

Division Affected – Wroxton & Hook Norton

PLANNING AND REGULATION COMMITTEE

Date 11th April 2022

The modification of the approved restoration scheme through importation of inert soil material for nature conservation afteruses and the erection of 18 single storey holiday lodges with associated landscaping and car parking.

Report by Assistant Director for Strategic Infrastructure and Planning

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Location: Alkerton Quarry, Rattlecombe Road, Alkerton with Shennington, OX15 6HY

OCC Application No: MW.0124/21
Cherwell Application No: 21/03562/CM

District Council Area: Cherwell

Applicant: A.T. Contracting Ltd.

Application Received: 11th October 2021

Consultation Periods: 21st October – 20th November 2021
27th January – 26th February 2022

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PART 1- FACTS AND BACKGROUND

Location (see Plan 1)

1. The application site is located approximately 0.5 miles west of the village of Alkerton and 4.5 miles north west of Banbury. It is less than 1 mile south east of the boundary with Warwickshire.
2. The site is within Wroxton Parish but adjacent to the boundary with Shenington with Alkerton Parish.

Site and Setting (see Plan 2)

3. The application site covers an area of 10.7 hectares. It is triangular and bordered by the A422 Stratford Road to the east, Rattlecombe Road to the south and a footpath with a former landfill site beyond to the west. Alkerton Household Waste Recycling Centre (HWRC) lies approximately 350m west of the site boundary. A further footpath also bisects the site. It is in a rural area and the wider landscape is agricultural.
4. The site itself is a former ironstone quarry, that has been largely worked out. The northern tip of the site has been partially restored and is now rough grassland and gorse covering approximately 3 hectares. The remainder of the quarry, approximately 8 hectares, remains unrestored with the extraction area still open. It contains stockpiles of part-processed minerals, stored soils and exposed mineral and overburden.
5. The site lies within Flood Zone 1, the area of least flood risk.
6. The site lies 1.2 km (0.8 miles) south east of the Cotswolds National Landscape (formerly Area of Outstanding Natural Beauty), which is also the Warwickshire county boundary.
7. There are a number of listed buildings in Alkerton, over 800 metres (0.5 miles) from the application site. The Shenington with Alkerton Conservation Area lies approximately 750m west of the site. A Scheduled Monument (lynched ridge and furrow) lies approximately 1.2km west of the site. There is a Grade II* Registered Park and Garden (Upton House) 1.3km north west of the site and 5.4km south east (Wroxton Abbey).
8. Balscote Quarry, a Local Wildlife Site, lies approximately 260 metres south of the application area. There are no Sites of Special Scientific Interest (SSSIs) within a 5 km radius of the application site.
9. Footpath (418/6/10) bisects the site. There is also a footpath on the western boundary, which is footpath (418/12/30) south of the point where it meets (418/6/10) and footpath (418/12/10) north of this point. The d'Arcy Dalton Way, a long-distance footpath, is approximately 500 metres north of the application site, running along bridleway (255/5/10) at that point.

10. Immediately south east of the site boundary is a residential property (Heath Farm, also known as White Gables), a blacksmith business and a seance centre (Jenny's Sanctuary).
11. Other nearby properties include the Indian Queen restaurant with associated accommodation 65 metres north of the site on the A422, Langley House (330m south-east), a cluster of properties, Crowborough, Stone Edge and Wroxton Hall (330m east), Alkerton Barn (530m west) and New Cottages (600m west). Housing within the villages of Alkerton and Shennington lie approximately 800m (0.5 mile) and 1.3km (1 mile) west of the application site respectively.
12. Overhead power lines pass east to west approximately 850 metres south of the site. There is a solar park approximately 2km south west.
13. There is an underpass in the northern section of the eastern site boundary, which linked the two sides of the A422 for quarry vehicles.

Planning History

14. Application 97/00430/CM (MW.003/99b) was submitted January 1997. The application was a Review of Old Mineral Permission (ROMP) to consider the conditions attached to the extant permissions for the quarries at Balscote-Hornton-Wroxton and Alkerton. These were for all areas under the same applicant's control with Alkerton Quarry identified as south of Area 5. This permission was issued in January 1999. This specified that mineral extraction is to cease by 21 December 2042, restoration to be completed by 21 December 2043 and aftercare to be completed by 21 December 2048. This application has now been superseded.
15. Application 01/01478/CM (MW.023/01) was submitted in July 2001. This application was for non-compliance with condition 98, to allow an area greater than 0.5 ha for operational land (excluding roadways, offices and wheel wash) and variation of working plan approved under condition 105 of planning permission referenced 1899/9/3, 1899/9/9, 1899/40009/11 and 1899/40009/12 at Alkerton Quarry, Banbury. This permission was issued in January 2002 and has now been superseded.
16. Application 12/01365/CM (MW.0113/12) was submitted in July 2012. This was to vary conditions 35, 40, 41, 98 and 99 of 12/00056/12 (MW. 0011/12), relating to the restoration and direction of working (condition 98) and to allow for effective drainage. The permission was issued in November 2012 and has now been superseded.
17. Application 13/01257/CM (MW.0108/13) was submitted in August 2013. This application was to allow for the implementation of an updated restoration scheme, by varying condition 109 of 12/01365/CM (MW.0113/12). This application was refused in October 2013, as it was considered that it was not a variation of the original condition as it was an application to import waste,

which is not part of the original application. There was also insufficient information to demonstrate there would be no harm from the development to the environment or local amenity.

18. Application 19/00407/CM (MW.0020/19) was submitted in February 2019. This application was a Section 73 application to vary condition 99 of planning permission ref 12/01365/CM (MW.0113/12); to relocate the ephemeral pond. This permission was issued in November 2019 and is the current planning permission. The revised restoration, which was approved 21 November 2019, was due to be carried out during 2019/ 2020.
19. It is understood that the site was last worked mid-2020, when the mineral beneath the haul road was removed, making implementation of the approved restoration scheme impossible.

Details of Proposed Development

20. The application proposes an alternative restoration plan for the quarry. This would include the importation and deposition of inert soils to infill the void. It is estimated that 150 000 tonnes (90 000 cubic metres) of soils would be required to achieve the proposed landform. Soils from within the site would be stored for use in the final soil placement.
21. Due to the size of the site, the infilling would be carried out as a single phase. The area of proposed infill covers the vast majority of the application site but excludes the northern tip.
22. The final landform would slope gently down from a high point in the north, to the pond in the south east part of the site. It would fill in voids present in the current landform and would lower the ground levels in the proposed wetland area, to facilitate good drainage.
23. The application states that the permitted restored landform is no longer achievable, due to over-extraction by a previous operator. There are no longer sufficient soils and overburden on site to implement the approved plan without importation. The application states that 75 000 cubic metres (125 000 tonnes) of imported material would be required just to implement the approved contours. The additional importation is proposed in order to create an enhanced landform which the applicant considers would achieve a higher quality restoration.
24. It is proposed to import infill material over three years at a rate of 50 000 tonnes per year. The application states that the material would be sourced from the locality.
25. The restored site would vary from 161 metres AOD in the south to 172 m AOD in the north. It would be a lower-level restoration broadly similar to the currently permitted scheme, but with shallower slopes. It is not proposed to infill to pre-extraction ground levels. The proposed landform has been designed to address drainage issues at the site. A permanent pond is proposed in the south east part of the site.

26. Existing hedgerows and trees on the southern and eastern site boundaries would be retained. The existing footpath through the site would be retained on its definitive route.
27. A temporary site cabin would be erected to provide welfare and office facilities for staff during the restoration works. This would measure 3.2 metres wide by 6 metres long and would be 2.6m high. It would be located in the south west corner of the site, near the access.
28. Four direct full-time jobs would be created during the restoration period.
29. It is proposed that working hours would be in line with the existing consent and restoration operations would be restricted to between 07.00-18.00 hours Monday to Friday and 07.00 to 13.00 hours on a Saturday, with no working on Sundays or on bank or public holidays.

Afteruse

30. Following the completion of the waste importation and infilling, it is proposed that the site would have a nature conservation afteruse, including a 5-hectare nature reserve. There would also be tourist accommodation.
31. The currently approved restoration is primarily to agriculture, however, the application states that the existing soils on site would not be suitable for this afteruse.
32. The habitats created would include woodland and scrub vegetation, semi-natural grassland, permanent wetland with an island, ephemeral wetland and bare ground. New hedgerows would be created in the centre of the site and on the western boundary.
33. There would be a bat and barn owl roost with viewing platform.
34. The remnant quarry face would be removed, the application states that this is the safest option.
35. A parking area for five cars would be provided in the south west of the site, adjacent to the access from Rattlecombe Road. This would include a viewing area for people to look over the nature reserve. There would be no public access to the nature reserve itself.

Holiday Lodges

36. Following the importation of inert soils and the creation of the restoration landform, it is proposed to erect 18 holiday lodges on the site. They would be for holiday rentals. It is proposed to locate them between 20 and 40 metres apart, set within grassland and scrub. Most would be in the northern part of the site, with four fronting the nature reserve in the south of the site.

37. The lodges would be of 4 different designs accommodating between 2 and 5 people each. There would be 2 x type A (7.35m X 3.4m), 4 x Type B (12m x 3.5m), 8 x Type C (13m x 4m) and 4 x Type D (14.2m x 6.8m). All lodge types would be 3.5 metres high and would also have a deck.
38. Parking for 1 or 2 vehicles, depending on the lodge type, would be provided outside each lodge, along with lockable bike stands for two bikes.
39. The lodges would be of modular design and would be produced off-site before being installed at the site. It is estimated that it would take 6 months to install all 18 lodges.
40. The lodges would be eco-lodges designed using Passivhaus principles in order to improve sustainability and reducing heating requirements by maximising heating from passive sources. Water would be heated by a ground source or air source heat pump, the windows would be triple glazed and there would be mechanical ventilation with heat recovery. Limitations due to the site alignment and building materials prevent a fully passive system.
41. A 3-metre-high bund would be created along the eastern site boundary adjacent to the two lodges in the northern most part of the site, to ensure that noise levels from the A422 are acceptable. The bund would be seeded and planted.
42. There would be a gated access to the lodges in the south west corner of the site, from Rattlecombe Road. The access road would run along the western site boundary with access to individual lodges via surfaced tracks.
43. It is anticipated that the tourism afteruse would lead to one direct full-time job.

Mineral Extraction

44. The ironstone remaining on site would be removed prior to the commencement of infilling. However, this does not form part of this application and it is proposed to undertake the extraction under the existing ROMP consent, as amended by subsequent Section 73 applications. It is estimated that there remains 50 000 tonnes (30 000 cubic metres) to be extracted, which would take a few months.

Traffic and Access

45. Access is from an existing access from Rattlecombe Road in the south west of the site. It is proposed to concrete the access road and construct a wheelwash.
46. The application states that the importation of inert waste would give rise to up to 22 HGV movements per day for the three-year duration of the waste importation. These would usually be 18 tonne rigid HGVs with 25 tonne articulated HGVs sometimes used. There would be an average of 2 movements per hour during both the morning and evening peak.

47. Vehicles generated by the proposed holiday lodge development has been modelled at 39 movements per day during the peak holiday season. These would not be HGVs. The application states that the nature reserve is not anticipated to generate significant traffic.
48. The application states that it is likely that during the infilling period there would be an approximate 50/50 split between vehicles travelling north on the A422 (into Warwickshire) and vehicles travelling south (through Wroxton and Drayton).

Environmental Impact Assessment

49. The application is supported by an Environmental Impact Assessment (EIA) and an Environmental Statement (ES) was submitted with the application. This covers the range of potential environmental impacts of the proposal. A summary of the findings can be found in Annex 4. Further information in relation to biodiversity, groundwater, landscape and landfill was requested and received.

PART 2 – OTHER VIEWPOINTS

50. The full text of the consultation responses can be seen on the e-planning website¹, using the reference MW.0124/21. These are also summarised in Annex 2 to this report.
51. No third-party representations were received.
52. There were two consultation periods, as further information was submitted following the first consultation, in relation to the Environmental Statement and also to address other issues raised in the consultation responses.
53. The proposed restoration scheme was revised following the first consultation. The alterations to the restoration scheme include that it provides two waterbodies, rather than one, hibernacula, an additional hedgerow and increased woodland planting.
54. Cherwell District Council initially stated that they considered the eco-lodges should be a separate planning application submitted to themselves, rather than part of the application determined by Oxfordshire County Council as Minerals and Waste Planning Authority. However, the application has been correctly made to Oxfordshire County Council because any proposals, including built development, which would conflict with compliance with the existing restoration conditions at a mineral working, are County Matters. The District Council therefore agreed that they should remain a consultee.

¹Click here to view application [MW.0124/21](#)

PART 3 – RELEVANT PLANNING DOCUMENTS

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

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

Development Plan Documents

56. The Development Plan for this area comprises:

- Oxfordshire Minerals and Waste Local Plan Part 1: Core Strategy (OMWCS)
- Oxfordshire Minerals and Waste Local Plan 1996 (Saved Policies) (OMWLP)
- Cherwell Local Plan 2031 (CLP)
- Cherwell Local Plan 1996 (saved policies) (CLP 1996)

57. The Oxfordshire Minerals and Waste Local Plan Part 1: Core Strategy (OMWCS) was adopted in September 2017 and covers the period to 2031. The Core Strategy sets out the strategic and core policies for minerals and waste development, including a suite of development management policies.

58. The Oxfordshire Minerals and Waste Local Plan 1996 (OMWLP) was adopted in July 1996 and covered the period to 2006. Some policies of the OMWLP were replaced following adoption of the OMWCS in 2017 but 16 policies continue to be saved. They are due to be replaced on the adoption of Oxfordshire Minerals and Waste Local Plan Part 2: Site Allocations.

Emerging Plans

59. Work on the Oxfordshire Minerals and Waste Local Plan Part 2: Site Allocations (OMWLP Part 2) is progressing. This plan will allocate sites required to provide the additional capacity for minerals supply and waste management as set out in the adopted core strategy. Although work has commenced on OMWLP Part 2, it is at an early stage and no draft is available, therefore, no weight can be given to this.
60. Cherwell District Council are currently undertaking a consultation to inform the review of the adopted Cherwell Local Plan 2011 – 2031. It is anticipated that the review will develop new policies for a variety of matters including achieving net increases in biodiversity. The consultation closed in November 2021.

Other Policy Documents

61. Other documents that are relevant to determining this application include:

- National Planning Policy Framework 2021 (NPPF)
- National Planning Policy for Waste 2014 (NPPW)
- Planning Practice Guidance (PPG)

62. There is no Neighbourhood Plan for the area.

63. The site is not within the Cotswolds AONB but it is within its setting. The Cotswolds Conservation Board have recommended that the following publications are taken into account:

- Cotswolds Area of Outstanding Natural Beauty (AONB) Management Plan 2018-2023
- Cotswolds AONB Landscape Character Assessment
- Cotswolds AONB Landscape Strategy and Guidelines
- Cotswolds AONB Local Distinctiveness and Landscape Change
- Cotswolds Conservation Board Position Statements particularly, in this instance, with regards to the Development in the Setting of the AONB Position Statement and Tranquillity Position Statement

Relevant Development Plan Policies

64. The OMWCS policies most relevant to the consideration of this application are:

- M10 - Restoration of Mineral Workings
- W6- Landfill and other permanent deposit of waste to land
- C1 - Sustainable Development
- C2 - Climate Change
- C3 - Flooding
- C4 - Water Environment
- C5 - Local Environment, Amenity & Economy
- C6 – Agricultural Land and Soils
- C7 - Biodiversity and Geodiversity
- C8 – Landscape
- C10 - Transport
- C11 - Rights of Way

65. The Cherwell Local Plan policies most relevant to the consideration of this application are:

Cherwell Local Plan 2031 Part 1 (CLP)

- PSD1 – Presumption in Favour of Sustainable Development
- SLE 3 – Supporting Tourism Growth
- ESD 3 – Sustainable Construction

- ESD 7 – Sustainable Drainage Systems
- ESD 8 – Water Resources
- ESD 10 – Biodiversity and the Natural Environment
- ESD 13 – Local Landscape Protection

Cherwell Local Plan 1996 (Saved Policies) (CLP 1996)

- C7 – Landscape Conservation
 - C28 – Layout, Design and Appearance of New Development
 - ENV1 – Development likely to cause detrimental levels of pollution
66. None of the saved OMWLP are relevant to the consideration of this application. The saved policies are all site-specific and none of them apply to the area proposed in this planning application.
67. Relevant sections of the NPPF include those on facilitating the sustainable use of minerals, encouraging a prosperous rural economy, meeting the challenge of climate change, flooding and coastal change, conserving and enhancing the natural environment.
68. Relevant sections of the PPG include specific advice on matters including minerals, determining a planning application and natural environment.

PART 4 – ASSESSMENT AND CONCLUSIONS

Comments of the Assistant Director for Strategic Infrastructure and Planning

69. The NPPF sets out a presumption in favour of sustainable development (paragraph 10), which is supported by CLP policy PSD1 and OMWCS policy C1. This means taking a positive approach to development and approving an application which accords with the development plan without delay, unless material considerations indicate otherwise.
70. All planning applications 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.
71. The key planning issues are:
- i. Restoration and aftercare of minerals and waste sites
 - ii. Proposed built development
 - iii. Landscape & Visual Impacts
 - iv. Biodiversity
 - v. Transport
 - vi. Rights of Way
 - vii. Water environment

- viii. Amenity
- ix. Sustainable Development

Restoration and Aftercare

- 72. OMWCS policy M10 expects mineral sites to 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. It also states that restoration proposals should take into account the quality of agricultural land, the surrounding landscape, amenity of local communities and capacity of the local transport network.
- 73. OMWCS policy C6 states that development should make provision for the management and use of soils to maintain agricultural land quality and soil quality.
- 74. OMWCS policy W6 states that priority will be given to the use of inert waste that cannot be recycled as infill material to achieve satisfactory restoration of quarries. Permission will not otherwise be granted for development that involves the permanent disposal of inert waste on land unless there would be overall environmental benefit.
- 75. It is proposed to import 150 000 tonnes of inert waste material to restore the quarry. The currently approved restoration does not include the importation of any waste as the quarry was to be restored to agriculture at the lower level. The applicant has advised that it is no longer possible to deliver the approved restoration contours using on-site materials as the site has been over-extracted. However, it is proposed to import 25 000 tonnes over what would be needed to restore the site to the currently approved ground levels.
- 76. Policy W6 gives priority to the use of inert waste that cannot be recycled for infill material for quarry restorations, however this is when it is needed to achieve a satisfactory restoration. The quarry has an approved satisfactory restoration scheme which does not include any importation of infill material, therefore it is not considered to be necessary to achieve a satisfactory restoration. The policy goes on to say that in other cases, there would need to be an overall environmental benefit for permission to be granted for the disposal of inert waste.
- 77. The proposed restoration plan includes restoration to nature conservation rather than agriculture and delivers biodiversity net gain. Therefore, the proposed restoration afteruse is considered to provide an environment benefit, compared to the currently approved scheme, as required by OMWCS policy W6. It is not clear whether the proposed level of inert waste disposal is necessary to achieve this environmental benefit, or whether an equally good scheme could be achieved with less waste disposal. However, the applicant has stated that the additional importation would create an enhanced landform to deliver a higher quality restoration. The application states that the additional

imported material is necessary to compensate for over extraction at the site and to provide a sufficient soil depth to support vegetative growth and delivery of biodiversity net gain. The level of additional waste importation over what would be needed to compensate for over extraction, is relatively limited. It is only possible to assess the proposals put forward and they demonstrate an environmental benefit.

78. Whilst an environmental benefit is provided by the change in afteruse and delivery of biodiversity net gain, policy OMWCS policy W6 requires an overall environmental benefit. In assessing whether there is an overall environmental benefit, the potential amenity impacts of the infilling, including from additional HGV movements on the local road network, must be taken into account. These impacts must be weighed against the benefits. As set out in this report, it is not anticipated that there would be significant amenity impacts. There would be an increase in HGV movements, however it would not be a significant impact and it would be for a limited three-year time period.
79. Overall, it is considered that as the scheme would deliver an overall environmental benefit it therefore complies with OMWCS policy W6.
80. In order to ensure that the environmental benefits of the proposed restoration are realised, long term management will be needed. The applicant has offered a commitment to manage the site for 25 years. This would comprise 5 years of statutory aftercare and 20 years of additional long term management, which would need to be secured by a Section 106 legal agreement before any permission could be given.
81. It is considered that the restoration proposals would offer a high standard restoration that is appropriate to the location and includes a net gain in biodiversity, in accordance with OMWCS policy M10. Although the land would not be returned to agriculture as originally intended, the proposed afteruse is considered to be appropriate and there would not be a significant loss of best or most versatile land, due to the relatively small size of the site and the quality of soils remaining on site. Therefore, the proposal is not contrary to OMWCS policy C6. Policy M10 also requires quarry restoration proposals to take into account surrounding landscape, amenity of local communities and capacity of the local transport network. These are addressed in detail in this report.

Proposed Built Development

Principal of tourist accommodation in this location

82. CLP policy SLE 3 supports proposals for new tourist facilities in sustainable locations, where they accord with other policies in the plan. Cherwell District Council initially objected to the tourist accommodation on the basis that the site is in a geographically and environmentally unsustainable location, contrary to this policy.

83. The applicant submitted further information explaining that the rural location of the site made it suitable for tourism accommodation. It has good access from an A-road and there are also sustainable travel options as the site is within walking distance of local villages, near a bus route, in an area of good rights of way provision, near a Sustrans route and a taxi ride from train stations. A Tourism Market Appraisal Report was also submitted assessing potential visitor demand and economic impact, which concludes that tourism is important to the economy in Cherwell, but that there are gaps in the current accommodation supply which this proposal would help address.
84. Cherwell District Council removed their objection following consideration of the additional information and confirmed that the proposals would comply with CLP policy SLE 3.
85. The proposal is considered to be in accordance with CLP policy SLE3.

Design

86. CLP 1996 policy C28 states that control will be exercised over all new development to ensure that standards of layout, design and external appearance are sympathetic to the context.
87. Policy ESD 15 of the CLP and policy C28 of the CLP 1996 expect new development to complement and enhance the character of its context through sensitive siting, layout and high-quality design.
88. CLP policy ESD 3 states that all development proposals will be encouraged to reflect high quality design and high environmental standards, demonstrating sustainable construction methods.
89. There has been no objection to the proposed design or layout of the built development. The scale and design of the buildings are considered to be appropriate in the context. The proposed timber cladding is sympathetic to the rural setting. The design is considered to be in accordance with CLP 1996 policy C28 and CLP policy ESD3. The incorporation of Passivhaus principles to ensure sustainable building design is supported by CLP policy ESD3.

Landfill Impacts

90. OCC Waste Management initially raised concerns about the potential impact of the risk to human health from landfill gas, given the proximity of the proposed eco-lodges to the former landfill sites (one owned by Oxfordshire County Council and the other by SITA) immediately adjacent. Cherwell District Council also questioned the suitability of the site for tourist accommodation, given the adjacent landfill site.
91. In response to the comments received during the first consultation, the applicant provided a Gas Risk Assessment. This concludes that the design of the eco-lodges is such that there is no pathway between the ground surface to the lodges themselves and therefore landfill gas is not a risk and the proposals

would not materially impact on the management of landfill gas at the adjacent sites. There were no further comments or objections in relation to this concern.

Landscape

92. Policy C5 of the OMWCS expects proposals for minerals and waste development to demonstrate that they will not have an unacceptable adverse impact on the local environment, amenity, and economy including through visual intrusion and light pollution amongst other things. Policy C8 of the OMWCS states that proposals for mineral and waste development shall demonstrate they respect and where possible enhance local landscape character. They shall include adequate and appropriate measures to mitigate adverse impacts on landscape, including careful siting, design and landscaping. OMWCS policy M10 includes the character of the surrounding landscape and the enhancement of local landscape character in a list of things which must be taken into account when designing quarry restorations.
93. Policy ESD 13 of the CLP expects opportunities to be sought to secure the enhancement of the character and appearance of the landscape through the restoration, management or enhancement of existing landscape features or habitats, including the planting of woodlands, trees and hedgerows. CLP policy ESD10 states, amongst other things, that the protection of trees will be encouraged, with the aim to increase the number of trees in the District. CLP policy ESD 15 requires development to contribute positively to an area's character and identity by creating or reinforcing local distinctiveness and respecting local topography and landscape features, including skylines, valley floors, significant trees, historic boundaries, landmarks, features or views. CLP policy ESD 17 requires the District's green infrastructure network to be maintained and enhanced.
94. Policy C7 of CLP 1996 states that development will not normally be permitted if it would cause demonstrable harm to the topography and character of the landscape.
95. The OCC Landscape Officer initially had concerns about the potential impacts of HGV movements on tranquillity and landscape character during the infilling stage and concerns about introducing permanent built form to the landscape. Further information was requested and provided on HGV movements, confirming that the increase in movements through the AONB would not be significant. Given the concerns about permanent built development, it is recommended that a condition is added to any permission granted to ensure that the lodges are only used for short-term holiday accommodation and should this use cease, a scheme must be submitted for approval showing an agricultural or biodiversity-led restoration for that part of the site.
96. The Landscape Officer also requested that a condition is attached to any consent granted for submission and approval of a detailed landscaping scheme including access details and means of enclosure, and also a condition for a detailed lighting scheme for any external lighting. These requirements could be added to any consent granted. She also noted that long-term

management would be required to ensure that the proposed landscape and biodiversity mitigation and enhancements are delivered, this would require a Section 106 agreement and the applicant has indicated that they would be willing to provide 20 years long term management.

97. The Landscape Officer also raised concern about potential for light spill through the large windows on the lodges, given the dark skies of the rural location. Additional information submitted by the applicant states that light spill from within the lodges is unlikely to cause a landscape impact as occupants are likely to close the blinds, the lodges would be used mostly during the summer months, the buildings would be set amongst scrub, the wider site is well screened, the lodges are low-density, and the management would include new planting.
98. Subject to conditions for an external lighting scheme, detailed landscaping scheme and Landscape Ecological Management Plan (LEMP), the Landscape Officer did not have any objections to the proposals. Overall, it is considered that the proposals are appropriate to the landscape setting and responds positively to the area's character. New planting would contribute towards an increase in the total number of trees in the District. The proposals are considered to be in accordance with relevant policies protecting landscape including OMWCS policies C5, C8 and M10 and CLP policies ESD 10, 13, 15 and 17.

AONB

99. Although the site is not within the AONB (Cotswolds National Landscape), it is within the setting and could be visible from within the AONB. HGVs from the development would pass through it. Therefore, policies related to the AONB should be considered. Policy C8 of the OMWCS states great weight will be given to conserving the landscape and scenic beauty of AONBs. Cotswolds AONB Management Plan policies on Landscape (CE1), Local Distinctiveness (CE3), Tranquillity (CE4) and Dark Skies (CE5) are also of some relevance.
100. The Landscape Officer has confirmed that given that only 50% of HGV movements would be north along the A422 through the AONB, she does not expect HGVs to have a significant adverse effect on the Cotswolds National Landscape.
101. The Cotswolds Conservation Board also requested further information about the number of HGV movements. Once this was provided, they confirmed that they had no objection to the proposals as the increase in HGV movements would not be significant and so would not affect tranquillity.
102. It is not considered that the proposal would have a significant impact on the Cotswolds AONB. Therefore, it is considered to comply with the requirement of OMWCS policy C8 to give great weight to conserving the landscape and scenic beauty of AONBs, and also with the policies contained in the Cotswolds AONB Management Plan.

Biodiversity

103. Policies C7 and M10 of the OMWCS taken together expect mineral and waste development, including the restoration of mineral workings, to deliver biodiversity net gain. OMWCS policy C7 also states that long term management arrangements for restored sites shall be clearly set out and included in proposals, which should include a commitment to ecological monitoring and remediation.
104. Policy ESD10 of the CLP supports the protection and enhancement of biodiversity and the natural environment including through seeking a net gain in biodiversity, protection of trees, and the incorporation of features to encourage biodiversity.
105. The Banbury Ornithological Society (BOS) were broadly happy with the restoration proposals, but made some suggestions for improvements which were incorporated into a revised restoration scheme. The applicant also clarified that there would be a fenced area of the nature reserve with no public access, to benefit wildlife.
106. The OCC Ecologist originally had some concerns about the potential for Great Crested Newt habitat, whether the proposed scheme optimised the biodiversity value of the site and about the biodiversity net gain calculations. However, following the submission of further information, she confirmed that she had no objection to the application subject to a condition requiring a Landscape Ecological Management Plan and an informative about nesting birds.
107. Compared to the approved restoration for an agricultural afteruse, the proposed restoration plan is considered to protect and enhance biodiversity and would deliver a biodiversity net gain. The applicant has set out that they propose to manage the site for 20 years following the 5-year statutory aftercare period. This would need to be secured through a Section 106 legal agreement. Subject to this, the proposals are considered to be in accordance with development plan policies relating to biodiversity including OMWCS policies C7 and M10 and CLP policy ESD10.

Transport

108. Policy C5 of the OMWCS expects proposals for minerals and waste development to demonstrate that they will not have an unacceptable adverse impact on the local environment, amenity, and economy including through traffic effects and mud on the road amongst other things. OMWCS policy C10 states that minerals and waste development will be expected to make provision for safe and suitable access to the advisory lorry routes shown on the Oxfordshire Lorry Route Maps.

109. CLP 1996 policy TR10 states that development which would generate frequent heavy goods vehicle movements through residential areas or on unsuitable roads will not be permitted.
110. Drayton Parish Council have objected to the application on the basis that it would cause increased HGV movements on the A422, affecting local residents.
111. Transport Development Control initially objected to the application, but removed the objection following the submission of further information. The A422 is an A-road and as such is considered to offer suitable access to the advisory lorry routes, as required by OMWCS policy C10. The traffic would travel past residential dwellings next to the road, however the level of traffic generation would not be considered to be frequent, therefore it is not contrary to CLP 1996 policy TR10. Although there would be amenity impacts of the additional HGV movements, this would be temporary for the 3-year infilling period and would be on an A-road where HGVs can reasonably be expected. Only approximately 50% of the movements (i.e. 11 movements per day) would travel south from the site through Wroxton and Drayton. Therefore, the proposals would be in accordance with OMWCS policy C5.
112. The long-term tourism use is not considered to raise any concerns in terms of highways.
113. The concerns of Drayton Parish Council in relation to HGVs on the A422 are understood. If the application is approved, it is recommended that conditions are imposed to ensure that the development is carried out as proposed and that highways impacts are no greater than those which have been assessed. Recommended conditions include a time limit for the importation of waste (3 years), limit on the total amount of waste imported (150 000 tonnes), annual import limit (60 000 tonnes per year). The applicant has indicated that they would not be willing to accept a limit on daily vehicle movements as the annual limit on importation should be sufficient to ensure that HGV movements are within the range predicted in the application. However, they have said that they would be willing to attend a local liaison meeting so that representatives from the local community can discuss any concerns they have about the operations. A condition requiring a local liaison meeting is therefore recommended.
114. A routeing agreement is also recommended to ensure that HGVs use Rattlecombe Road and the A422 as proposed and not unsuitable, rural roads.
115. Overall, subject to the conditions and routeing agreement outlined above, the development is considered to be in accordance with transport policies OMWCS policy C5 and C10 and CLP 1996 policy TR10.

Rights of Way

116. OMWCS policy C11 states that the integrity and amenity of the rights of way network shall be maintained and improvements and enhancements to the rights of way network will be encouraged. Where appropriate, provision should be made for this in restoration schemes.
117. The proposals include improvements to existing rights of way within the site. Both the route through the site and on the western boundary would be surfaced and there would be native hedgerow planting to border the routes. Walkers using the footpath which crosses the site are currently using a route to the north of the definitive route, the implementation of the revised restoration would provide an opportunity to return it to its correct route. No additional rights of way are proposed in the site.
118. The OCC Rights of Way Officer had no objections to the proposals, subject to a contribution being required to upgrade footpaths in the vicinity of the area so that people staying in the lodges have a non-vehicular way to access the surrounding countryside and villages. This would fund measures on surfaces, steps, furniture, signing, drainage and other related works.
119. The applicant has suggested they would be willing to make the requested contribution, which has been calculated at £35 000. A Section 106 agreement would be required to secure this contribution.
120. No public access is proposed to the restored site, other than along the existing rights of way network. This is a missed opportunity in terms of providing for local amenity and recreation as supported by OMWCS policy M10 and the provision of public access to restored quarries, as supported by OMWCS policy C11. However, the lack of public access is likely to benefit biodiversity within the nature reserve and overall, the proposals are considered to be acceptable in this regard.
121. Subject to a Section 106 agreement for a contribution for works to footpaths in the vicinity of the site and a condition to secure the proposed enhancements to the rights of way within the site, the development is considered to be in accordance with OMWCS policy C11. The existing rights of way network would be maintained and improved.

Water Environment – Flooding, Drainage, Groundwater and Pollution

122. OMWCS policy C3 states that minerals and waste development should take place in the areas of lowest flood risk. Where development takes place in an area of identified flood risk this should only be where alternative locations in areas of lower flood risk have been explored and discounted and where a Flood Risk Assessment (FRA) is able to demonstrate that the risk of flooding is not increased from any source. It goes on to state that opportunities should be taken to increase flood storage capacity in the floodplain, particularly through quarry restoration.

123. Policy ESD1 of the CLP expects measures will be taken to mitigate the impact of developments on climate change. Measures will include consideration of location and design approaches that are resilient to climate change, minimising the impact on flooding and reducing effects on the microclimate.
124. Policy ESD6 of the CLP requires development to take place in areas with the lowest probability of flooding wherever possible. Policy ESD 7 further states that all development will be required to use sustainable drainage systems for the management of surface water run-off.
125. OMWCS policy C4 states that proposals must demonstrate that there would be no unacceptable adverse impact or risk to the quantity or quality of surface or groundwater, the quantity or quality of water obtained through abstraction or the flow of groundwater through the site.
126. Policy ESD 8 of the CLP resists development proposals which would adversely affect the quantity or quality of water resources. CLP 1996 policy ENV7 states that development which would materially, adversely affect water quality of surface or underground waterbodies, will not be permitted.
127. The Lead Local Flood Authority (LLFA) had no objections to the proposal and provided a general response confirming that a Flood Risk Assessment and a Surface Water Management Strategy in accordance with Sustainable Drainage Systems (SuDS) policy is needed. These were provided as part of the Hydrogeological Assessment, however the applicant provided further detail of the proposed Drainage Strategy as part of the further information submission.
128. The Environment Agency originally objected on the basis that the proposed surface water and foul drainage systems would pose an unacceptable risk of pollution of groundwater. The further information submitted by the applicant sought to address these concerns and a consultation was held in January and February 2022. At the time of drafting this report, the Environment Agency had not responded to that consultation, although they have informally indicated that it is likely that they will be requesting conditions.
129. The Environment Agency also objected to the proposal to provide a private sewage treatment facility, as they can lead to a higher pollution risk. The proposals were amended to remove the on-site package treatment works and to connect to a sewer. The applicant has stated that pumping rates and pipe capacity specifications could be provided as part of a pre-commencement condition, should permission be granted. As above, the Environment Agency have not yet confirmed whether the information provided is acceptable and whether they can remove their objection.
130. Although it appears that the information requested has been provided by the applicant, a response from the Environment Agency is required before a decision can be made on this application. An addendum will be provided to update members of the committee of any further response from the Environment Agency.

131. Subject to there being no objection from the Environment Agency and the development being carried out in accordance with the submitted drainage information, the proposals are considered to be acceptable in terms of policies protecting the water environment and minimising flood risk, including OMWCS policies C3 and C4, CLP 1996 policy ENV7 and CLP policies ESD1, ESD6, ESD7 and ESD8.

Amenity

132. OMWCS policy C5 states that proposals for minerals and waste development shall demonstrate that they will not have an unacceptable adverse impact on the local environment, health and safety, residential amenity or the local economy, including from noise, dust, visual intrusion, light pollution, traffic, air quality, contamination or cumulative effects.
133. Policy ENV1 of the CLP 1996 seeks to resist development which is likely to cause materially detrimental levels of environmental pollution, including air quality. Policy ESD 10 of the CLP requires air quality assessments for proposals that would be likely to have a significantly adverse impact on biodiversity by generating an increase in air pollution.
134. Policy ENV1 of the CLP 1996 seeks to resist development which is likely to cause materially detrimental levels of environmental pollution, including through noise and vibration.
135. There are no residential properties in close proximity to the site and it is proposed to retain existing hedgerow and undertake additional hedgerow planting, which would help to screen the development.
136. There has been no objection from the EHO, however they have requested that Electric Vehicle (EV) infrastructure should be provided for the eco-lodges. The applicant has confirmed that there is a commitment to providing EV charging points, although full details have not been provided yet. Therefore, a condition could be attached to any permission granted, requiring full details of locations and specifications of EV charging points to be submitted, approved and implemented prior to first occupation of the lodges.
137. The EHO also asked for details of external lighting to be approved prior to installation. Further details of the proposed external lighting were provided, confirming there would only be light bollards with specific low spread and downward projection. It is considered that the proposed external lighting would not cause adverse impacts on neighbouring amenity.
138. The OCC Public Health Officer requested a condition for a Dust Management Plan, including mitigation measures to be taken at different levels of dust generation both inside and outside of operating hours. Any permission granted should be subject to this condition, to ensure that dust is appropriately managed and mitigated such that it is not a risk to local amenity or human health, in accordance with OMWCS policy C5.

139. The Public Health Officer also asked for clarification why NO₂/NO_x was not considered in the Air Quality Assessment. This information was provided as part of the further information request, which considers background concentrations and likely generation from traffic, plant and machinery associated with the development and concludes that NO₂/NO_x would not be significant, but could be mitigated by measures including speed limits on site, regular servicing of plant and machinery, location of mobile plant within the south west of the site to maintain distance from the nearest receptors.
140. Drayton Parish Council objected to the proposals on the basis of additional HGV movements, but also stated that should permission be granted they would like to see conditions to limit the timescale for importation of waste to three years as proposed and also a limit to the total and annual levels of waste importation. It is recommended that these conditions are attached to any permission granted, as set out in the transport section above.
141. Both the waste infilling and the afteruse are considered to be in accordance with relevant policies to protect amenity, including OMWCS policy C5, CLP 1996 policy ENV1 and CLP policy ESD 10.

Other Issues

142. It is not considered necessary to consider policies relating to the historic environment, as the site is not in close proximity to any heritage assets and as a worked-out quarry, there would be no archaeological remains to be recorded or protected.

Sustainable Development

143. OMWCS policy C1 reflects the presumption in favour of sustainable development contained in the NPPF. It states that applications in accordance with policies in the plan will be approved unless material considerations indicate otherwise.
144. OMWCS policy C2 states that minerals and waste proposals, including restoration proposals, should take account of climate change for the lifetime of the development. Applications for development should adopt a low carbon approach and measures should be considered to minimise greenhouse gas emissions and provide flexibility for future adaptation to the impacts of climate change.
145. The development is considered to be in accordance with development plan policies and therefore supported by OMWCS policy C1. The proposals take account of climate change as required by OMWCS policy C2, for example through the sustainable design of the eco-lodges, provision of EV charging points and through the climate change allowance included in the FRA.

Financial Implications

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

Legal Implications

147. There are not considered to be any legal implications arising from this report.

Equality & Inclusion Implications

148. 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 such issues are raised in relation to consideration of this application.

Conclusions

149. Subject to the Environment Agency's final comments confirming that they no longer object, a Section 106 agreement and Routeing Agreement to secure the matters listed in Annex 4 and the conditions listed in Annex 1, the development is considered to be in accordance with the development plan. It is therefore recommended that planning permission is granted

RECOMMENDATION

Subject to:

- the final comments from the Environment Agency confirming they have no objection to the application; and
- the applicant first entering into a Section 106 agreement and Routeing Agreement for the obligations set out in Annex 4;

It is RECOMMENDED that planning permission for MW.0124/21 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.

Rachel Wileman

Assistant Director for Strategic Infrastructure and Planning

Annexes:

Annex 1: Conditions

Annex 2: Consultation Responses

Annex 3: Environmental Impact Assessment Summary

Annex 4: Legal Agreements Heads of Terms

Annex 5: European Protected Species

Annex 1 – Conditions

- 1) Complete accordance with approved plans and particulars
- 2) Three-year commencement
- 3) Time limit for waste import and infill – 3 years following commencement
- 4) Records to be kept of volume/tonnage of imported material
- 5) Limit to the annual tonnage of imported material (60 000 tonnes)
- 6) Limit to the total tonnage of imported material (150 000 tonnes)
- 7) Standard operating hours for waste infill
- 8) Noise limits for waste operations
- 9) Noise limit for waste operations (temporary operations)
- 10) Protection of trees and hedgerows
- 11) Soil handling conditions
- 12) Implementation of approved restoration planting in the first planting season following the cessation of waste infill
- 13) Replacement of any planting within 5 years that becomes diseased, damaged, removed or that dies
- 14) Aftercare scheme - submission, approval, implementation
- 15) Sheeting of HGVs
- 16) No mud to be deposited on highway
- 17) Site access to be maintained in a good state of repair
- 18) No reversing beepers other than those which use white noise
- 19) Construction Management Plan, for lodges – submission, approval, implementation
- 20) Dust Management Plan – submission, approval, implementation
- 21) Detailed landscaping scheme - submission, approval, implementation
- 22) Landscape Ecological Management Plan (LEMP) - submission, approval, implementation
- 23) Detailed lighting scheme - submission, approval, implementation
- 24) Details of EV charging point locations and specification - submission, approval, implementation
- 25) Details of improvements to rights of way on site - submission, approval, implementation
- 26) Details of connection to foul sewer including pumping rates and pipe capacity specifications - submission, approval, implementation
- 27) No lodge construction until full details of floorplans, locations, elevations and materials have been submitted and approved. Implementation of approved details.
- 28) Lodges to be used for holiday accommodation only and site to be restored to agriculture or biodiversity in accordance with a scheme to be submitted and approved, should the tourist accommodation use cease.
- 29) Footpaths on site to be kept clear of obstructions and vehicles during infilling works
- 30) Detailed drainage plan - submission, approval, implementation
- 31) Local liaison meeting - submission, approval, implementation of details
- 32) Maintenance of approved access arrangements and vision splays
- 33) Any further conditions as recommended in the Environment Agency's final comments.

Informatives

- 1) Nesting bird season
- 2) Groundwater Risk Management Permit

- 3) Minimum water pressure
- 4) Requirement for OCC consent for works on public highway

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, as was the case with this application, and
- updating applicants and agents of issues that have arisen in the processing of their application, for example in this case further information was requested on a range of topics, to overcome concerns raised during the first consultation period. The applicant also revised the proposed restoration scheme.

Annex 2 – Consultation Responses Summary

Cherwell District Council - Planning

Final Response (February 2022)

1. No observations. An accompanying report confirmed that there are no longer any objections to the proposed tourist accommodation as the environmental harm from the unsustainable location of the site would not outweigh the identified benefits of the scheme, and consequently would represent a sustainable form of tourism.

Initial Response (November 2021)

2. Object. No objection to the importation of inert soil for nature conservation afteruses. These works would not result in significant harm to the visual amenities of the site or wider landscape. However, object to the proposed tourist accommodation. Consider that the site is in a geographically and environmentally unsustainable location for new tourist development, contrary to CLP policy SLE3. The suitability of the land for tourist development is also questioned due to the location adjacent to a landfill site.

Cherwell District Council – Environmental Protection

3. No objection. Satisfied with the noise report and the air quality report. Would expect to see some electric vehicle infrastructure provided for the post-restoration use. No comments on odour or contaminated land. Full details of any lighting scheme for the post restoration use of the site should be approved prior to installation.

Wroxton Parish Council

4. No response received.

Drayton Parish Council

5. Object due to the increase in HGV movements through the village on the A422. The incremental increase in lorry movements from permissions already granted is causing road deterioration on the A422 and the noise is causing concerns to residents, particularly in the early morning. Should permission be granted there should be conditions to cover lorry routes, timescale and the maximum total and annual importation. Also note that the proposed lodges are close to the old landfill which might still be emitting gas.

County Councillor – Cllr Reynolds

6. Lorry traffic continues to be a problem in the villages of Wroxton and Drayton. The NPPF para 111 indicates cumulative impact should be taken into account. Along the A422 we have at least 4 industrial estates, Alkerton recycling centre and a working quarry, plus a working quarry just over the border, all contribute traffic through the local villages. Remain concerned about the proposal to site glamping

structures close to a disused landfill site that may well be leaking methane and other gases.

Environment Agency

Final Response

7. Not received at the time of drafting the report.

First Response (November 2021)

8. Object because the proposal involves the use of a non-mains foul drainage system with no justification. This poses an unacceptable risk of pollution of groundwater. Groundwater is particularly sensitive in this location due to location upon a secondary aquifer. The SuDS design should be revised to ensure there is no infiltration through waste. The proposed wetland area should be lined to prevent this. Remain concerned about the risk associated with holiday accommodation being located adjacent to landfill. This has not been satisfactorily addressed. Potential impacts include odour, noise, dust and pests.

Cotswolds Conservation Board

Final Response (28th February 2022)

9. No objection to the proposals, as the proposed increase in HGV movements through the Cotswolds would not be significant.

Second Response (2nd February 2022)

10. Object, pending further information on vehicle movements to allow the impact on the tranquillity of the setting of the National Landscape to be fully assessed.

Initial Response (November 2021)

11. The planning authority has a statutory duty to have regard to the purpose of conserving and enhancing the natural beauty of the National Landscape. The Board recommends that, in fulfilling this 'duty of regard', the planning authority should: (i) ensure that planning decisions are consistent with relevant national and local planning policy and guidance; and (ii) take into account the relevant Board publications. The Board does not have capacity currently to provide a more comprehensive response on this occasion.

Natural England

12. No objection. Echo the comments of Banbury Ornithological Society. Fencing and signage would be beneficial to keep dogs and people out of the main wetland area. Mains foul drainage should be achieved if possible. No specific concerns about soils as the site is less than 20 ha. Care should be taken when backfilling inert material.

Thames Water

13. No objection. Would expect the developer to demonstrate what measures will be undertaken to minimise groundwater discharges into the public sewer. An informative should be attached to any permission granted stating that a Groundwater Risk Management Permit is required from Thames Water, to discharge groundwater into a public sewer. Prior approval is required for the discharge of surface water into a public sewer. An informative should also be added informing the developer of the minimum pressure and flow rate that Thames Water aims to provide customers.

Banbury Ornithological Society

14. Welcome the proposal to create a 5 hectare nature reserve. The applicant consulted BOS at an early stage and has taken on board feedback regarding design of the central pool, grassland and scrub. Can add further detail to the Ecological Impact Assessment, specifically, Little Ringed Plovers use the site. It would be vital to avoid disturbance to birds using the nature reserve. It is essential that a perimeter fence and signage is put in place to keep people away from the wetland area. The fence line is not shown on the restoration plan. Provision will be needed for the annual management costs. Support the provision of a nesting and roosting facility for Barn Owl and bats but there is no ecological need for general nest box provision around the ecolodges

OCC Transport Development Control

Final Response (March 2022)

15. No objection. On further consideration of the submitted traffic data and Environmental Statement, the proposals are not considered to be contrary to OMWCS policy C10 and CLP policy TR10. The additional HGV movements would be modest compared to existing flows. Access to the advisory lorry route would be via the A422. The minor increase in vehicles would not affect safety or efficiency of the road network.

First Response (November 2021)

16. Object due to the generation of HGV traffic along an unsuitable road through residential areas to the east of the site. The A422 through Wroxton and Drayton is not a designated lorry route. It is considered that the increase in HGVs through these villages would be contrary to CLP policy TR10. The approved restoration plan does not include any importation, so all HGV movements would be additional. Contest the assertion in the Transport Statement that compares the import of 50 000 tonnes per annum to an output of 350 000 tpa and concludes that there would be a reduction in movements. The 350 000 tpa figure applies across other quarries local to Horton and Wroxton and Alkerton North supplies only a small amount of the total.

OCC Rights of Way

17. The holiday lodges should have a non-vehicle way to access the surrounding countryside and villages. The road is too narrow for safe walking access. A Section 106 agreement is required for a £35 000 contribution to upgrade the footpaths in the vicinity, particularly footpaths 339/7 and 339/6. Standard measures should be put in place to protect users of existing rights of way through the site, including that there shall be no obstructions, changes to legal routes, use of rights of way by construction traffic or gates opening across the rights of way.
18. Second consultation (January 2022) – Confirmed no further comments.

OCC LLFA

First Response November 2021

19. Further information is required including a detailed surface water management strategy.

OCC Ecology

Final Response January 2022

20. No objection subject to conditions to require the submission, approval and implementation of a Landscape Ecological Management Plan (LEMP) including biodiversity metric and figures. Recommends an informative regarding removal of vegetation and bird nesting season. Satisfied that the updated scheme addresses previous concerns about optimising the biodiversity value of the site. Satisfied with the conclusion that the application area is of negligible value as a terrestrial habitat for Great Crested Newts.

First Response November 2021

21. Object. Do not consider it appropriate to conclude absence of Great Crested Newts, given the findings of the survey. Further assessment is needed and if this shows it is necessary, a mitigation strategy should be outlined, and a licence should be sought. The proposed habitats in the south of the site could be diversified to maximise opportunities for biodiversity. The biodiversity net gain metric is not accurate and requires refinement.

OCC Landscape Advisor

Final Response March 2022

22. No objection, subject to conditions for a detailed landscaping scheme, a lighting scheme and a Landscape Ecological Management Plan. The applicant has confirmed that HGVs will use only the A442 and not local roads including within

the Cotswolds National Landscape. Do not expect HGVs to have a significant adverse effect on the Cotswolds National Landscape.

First Response December 2021

23. Further information required. Concerned about the potential impacts of HGV movements on tranquillity and local landscape character. It is not clear whether the additional HGVs are necessary for delivering a better restoration scheme, or whether a restoration at lower ground level might also be feasible. Further information is required on the numbers of HGVs and the routes that they would take. Concerned about introducing new permanent built development. Suggest a condition for the remainder of the site to be restored to agriculture, should the eco lodge development cease. If the application is approved the nature reserve would need to deliver ecology and landscape benefits in perpetuity and this would need to be secured with associated funding. The restoration plan should include detail of who would have access to the nature reserve. The area between the lodges should be treated in a way that is in keeping with the landscape character and which maximises biodiversity, however the detail of hard and soft landscaping around the lodges could be dealt with by condition should permission be granted. Further information on lighting is required.

OCC Public Health

24. No objection. There should be a condition for a Dust Management Plan and this should cover mitigation including the option to temporarily cease activities and a mechanism for monitoring and responding to complaints. Not clear why NO₂/NO_x has not been considered in the AQA.

OCC Waste Management

Second consultation

25. No further comment.

First Response (October 2021)

26. Oxfordshire County Council owns the freehold for land immediately adjacent to the applicant's site. This land includes a former landfill site (now restored for agricultural use) and an active Household Waste Recycling Centre. The former landfill is regulated by Environmental Permit EPR EP3799VQ. The permit requires that landfill gas is extracted and flared. Landfill gas, leachate and groundwater are also monitored on a routine basis from monitoring boreholes within the site, at the site boundary and further beyond. The attached plan shows the locations of boreholes where samples are routinely taken.
27. In accordance with the Environment Agency comment submitted as part of the EIA scoping opinion, the applicant should evidence how the proposed eco-lodge development will evaluate and mitigate risk to human health from landfill gas. The applicant's site is also adjacent to a second permitted area of restored landfill

operated by Suez (formerly SITA) and the applicant should also consider the risks this site may pose.

Annex 3 – Environmental Impact Assessment

1. An Environmental Statement has been submitted with this application, setting out the findings of the Environmental Impact Assessment. This is summarised below.
2. Chapter 1 contains the introduction. Chapter 2 summarises the Transport Statement, which contains details of the baseline traffic flow and assesses the predicted impacts of the development. It concludes that the traffic associated with the temporary restoration activity and with the permanent holiday lodges, would be imperceptible on the local highway network. Cumulative impacts with Edgehill Quarry are also considered.
3. Chapter 3 summarises the Hydrogeological Assessment. This concludes that the site is not within a hydrologically sensitive area and local watercourses are unlikely to be significantly adversely affected by proposals in relation to quality or flows. No residual risks are identified in respect to either the hydrogeological or hydrological regime. Silt settling ponds and a drainage network around the site periphery may be required for surface water management.
4. The Ecological Impact Assessment is summarised in Chapter 4. The report includes information from a Phase 1 habitat survey and species surveys. This concludes that the hedgerows and waterbody on site have ecological value and there are populations of common linnet and yellowhammer. It recommends the proposed planting of gorse and nest boxes to be erected on or in the immediate vicinity of the proposed holiday lodges. It confirms a biodiversity net gain compared to the currently permitted restoration.
5. A Landscape and Visual Impact Assessment is summarised in Chapter 5. This concludes that there would be no significant effects and no harm to the setting of the Cotswolds AONB. The visual effects of the proposed restoration scheme would be an improvement compared to the permitted restoration. It states that there would be sufficient landscape capacity for the permanent holiday lodge development to be accommodated.
6. A Noise Assessment is provided as Chapter 6. This includes a Noise Management Plan containing details for the control and monitoring of noise levels from the site. This concludes that noise levels within the holiday lodge area would be below 55 dB LAeq,16 hr during the day and below 50 dB LAeq, 8 hr at night. The materials for the lodges would not offer the same sound reduction as a standard dwelling of brick construction, but it would ensure a good standard of noise reduction. Bunding would be used to reduce road noise at two of the lodges. Heath Farm is identified as the property with the most potential to be affected by noise from the development. The assessment concludes that noise levels would be acceptable.

7. An Air Quality Assessment is summarised in Chapter 7. This concludes that impacts on human health would be negligible. A moderate adverse risk of significant disamenity at the nearest residential properties located to the south-east of the site is identified. Therefore, the assessment recommends that a Dust Management Plan (DMP) should be developed in accordance with the approach recommended in Institute of Air Quality Management (IAQM) guidance.
8. An Arboricultural Assessment is provided as Chapter 8. This concludes that without mitigation measures, construction works could cause root compaction and severance to some trees and hedgerows. Trees may also be under threat of pruning or removal following the restoration works, due to casting shade.
9. Chapter 9 summarises the cumulative effects identified in the other chapters. No significant adverse cumulative effects are identified.
10. The full reports of the various assessments are provided as annexes to the Environmental Statement.

Regulation 25 Information

11. Following the Regulation 25 requested for further information, a number of further documents were submitted. The submitted restoration scheme was also updated to show additional improvements, particularly to improve the habitat diversity in the nature reserve area.
12. The alterations to the restoration scheme include that it provides two waterbodies, rather than one, hibernacula. An additional hedgerow and increased woodland planting.
13. A report on the impact of the adjacent restored lodges on the proposed holiday lodges was submitted, appending a Gas Risk Assessment. This concludes that the proposed development would not be at risk from the adjacent landfill site, as the design of the eco-lodges is such that there is no pathway between the ground surface to the lodges themselves as there would be a 300mm open void between the ground surface and the lodges.
14. A report on landscape was submitted, which responds to the comments made by the Landscape Officer.
15. A report on biodiversity was submitted, appending an Addendum to the Ecological Impact Assessment. This addresses the consultation response from the Ecology Officer in relation to Great Crested Newts and sets out the revisions to the restoration scheme. It concludes that the scheme still provides over 30% biodiversity net gain.
16. A report on groundwater was submitted, appending a document clarifying and addressing the proposals regarding the SuDS design, following the comments

received during the original consultation. This confirms that there would be no discharge of surface water to areas of imported fill material, the wetland areas would not be lined but would be formed from existing overburden and soils and concluding that the sensitivity of groundwater should not be defined as high in this locality.

Annex 4 – Heads of Terms of Legal Agreements

Section 106 Agreement

- Footpath contribution – £35 000
- Long term management – 20 years following the statutory 5-year aftercare period.

Routeing Agreement

- HGVs associated with waste infilling only to use Rattlecombe Road east of site access and A422

Annex 5 - 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 2017 (as amended) 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.

The habitat on and around the proposed development site and ecological survey results indicate that European Protected Species are unlikely to be impacted by the proposals. Therefore no further consideration of the Conservation of Species & Habitats Regulations is necessary.