

OXFORDSHIRE COUNTY COUNCIL

County Planning Authority

TOWN AND COUNTRY PLANNING ACT 1990  
TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE)  
(ENGLAND)  
ORDER 2015

To: Multi-Agg Limited  
The Upper Lime Kiln Works  
Ogbourne St. George  
Nr. Marlborough  
Wiltshire  
SN8 1TD

CONDITIONAL PLANNING PERMISSION

Proposed extraction of mineral and restoration by infilling with imported inert materials to agriculture and nature conservation at Land to the west of Shellingford Quarry, Stanford Road, Stanford-in-the-Vale, Faringdon, SN7 8HE

The OXFORDSHIRE COUNTY COUNCIL as County Planning Authority hereby GRANT PLANNING PERMISSION for this development SUBJECT TO the conditions set out in the attached Schedule 1.

The reasons for the imposition of the conditions are as set out in the attached Schedule 1.

The relevant Development Plan policies are set out in the attached Schedule 2.



Assistant Director for Strategic Infrastructure and Planning

Dated: 24/09/2020

**YOUR ATTENTION IS DRAWN TO THE NOTES OVERLEAF**

## Notes

### **IMPORTANT**

- This permission does not convey or imply any approval or consent which may be required under any enactment, byelaw, order or regulation other than section 57 of the Town and Country Planning Act 1990.
- The submitted environmental information was taken into consideration in making this decision.
- Application for approval under the Building Regulations must be made to the Council for the district in which the land is situated.

### **Appeals to the Secretary of State**

- If you are aggrieved by the decision of the County Planning Authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990.
- If you want to appeal, then you must do so within six months of the date of this notice, however if an enforcement notice is served relating to the same or substantially the same land and development as in your application and if you want to appeal against the County Planning Authority's decision on your application then you must do so within: 28 days of the date of service of the enforcement notice, or within 6 months of the date of this notice, whichever period expires earlier using a form, which you can get from the Secretary of State at Temple Quay House, 2 The Square, Temple Quay, Bristol. BS1 6PN (Tel: 0303 444 5000) or online at: <https://www.gov.uk/planning-inspectorate>
- The Secretary of State can allow a longer period for giving notice of an appeal, but he will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.
- The Secretary of State need not consider an appeal if it seems to him that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.
- If you intend to submit an appeal that you would like examined by inquiry then you must notify the Local Planning Authority and Planning Inspectorate (inquiryappeals@planninginspectorate.gov.uk) at least 10 days before submitting the appeal. [Further details are on GOV.UK](#).

## **Purchase Notices**

- If either the County planning authority or the Secretary of State refuses permission to develop land or grants it subject to conditions, the owner may claim that he can neither put the land to a reasonably beneficial use in its existing state nor render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted.
- In these circumstances, the owner may serve a purchase notice on the Council of the District in whose area the land is situated. This notice will require the Council to purchase his interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.

## Schedule 1 - Conditions

1. The development shall be carried out strictly in accordance with the particulars of the development, plans and specifications contained in the application except as modified by conditions of this permission. The approved plans comprise:
  - Application Form dated 09/08/2018
  - Covering letter dated 08.08.18
  - Planning Statement dated August 2018
  - Planning Statement Appendix B GWP Report on Mineral Resources and Quarry Development Appendix 1
  - Planning Statement Appendix B GWP Report on Mineral Resources and Quarry Development Text
  - Abstractions within 2km of Shellingford Quarry Extension Plan - Drawing No. SHELQEXT1807-10 RevA
  - Borehole Location Plan - Drawing No. SHELQEXT1807B-5 RevB
  - Conceptual Hydrogeological Cross Section Plan - Drawing No. SHELQEXT1807-14 RevA
  - Cross Sections Plan - Drawing No. SHELQEXT1807B-17 RevA
  - EA Fluvial Flood Risk Map - Drawing No. SHELQEXT1807-15 RevA
  - EA Pluvial Flood Risk Map - Drawing No. SHELQEXT1807-16 RevA
  - Environmental Receptors within 5km of the Site Plan - Drawing No. SHELQEXT1807-17 RevA
  - Environmental Statement - Appendix A - Scoping Opinion
  - Environmental Statement - Appendix B - Arboricultural Report dated 25.07.18
  - Environmental Statement - Section 1 - Introductory and Planning Text
  - Environmental Statement - Section 2 - Hydrological & Hydrogeological Environmental Impact & Flood Risk Assessment Text & Appendices
  - Environmental Statement - Section 3 - Landscape and Visual Impact Assessment Appendix 1 & 2
  - Environmental Statement - Section 3 - Landscape and Visual Impact Assessment Appendix 3 dwg 3-11
  - Environmental Statement - Section 3 - Landscape and Visual Impact Assessment Appendix 3 dwgs 12-16
  - Environmental Statement - Section 3 - Landscape and Visual Impact Assessment Appendix 4.1
  - Environmental Statement - Section 3 - Landscape and Visual Impact Assessment Appendix 4
  - Environmental Statement - Section 3 - Landscape and Visual Impact Assessment text
  - Environmental Statement - Section 4 - Ecological Appraisal
  - Environmental Statement - Section 5 - Heritage Impact Assessment
  - Environmental Statement - Section 6 - Transport Statement Appendices
  - Environmental Statement - Section 6 - Transport Statement Text
  - Environmental Statement - Section 7 - Noise Assessment
  - Environmental Statement - Section 8 - Air Quality Assessment
  - Environmental Statement - Section 9 - Agricultural Impact Assessment
  - HSE Response dated 07/09/18
  - Hydrogeology Map - Drawing No. SHELQEXT1807-11a RevA
  - Hydrogeology Map Legend - Drawing No. SHELQEXT1807-11b RevA
  - Inferred Contours on the base of the Highworth Limestone Member Plan - Drawing No. SHELQEXT1807-9 RevA

- Inferred Contours on the base of the Highworth Limestone Member Plan - Drawing No. SHELQEXT1807B-7 RevB
- Inferred Groundwater Contours 09.04.2014 Plan - Drawing No. SHELQEXT1807-12 RevA
- Inferred Groundwater Contours 31.01.2018 Plan - Drawing No. SHELQEXT1807-13 RevA
- Landscape Character Plan - Drawing No. 2459-4 DJA2 RevP1
- Landscape Designations Plan - Drawing No. 2459-4 DJA3 RevP1
- Local Geological Setting Plan - Drawing No. SHELQEXT1807-7 RevA
- Local Geological Setting Plan - Drawing No. SHELQEXT1807B-6B RevA
- Location of Existing Groundwater Monitoring Boreholes Plan - Drawing No. SHELQEXT1807B-18 RevA
- Monitoring point locations in & around the Application Site Plan - Drawing No. DG08-A SHELQEXT1807-8 RevA
- Non-Technical Summary
- Public Rights of Way Plan - Drawing No. 2459-4 DJA4 RevP2
- Regional Geological Setting Plan - Drawing No. SHELQEXT1807-6 RevA
- Regional Geology Setting Plan - Drawing No. SHELQEXT1807B-6A RevA
- Representative Viewpoint Locations Plan - Drawing No. 2459-4 DJA6 RevP1
- Site & Surrounding Elevation Contours Plan - Drawing No. SHELQEXT1807-3 Rev A
- Site Location Plan Drawing Ref SHELQEXT1807B-1 Rev A dated 02.08.2018
- Site Location Plan - Drawing No. 2459-4 DJA1 RevP2
- Site Context Plan Drawing No. SHELQEXT1807B-2 Rev A dated 02.08.2018
- General Phasing and Direction of Working and Extent of Mineral Extraction Area Drawing No SHELQEXT1807B-3 Rev A dated 02.08.2018
- ZTV Result Plan - Drawing No. 2459-4 DJA5 RevP1
- Topographic Survey Drawing No SHELQEXT1807B-4 dated 02.08.2018
- Illustrative stage of development: Stage 1 Drawing No. SHELQEXT1807B-8 Rev A dated 02.08.2018
- Illustrative stage of development: Stage 2 Drawing No. SHELQEXT1807B-9 Rev A dated 02.08.2018
- Illustrative stage of development: Stage 3 Drawing No. SHELQEXT1807B-10 Rev A dated 02.08.2018
- Illustrative stage of development: Stage 4 Drawing No. SHELQEXT1807B-11 Rev A dated 02.08.2018
- Illustrative stage of development: Stage 5 Drawing No. SHELQEXT1807B-12 Rev A dated 02.08.2018
- Illustrative stage of development: Stage 6 Drawing No. SHELQEXT1807B-13 Rev A dated 02.08.2018
- Illustrative stage of development: Stage 7 Drawing No. SHELQEXT1807B-14 Rev A dated 02.08.2018
- Illustrative stage of development: Stage 8 Drawing No. SHELQEXT1807B-15 Rev A dated 02.08.2018
- Proposed Restoration Landform Drawing No. SHELQEXT1807B-16 Rev A dated 02.08.2018
- Restoration Proposals Drawing No. 2459-5-2-DR-0001-S5-P3 dated June 2018
- Designations Plan Drawing No. SHELQEXT1807B-19 dated 07.08.2018
- Further information May 19 - Air Quality Monitoring
- Further information May 19 - Dustcan Letter 5th March proposing methodology
- Further information May 19 - Email from applicant 5th April
- Further information May 19 - Public health comments 07/05/19

- Written Scheme of Investigation Archaeological Recording Action prepared by John Moore Heritage Services dated September 2019
- Local Liaison Group Terms of reference dated September 2020

Reason: To ensure that the development is carried out as proposed.

2. The development to which this permission relates shall be begun not later than the expiration of three years beginning with the date of this permission.

Reason: In accordance with Section 91 to 95 of the Town and Country Planning Act 1990 as amended by section 51 of the Planning and Compulsory Purchase Act 2004.

3. The extraction of minerals shall cease by 31st December 2040

Reason: In view of the temporary nature of the development and to allow the timely restoration of the site (OMWCS M10).

4. All buildings, plant and machinery to which this permission relates shall be removed and restoration of the site completed in accordance with approved plan Restoration Proposals - Drawing No. 2459-5-2-DR-0001-S5-P3 by 31st December 2043 or within 36 months of the cessation of mineral extraction if sooner.

Reason: To ensure timely and high-quality restoration of the site (OMWCS M10).

#### Hours of Working

5. No operations, including HGVs entering and leaving the site, other than water pumping or environmental monitoring, shall be carried out at the site except between the following times:
  - 07.00 to 18.00 Mondays to Fridays
  - No operations shall take place on Saturdays, Sundays, Public or Bank Holidays.

Reason: To protect the amenity of local residents in Shellingford and other nearby properties (OMWCS C5).

#### Restoration and Aftercare

6. The site shall be progressively restored with restoration taking place following extraction and infilling, in accordance with approved plan General Phasing and Direction of Working and Extent of Mineral Extraction Area SHELQEXT1807B-3 Rev A.

Reason: To ensure that the development is carried out as proposed, environmental impacts are minimised and that restoration takes place in a timely manner (OMWCS M10).

7. No extraction in phase 6 as shown on the approved plan General Phasing and Direction of Working and Extent of Mineral Extraction Area SHELQEXT1807B-3 Rev A shall commence until an agricultural aftercare scheme outline strategy has been submitted to the Mineral Planning Authority and approved in writing. The strategy shall provide for:

The physical characteristics of the land to be restored, as far as it is practical to do so, to what they were when the land was last used for agriculture as satisfies the requirements of paragraph 3(1) of Schedule 5 of the 1990 Act;

Aftercare phasing of land to be demarcated, identifying the start date of aftercare following restoration of each phase.

A five-year period of aftercare specifying the steps to be taken and the period during which they are to be taken, and who will be responsible for taking those steps. The scheme shall include provision of a field drainage system and provide for an annual meeting with the Mineral Planning Authority;

The approved scheme shall be implemented for the duration of the five-year aftercare period.

Reason: To ensure the productive afteruse of the land (OMWCS M10).

8. Within the first year of aftercare and every subsequent year during the aftercare period, a detailed annual programme shall be submitted to the Mineral Planning Authority for approval: This shall include:

Proposals for managing the land in accordance with the rules of good husbandry including planting, cultivating, seeding, fertilising, draining, watering or otherwise treating the land for the forthcoming 12 months;

A record of aftercare operations carried out on the land during the previous 12 months.

The approved scheme shall be implemented for the duration of the time period to which it relates.

Reason: To ensure the productive afteruse of the land. (OMWCS M10).

9. Topsoil previously stripped from the site shall be spread evenly over the reinstated subsoil so as to form the final approved contours as shown on approved plan SHELQEXT1807B-16 Rev A Proposed Restoration Landform.

Reason: To ensure a satisfactory restoration (OMWCS C6, M10).

#### Soil Bunds

10. Soil screening bunds shall be constructed and maintained to the heights and locations shown on the approved phasing plans, prior to the extraction of mineral in the relevant phase.

Reason: To protect the amenity of local residents in Shellingford and other nearby properties and visitors to the area (OMWCS C5).

11. Any storage bund intended to remain in situ for more than 6 months or during the winter months (December to February inclusive) shall be grassed over and kept free of weeds. The seed mixture and the application rates shall be in accordance with details submitted to and approved in writing by the Minerals Planning Authority prior to the formation of the storage bunds.

Reason: To protect the soil resource and enable a high-quality restoration and in the interests of visual amenity (OMWCS C6, M10)

12. No extraction shall take place in phase 4 until the bund adjacent to the southern boundary as shown on approved plans 'Illustrated stages of development – Stage 4 – 8 (drawings 1087B 11 – 15 Rev A)' has been sown on both faces with a mix of grasses and native plant species that has been submitted to and approved in writing by the Minerals Planning Authority. The mix shall be known to support pollinators and other invertebrates and selected following an analysis of the fertility and condition of the material forming the bund. Maintenance shall be undertaken during establishment of vegetation on the bund to prevent the sward becoming dominated by thistle, dock and other tall-growing species to achieve a minimum cover of 90% of the approved species. Once the vegetation is established and for the duration of the development until the bund is removed, the faces of the bund shall be cut in alternate years during winter and the cuttings removed.

Reason: To mitigate the landscape and biodiversity impacts of the operation.

13. The maximum height of temporary mineral stockpiles and spoil heaps for won material shall not be visible above the height of top-soil mounds / bunds as indicated on approved plans 'Illustrated stages of development – Stage 1 – 8 (drawings 1087B 8 – 15 Rev A)

Reason: to keep the effect of visual impacts within the assessed significance thresholds (OMWCS C8).

#### Water Environment

14. No mineral extraction shall commence until a monitoring and maintenance plan in respect of groundwater and surface water, including a timetable of monitoring and submission of reports to the Minerals Planning Authority, has been submitted to and approved in writing by the Minerals Planning Authority. Reports, including details of any necessary contingency action arising from the monitoring, and how contingency actions will be carried out shall be submitted to and approved in writing by the Minerals Planning Authority, as specified within the approved plan.

Reason: In order to quantitively assess the change in groundwater flows and levels caused by dewatering and infilling activities to ensure that the development does not pose any risk to the water environment. (OMWCS C4).

15. On completion of the monitoring programme a final report, demonstrating that any unacceptable impacts to the aquifer have been mitigated for and documenting the decision to cease monitoring, shall be submitted to and approved in writing by the Mineral Planning Authority.

Reason: To ensure that the development does not pose any residual risk to the water environment (OMWCS C4).

16. No mineral extraction shall commence until a scheme to secure the maintenance of spring-fed flows has been submitted to and approved in writing by the Minerals Planning Authority. The approved scheme shall be fully implemented. The mitigation strategies must address all potential risks to the water environment, including the

sustainability of spring-fed flows to the Holywell Brook and also clearly define monitoring plans and trigger levels, to mitigate the risk of mining activities.

Reason: To ensure that the development does not harm the water environment through a long term lowering of Holywell Brook downstream (OMWCS C4).

17. No excavation shall take place below the base of the Highworth Limestone or into the Lower Calcareous Grit Formation.

Reason: To preserve an aquifer unit beneath the site allowing groundwater flow to support local water features (OMWCS C4).

#### Liaison Meeting

18. A local liaison meeting shall take place in accordance with the details set out in the Local Liaison Group Terms of reference dated September 2020. The Local Liaison Group shall meet at least biennially for the duration of the development unless a lesser frequency is agreed at any meeting of the Local Liaison Group.

Reason: To ensure good liaison between the operator and the local community, in the interests of protecting local amenity and addressing any concerns (OMWCS C5).

#### Archaeology

19. No development, other than the stripping of soils shall commence until a staged programme of archaeological investigation has been carried out by the commissioned archaeological organisation in accordance with the approved Written Scheme of Investigation (prepared by John Moore Heritage Services dated September 2019). The programme of work shall include all processing, research and analysis necessary to produce an accessible and useable archive and a full report for publication which shall be submitted to the Minerals Planning Authority within 2 years of the completion of the on-site archaeological investigations.

Reason - To safeguard the recording of archaeological matters within the site (OMWCS C9).

#### Noise

20. Noise levels during working hours arising from the development shall not cause noise levels to exceed the maximum levels as measured at, or close to, any of the locations listed below:

- Laburnum Cottage 55 dB LAeq, 1 hour, free field
- Glebe House, Shellingford 47 dB LAeq, 1 hour, free field
- Home Farm House, Shellingford 46 dB LAeq, 1 hour, free field.

Reason: To ensure that the development does not cause an unacceptable noise impact at nearby properties (OWMCS C5).

21. The noise levels arising from temporary operations for construction and removal of bunds shall not exceed 70 dB(LAeq) (1 hour free field) as measured at, or close to, any of the locations listed below:

- Laburnum Cottage
- Glebe House, Shellingford
- Home Farm House, Shellingford.

The temporary operations shall not occur for more than 28 days at one time with a gap of at least 28 days between each such period of temporary operations and for no more than 8 weeks per calendar year in total. Records of the dates of temporary working operations shall be kept and made available for inspection by the Minerals Planning Authority within 7 days of such a request being made.

Reason: To ensure that the development does not cause an unacceptable noise impact at nearby properties in Shellingford (OWMCS C5).

22. No development shall commence until a noise management plan has been submitted to the Minerals Planning Authority and approved in writing. This plan shall include details of:

- A programme of noise monitoring including provisions for the submission of noise monitoring data to the Minerals Planning Authority for inspection;
- mitigation measures;
- details of weather conditions during which specified noisy activities would stop.

The approved plan shall be implemented in full.

Reason: To ensure that the development does not cause an unacceptable noise impact at nearby properties in Shellingford (OWMCS C5).

23. No reversing bleepers or other means of audible warning of reversing vehicles shall be fixed to, or used on any vehicles, plant and machinery other than those which use white noise.

Reason: To ensure that the development does not cause an unacceptable noise impact at nearby properties in Shellingford (OWMCS C5).

24. All vehicles, plant and machinery operated within the site shall be serviced and maintained in accordance with the manufacturer's instructions and, where silencers are specified by the manufacturer for any vehicles, plant or machinery they shall be installed and retained in use.

Reason: To protect the local residents in Shellingford and other nearby properties from noise nuisance and reduce the risk of fuel spillage (OMWCS C5).

## Dust

25. No development shall take place until a detailed scheme for the monitoring and management of dust emanating from the site has been submitted to and approved in writing by the Mineral Planning Authority. The scheme shall include:

- Details of how dust will be monitored at all stages of the operations including both during operating hours and outside of operating hours;
- Details of dust monitoring information gathered prior to the commencement of operations;
- Procedures for recording information gathered during dust monitoring and provision of this information to the Minerals Planning Authority on request;
- Dust suppression measures, including in relation to moving and storage of soil, overburden and other materials on site;
- Prevention of dust from exposed surfaces such as bunds, including how it will be managed outside of working hours;

- Dust control measures;
- Dust suppression measures for haul roads;
- Provision for monitoring and review of the scheme; and
- Details of weather conditions which would cause working to reduce or suspend.

The development shall be carried out in complete accordance with the approved scheme.

Reason: To protect the amenity of local residents in Shellingford and other nearby properties (OMWCS C5).

26. No development shall commence until a scheme detailing how the deposition of mud, dust and debris on the public highway shall be avoided has been submitted to the Minerals Planning Authority and approved in writing. The approved scheme shall be implemented in full.

Reason: In the interests of highway safety (OMWCS C10).

27. No debris shall be deposited on the public highway.

Reason: In the interests of highway safety (OMWCS C10)

#### Footpath

28. No extraction shall take place until proposals for the establishment and maintenance of a hedge to further mitigate views of the development from adjacent footpaths have been submitted to the Minerals Planning Authority and approved in writing. The approved scheme shall be implemented in the first planting season following its approval.

Reason: To further mitigate adverse visual effects from the development for users of nearby rights of way (OMWCS C11).

#### Soils

29. Soils restored to agricultural use shall be managed to sustain an increasing amount of soil organic matter and biological activity during the aftercare and maintenance period, with reference to a baseline figure measured following the final placement of soils after restoration and reviewed on a five-yearly basis within the environmental management plan.

Reason: To protect and enhance soil and help to improve local environmental conditions (OMWCS C6).

30. Soil shall only be moved when in a dry and friable condition. No soil handling shall take place during and shortly after significant rainfall or when there are puddles on the soil surface.

Reason: To protect the soil resource and enable a high-quality restoration (OMWCS C6, M10).

31. All available topsoil and subsoil shall be stripped before any part of any phase is excavated, built upon or otherwise traversed by heavy machinery (except for the purpose of stripping or stacking soil on those parts).

Reason: To protect soils and ensure a high-quality restoration (OMWCS C6, M10).

32. No bunds shall be erected for the storage of agricultural soils other than those which conform to the following criteria:

- a) Topsoils, subsoils and subsoil substitutes shall be stored separately;
- b) Where continuous bunds are used dissimilar soils shall be separated by a third material, previously approved in writing by the Minerals Planning Authority;
- c) Topsoil bunds shall not exceed 3 m in height and subsoil (or subsoil substitute) bunds shall not exceed 5m in height; and
- d) Materials shall be stored like upon like, so that topsoil shall be stripped from beneath subsoil bunds and subsoil from beneath overburden bunds.

Reason: To protect the soil resource and enable a high-quality restoration (OMWCS C6, M10).

33. No topsoil, subsoil, and soil forming material shall be removed from the site.

Reason: To protect the soil resource and enable a high-quality restoration (OMWCS C6, M10).

34. Pockets of suitable soil forming material shall be recovered wherever practicable, during the stripping or excavation operations, for use during the restoration phase.

Reason: To protect the soil resource and enable a high-quality restoration (OMWCS C6, M10).

35. All stones and other materials in excess of 100 mm in any dimension which are likely to obstruct cultivation in the agricultural afteruse shall be picked and removed from the site.

Reason: To protect soils and ensure a high-quality restoration (OMWCS C6, M10).

### Biodiversity

36. No development shall take place (including demolition, ground works, vegetation clearance) until an Environmental Management Plan (Biodiversity) has been submitted to and approved in writing by the Minerals Planning Authority. The Environmental Management Plan shall include (not exhaustively) the following:

- a) Risk assessment of all activities that may be damaging to biodiversity;
- b) Identification of “biodiversity protection zones”;
- c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts (may be provided as a set of method statements);
- d) Timing and scope of additional protected species surveys if required;
- e) Lighting scheme and safeguards for light-sensitive wildlife;
- f) No soil storage mounds shall extend into root protection zones of hedges or trees;
- g) The location and timing of sensitive works to avoid harm to biodiversity features (such as badger and nesting birds);
- h) The times when specialist ecologists need to be present on site to oversee works;
- i) Responsible persons, roles and lines of communication;
- j) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person; and
- k) Use of protective fences, exclusion barriers and warning signs.

The approved Environmental Management Plan shall be adhered to and implemented throughout the quarrying operation strictly in accordance with the approved details.

Reason: To ensure that the development does not result in a loss of biodiversity (OMWCS C7).

37. No works of site clearance or development shall take place in any phase until a pre-commencement walkover survey has been undertaken in respect of badger and other protected species, and the results submitted to and approved in writing by the Minerals Planning Authority. Any mitigation measures that are approved shall be fully implemented and no work shall take place other than in accordance with the approved mitigation proposals. No more than two years shall elapse between the date of the protected species surveys and commencement of development in the relevant phase.

Reason: To ensure that the development does not result in a loss of biodiversity (OMWCS C7).

38. No extraction shall take place in any phase until a Landscape and Ecological Management Plan (LEMP) for the previous phase has been submitted to and approved in writing by, the Minerals Planning Authority. The LEMP shall include:

- a) Description and evaluation of features to be managed within the site;
- b) Ecological trends and constraints on site that might influence management;
- c) Aims and objectives of management;
- d) Appropriate management options for achieving aims and objectives;
- e) Prescriptions for management actions;
- f) Preparation of a work schedule;
- g) Details of the body or organization responsible for implementation of the plan;
- h) Ongoing monitoring and remedial measures.

The plan shall set out how contingencies and/or remedial action will be identified, agreed and implemented should results from monitoring show that conservation aims and objectives of the LEMP are not being met, so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The approved plan shall be implemented in accordance with the approved details.

Reason: To ensure the development results in biodiversity enhancement (OMWCS C7).

39. No development shall take place, including demolition, ground works and vegetation clearance, until a Biodiversity Monitoring and Remediation Strategy has been submitted to, and approved in writing by, the Minerals Planning Authority. The content of the Strategy shall include:

- a) Aims and objectives of monitoring;
- b) Identification of adequate baseline conditions prior to the start of development;
- c) Appropriate success criteria, thresholds, triggers and targets against which the effectiveness of the various conservation measures being monitored can be judged;
- d) Methods for data gathering and analysis;
- e) Location of monitoring;
- f) Timing and duration of monitoring;
- g) Responsible persons and lines of communication; and
- h) Review, and where appropriate, publication of results and outcomes.

A report describing the results of monitoring shall be submitted to the Minerals Planning Authority at intervals identified in the approved strategy. The report shall

also set out (where the results from monitoring show that conservation aims and objectives are not being met) how contingencies and/or remedial action will be identified, agreed with the Minerals Planning Authority, and then implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The monitoring strategy will be implemented in accordance with the approved details.

Reason: To ensure that the proposed development delivers the biodiversity outcomes set out. Monitoring is also required to determine whether any conservation actions have been ineffective, leading to failure (in full or part) to achieve stated conservation objectives, and to identify remedial measure required to ensure that biodiversity outcomes comply with the originally approved scheme. (OMWCS C7).

### Informatics

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 the request for a 20-year long term management plan was raised with the applicant and accepted in order to ensure that the proposals were in accordance with policies on biodiversity.

### 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 which identifies 4 main offences for development affecting European Protected Species (EPS).

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

Our records and consideration of the habitats within the site area indicate that European Protected Species are unlikely to be present. Therefore, no further consideration of the Conservation of Species & Habitats Regulations is necessary.

### **Schedule 2 - Relevant Development Plan Policies**

#### Oxfordshire Minerals and Waste Local Plan Part 1: Core Strategy

M2 – Provision for working aggregate minerals

M3 – Principal locations for working aggregate minerals

M5 – Working of aggregate minerals

M10 – Restoration of mineral workings  
W1 - Oxfordshire waste to be managed  
W2 - Oxfordshire waste management targets  
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 and economy  
C6 – Agricultural land and soils  
C7 – Biodiversity and Geodiversity  
C8 – Landscape  
C9 – Historic environment and archaeology  
C10 – Transport  
C11 – Rights of way

The Vale of White Horse Local Plan 2011 (VLP 2011) saved policies

DC9 – The impact of development on neighbouring uses  
DC12 – Water quality and resources  
HE1 – Development affecting setting of conservation areas  
HE4 – Development within the setting of listed building  
HE9 – Archaeological evaluation  
NE9 – Lowland Vale  
L10 – Rights of way

The Vale of White Horse Local Plan 2031 Part 1

Core Policy 1 – Presumption in favour of sustainable development  
Core Policy 35 – Promoting public transport, walking and cycling  
Core Policy 39 – Historic environment  
Core Policy 42 – Flood risk  
Core Policy 43 – Natural Resources  
Core Policy 44 – Landscape  
Core Policy 45 – Green infrastructure  
Core Policy 46 – Conservation and improvement of biodiversity