removal by vehicles from the extraction area as rehearsed above.
89. As set out above the county council's own ecologist recommends that the application be approved subject to a condition requiring that the works shall be undertaken in accordance with the submitted Extended Phase 1 Habitat Survey & Preliminary Ecological Appraisal Version 5 produced by AD Ecology (June 2021), an Ecological Clerk of Works / Suitably Qualified Ecologist will be present prior to works commencing, to ensure no animals are present and that, should any be found, the Ecologist will move them to a safe location. I also recommend that a condition be attached requiring that the development shall only be implemented at such time as a new set of planning conditions for the working of the ROMP permissions DD1 and DD2 site has been approved.
90. Subject to these conditions, it is considered that the application is in accordance with the aims of the above policies.

Financial Implications

91. Not applicable as the financial interests of the County Council are not relevant to the determination of planning applications.

Legal Implications

92. Legal comments and advice have been incorporated into the report.

Equality & Inclusion Implications

93. In writing this report due regard has been taken of the need to eliminate unlawful discrimination, harassment and victimisation, advance equality of opportunity and foster good relations between different groups. It is not however considered that any issues with regard thereto are raised in relation to consideration of this application.

Conclusion

94. It is considered that subject to conditions, including those discussed above, the proposed development would accord with the development plan and that other material considerations raised could be addressed so as to render the impacts of the development acceptable. Conditional planning permission should therefore be granted subject to the entering into first of a section 106 Agreement for the provision of the permissive path.

RECOMMENDATION

It is RECOMMENDED that subject to the applicant first entering into a section 106 agreement for the provision of a permissive path to provide a link between Thrupp Lane and the disused railway line as part of the restoration of the site that planning application no. MW.0075/20 be APPROVED subject to conditions to be determined by the Assistant Director for Strategic Infrastructure and Planning to include those set out in Annex 1 to this report.

RACHEL WILEMAN

Assistant Director for Strategic Infrastructure and Planning

Annex: Annex 1: Conditions

Annex 2: European Protected Species

Plan 1: Site Location Plan

Background papers: Nil

Other Documents: Oxfordshire Minerals and Waste Local Plan Part 1: Core Strategy

PN7

The Vale of White Horse Local Plan 2031 Part 1 (VLP1)

The Vale of White Horse Local Plan 2031 Part 2 (VLP2)

Radley Neighbourhood Plan 2018-2031

Radley Lakes Masterplan

National Planning Policy Framework

National Planning Practice Guidance

Planning permission no. MW.0001/12

ROMP permissions DD1 and DD2

August 2021

Annex 1 - Conditions

1. Development shall be carried out in complete accordance with the approved documents and plans .
2. Commencement of the development within 5 years of date of consent.
3. The development to not be implemented prior to the grant of new planning conditions for the ROMP permissions DD1 and DD2 area.
4. The development to only be implemented in association with the extraction of sand and gravel and restoration of the ROMP permissions DD1 and DD2 area pursuant to the grant of new planning conditions.
5. No new fixed plant, machinery or structures to be erected on the land other than in accordance with the details set out in the application or in accordance with details to first be submitted and approved in writing.
6. Stockpiles within the flood plain shall be sited so as not to impede flow of flood water.
7. Details of the maximum height of stockpiles to be submitted and approved in writing prior to the commencement of the development and no stockpiles to exceed the approved maximum height.
8. Maximum annual throughput of the processing plant to be 150,000 tonnes per annum.
9. Maximum daily Heavy Goods Vehicle movements to not exceed 64 (32 in, 32 out) per day.
10. Details of the measures to be taken for the protection of existing boundary vegetation and its enhancement where any gaps exist to be submitted and approved in writing prior to the commencement of the development and implemented thereafter.
11. Submission and approval in writing of a detailed restoration plan prior to the commencement of the development.
12. Completion of restoration including the removal of plant and machinery no later than 16 years from the date of re-commencement of sand and gravel extraction pursuant to the grant of new planning conditions for the ROMP permissions DD1 and DD2 area.
13. The works shall be undertaken in accordance with Section 7 of the Extended Phase 1 Habitat Survey & Preliminary Ecological Appraisal Version 5 produced by AD Ecology (June 2021). An Ecological Clerk of Works / Suitably Qualified Ecologist shall be present prior to works commencing, to ensure no animals are present. Should any animals be found, the Ecologist shall move them to a safe location.

14. Operating hours to not be other than 0700-1800 Mondays to Fridays, 0700-1300 Saturdays and additionally 1300-1800 Saturdays for plant maintenance only.
15. Sheeting of any lorries leaving the site except those carrying stone in excess of 500mm.
16. Reversing beepers shall use white noise only.
17. No lighting to be used other than in accordance with details of which shall first be submitted and approved in writing.
18. Dust control measures to be carried out in accordance with the submitted dust management scheme.
19. Noise level at the nearest residential property on Thrupp Lane to not exceed that calculated in the submitted noise impact assessment.
20. 5 years aftercare scheme for the restored area be submitted to and approved in writing no later than six months before the completion of restoration and implemented following completion of restoration.
21. No mineral to be imported by road to the processing plant site area for processing; only sand and gravel from the ROMP permissions DD1 and DD2 area which shall be brought by conveyor.

Informatives

1. Participation in liaison committee.
2. The applicant to work with Radley Parish Council to look at what measures could be provided to mitigate highway impacts pending any delivery of an alternative in line with policy PP.9.

Compliance with National Planning Policy Framework

In accordance with paragraph 38 of the NPPF Oxfordshire County Council takes a positive and creative approach and to this end seeks to work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. We seek to approve applications for sustainable development where possible.

We work with applicants in a positive and creative 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. For example, in this case objections raised with regard to the ecological impact of the application were raised with the applicant and further information submitted.

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 an 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.

No further consideration of the Conservation of Species & Habitats Regulations is necessary.