

OXFORDSHIRE COUNTY COUNCIL

County Planning Authority

Town and Country Planning Act, 1990  
Town and Country Planning (General Development Management Procedure)  
(England) Order 2010

To: Mr Neil Davis  
Davis Planning,  
19 Woodlands Avenue,  
Wokingham,  
Berkshire  
RH41 3HL

CONDITIONAL PLANNING PERMISSION

Formation of a 3m high bund using surplus soils excavated from the creation of a new lake and from the retention of previously imported waste at Bicester Hotel, Golf and Spa, Chesterton, Bicester

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 conditions are as set out in the attached Schedule 1.

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

The reasons for approval are set out in the attached Schedule 3.



Planning Regulation Service Manager  
On behalf of the:  
Deputy Director (Strategy and Infrastructure Planning)

Dated: 13.09.2013

**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.

Application for approval under the Building Regulations must be made to the Council for the district in which the land is situated.

Except in the case of small domestic development, the Chief Fire Officer, Sterling Road, Kidlington, Oxford, OX5 2DU, Telephone: Kidlington 4211, should be consulted before work is commenced. This may save expensive alterations at a later stage.

In certain circumstances a claim may be made against the local planning authority for compensation where permission is refused or granted subject to conditions by the Secretary of State on appeal or on a reference of the application to him. The circumstances in which such compensation is payable are set out in section 114 of the Town and Country Planning Act 1990.

**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 either 28 days of the date of the enforcement notice, or within 6 months of the date of this notice, whichever periods expire earlier. Appeals must be made on a form, which you can get from the Planning Inspectorate at Temple Quay House, 2, The Square, Temple Quay, Bristol. BS1 6PN  
Helpline: 0117 3726372

Website: [www.planningportal.gov.uk/planning/appeals](http://www.planningportal.gov.uk/planning/appeals)

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.

In practice, the Secretary of State does not refuse to consider appeals solely because the local planning authority based their decision on a direction given by him.

### **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 and particulars comprise:

- Application Form dated 16/03/2013;
- Supporting Statement (by Davis Planning);
- Addendum to Planning Statement 'Proposed bund at Bicester Hotel, Golf and Spa' by Davis Planning;
- Ecological Report (Reference Job Number 133192) dated July 2013;
- Plan N01 'Site Location Plan' at Scale 1:5000;
- Plan N02 dated 12/04/2013 (traffic route from lake to bund)
- Drg. No. SK.12-567-01c 'Site Plan & Bund Section' (revision C) dated December 2012;
- Drg. No. SK.12-567-02 '1:2,500 Site Plan' dated April 2013

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

2. The deposit of waste shall cease and restoration of the site shall be completed by 31/08/2014.

Written notification of the commencement of importation of the inert waste originating from the lake construction works at Bicester Golf, Hotel and Spa, shall be sent to the Waste Planning Authority within 7 days of such commencement.

Reason: To ensure the prompt and effective restoration of the site (OMWLP W7 & OMWLP PE13).

3. No development shall take place except in accordance with the approved drawing SK.12-567-01c 'Site plan and bund section' dated December 2012, the Supporting Statement, and the Addendum to Planning Statement (by Davis Planning).

Reason: To ensure that the site is reclaimed in an orderly manner to a satisfactory condition, and for the amenity of the local area (OMWLP PE13).

4. The distance from the toe of the earth bund to the M40 carriageway boundary (the fence line) shall not be less than 3 metres. The gradient of the earth bund facing the M40 carriageway shall not be greater than 1 in 3.

Reason: In the interests of highway safety (OMWLP PE18 & W7 h).

5. No operations, including HGVs entering and leaving the site shall be carried out at the site except between the following times:-

7.00 to 18.00 Mondays to Friday  
and  
7.00 to 13.00 Saturdays

No operations shall take place on Sundays, Public or Bank Holidays.

Reason: To protect the amenities of local residents and in the interest of impacts on the local highway network (OMWLP PE18 & W7h).

6. Nothing other than inert waste soils shall be deposited at the site.

Reason: To prevent pollution and landfilling of recyclable wastes (OMWLP PE18).

7. Topsoil shall be spread evenly to a minimum settled depth of 300mm over the deposited inert waste bund, so as to form the approved final profile (bund section) specified in the approved drawing SK.12-567-01c (Site Plan & Bund Section). The Waste Planning Authority shall be notified in writing within 2 working days of completion of this step.

Reason: To ensure a satisfactory restoration of the land and in the interest of local amenity (OMWLP PE13).

8. Soil handling, cultivations and moving of vehicles or machinery over the top and subsoil material shall not take place other than when the soil is dry and friable, and then with the minimum of working and compaction.

Reason: To ensure a satisfactory restoration of the land (OMWLP PE13).

9. No plant or vehicles shall cross any area of un-stripped topsoil or mounds of topsoil, subsoil or overburden.

Reason: To protect restoration materials (OMWLP PE18).

10. All topsoil shall be permanently retained on site and used in restoration.

Reason: To prevent loss of soil (OMWLP PE18).

11. No topsoil shall be stripped other than when it is in a dry and friable condition.

Reason: To prevent damage to soils (OMWLP PE18).

12. All topsoil shall be stored in separate mounds from any subsoil. These storage mounds shall:

- Not exceed 3 metres in height;
- Be constructed with only the minimum amount of soil compaction to ensure stability and shaped so as to avoid collection of water in surface undulations;
- Not be subsequently moved or added to until required for the completion of restoration of the bund.

Reason: To prevent the loss of soil and minimise damage to soil structure during storage (OMWLP PE18).

13. No works shall be carried out other than in accordance with the approved mitigation and enhancement scheme for the site as detailed in Section 4 'Discussion & Recommendations' of the Ecological Report (Phase 1 Survey), dated July 2013 (Job No. 133192).

Reason: to ensure the protection of flora and fauna and to ensure that the development does not result in the loss of biodiversity in accordance with Oxfordshire Minerals & Waste Local Plan policy PE13 and NPPF.

14. No importation of inert waste from the lake construction works at Bicester Golf, Hotel and Spa shall take place until details of a native grass seed mix and wildflower seed mix for the bund have been submitted to the Waste Planning Authority for written approval. Any scheme that is approved shall be implemented in the planting season immediately following the approval in writing of that scheme.

Reason: to ensure that the site is restored and managed appropriately in accordance with Oxfordshire Minerals & Waste Local Plan policy PE13 and NPPF.

### Informatives

1. Mud and other debris must not be dragged or in any way deposited upon the public highway, therefore, it is recommended that wheel washing facilities are provided and utilised on site.
2. This development will require an Environmental Permit under the Environmental Permitting (England and Wales) Regulations 2010 from the Environment Agency, unless a waste exemption applies. The applicant is advised to contact the EA's National Customer Contact Centre (NCCC) on 03708 506506 to discuss the issues likely to be raised.

3. The Environmental Protection (Duty of Care) Regulations 1991 for dealing with waste materials are applicable for any off-site movements of wastes. The developer as waste producer therefore has a duty of care to ensure all materials removed go to an appropriate permitted facility and all relevant documentation is completed and kept in line with regulations.
4. If any waste is to be used on site, the applicant will be required to obtain the appropriate waste exemption or permit from the EA. The applicant is advised to contact the Environment Management team at NCCC Office on 03708 506506 or refer to guidance on our website <http://www.environment-agency.gov.uk/subjects/waste>
5. For soils containing more than 18% clay, the criteria for determining dry and friable may be based on a field assessment of the soils wetness in relation to its lower plastic limit according to the following test. "An assessment is made by attempting to roll a ball of soil into a thread on the surface of a clean plain glazed tile (or plate glass square) using light pressure from the flat of the hand. If a long thread of less than 3mm diameter can be formed, the soil is wetter than the lower plastic limit and soil moving should not take place until the soils have dried out. If the soil crumbles before a long thread of 3mm diameter can be formed, then the soil is dry enough to move. This assessment should be carried out on representative samples on each major soil type". For all soil types (including sandy loams, loamy sands and sands), no soil handling should proceed during and shortly after significant rainfall, and/or when there are any puddles on the soil surface.
6. Any chemical or fuel storage containers on the site shall be sited on an impervious surface with bund walls; the bunded areas shall be capable of containing 110% of the container's or containers' total volume and shall enclose within their curtilage all fill and draw pipes, vents, gauges and sight glasses. There must be no drain through the bund floor or walls.

### Biodiversity Informatives

7. All bird nests, eggs and young are protected under the Wildlife & Countryside Act 1981 (as amended) which makes it illegal to intentionally take, damage or destroy the nest of any wild bird while it is use or being built. Therefore, I recommend that no removal of trees, scrub, hedgerows, grassland should take place between 1st March and 31st August inclusive to prevent committing an offence under the Wildlife & Countryside Act 1981 (as amended).
8. If any protected species (e.g. bats, badgers, dormice, otters, water voles, reptiles, amphibians, breeding birds) are found at any point, all work should cease immediately. Killing, injuring or disturbing any of these species could constitute a criminal offence. Before any further work takes place a suitably qualified ecological consultant should be consulted for advice on how to proceed.

### **European Protected Species**

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

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

The ecological survey results 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 Document Plan Policies**

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

Policies W7, PE3, PE18

Cherwell Local Plan (CLP)

Policy C7

### **Schedule 3 –Reasons for Approval**

- 1 The proposal is for the formation of a bund using predominantly surplus inert waste (soils) excavated from the construction of a new lake on the same golf and hotel complex. This deposit of inert waste is on a very small scale and which would result in the benefit of enclosing the golf practice range to prevent balls escaping, as well as providing sound attenuation.



- 2 The proposed development is also an efficient way of disposing of the inert waste arising from a nearby construction site. Consequently, the proposal accords with OMWLP policy W7, which is the relevant policy on landfill, restoration and afteruse.
- 3 The proposed development would take place over a relatively short period of time, thus minimising any adverse impacts from noise or visual impact. Furthermore, the inert waste would only be travelling a short distance from its source (at the new lake that is under construction on the golf course at the Bicester Hotel, Golf & Spa complex), which would prevent the need to transport the waste by road to alternative sites in the county. This brings the environmental benefit of lower carbon emissions and a reduction in the disturbance caused and impacts of additional lorry movements on the highway network. The proposal therefore accords with the relevant policies on transport (OMWLP policy W7 h), and amenity (OMWLP policies PE3 & W7 b).

#### **Schedule 4 - Compliance with National Planning Policy Framework**

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

- offering a pre-application advice service, and

- updating applicants and agents of any issues that may arise in the processing of their application and where possible suggesting solutions.

Whilst dealing with this application the Waste Planning Authority made recommendations to the applicant to update the submitted details in order to improve the proposed development. Having noticed the absence of any provision for vehicle manoeuvring or parking the Waste Planning Authority recommended that this should be provided for.