

Town and Country Planning (Environmental Impact Assessment Regulations)
2017 as amended

SCOPING OPINION

Application Site and Description of Development

Proposed modification of the Approved Restoration Scheme Through Importation of Inert Soil Material

At Alkerton Quarry, Alkerton, Oxfordshire.

Reference: MW.0029/21

Bright Associates, on behalf of AT Contracting, have requested a scoping opinion and submitted a scoping report, dated March 2021, providing details of the proposed development.

The proposed development is the modification of the approved restoration scheme at Alkerton Quarry, which is a 10.8 hectare site adjacent to the A422 east of the village of Alkerton. Access is gained from the south west of the site via Rattlecombe Road.

Under the current restoration plan, approved in 2019, the site was due to be restored at the lower level to agricultural use and rough grassland by 2020. These proposals would instead allow the site to be restored to levels comparable to pre-quarrying ground levels.

It is proposed instead to import 450 000m³ of inert soil arising from HS2 construction works. Inert soils would be imported by HGV over a three-year period. There would be an agricultural afteruse with the creation of biodiversity enhancements including woodland and wetland.

The information provided states that the modified restoration scheme would include the removal of the remnant quarry face, return of a public footpath to its definitive route, improved drainage and enhanced biodiversity.

The proposals would also include the removal of any remaining mineral in the site.

Assessment

General

The Environmental Statement should be submitted as a separate document from the planning application and would need to include the information as set out in

Regulation 18 and Schedule 4 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017. Please find details in Annex 2. Also, in accordance with Regulation 18 (5) in order to ensure the completeness and quality of the environmental statement—

(a) the developer must ensure that the environmental statement is prepared by competent experts; and

(b) the environmental statement must be accompanied by a statement from the developer outlining the relevant expertise or qualifications of such experts.

Oxfordshire County Council (OCC) recommends that the details requested by the consultees, as set out in Annex 1, are incorporated into the Environmental Impact Assessment (EIA).

Mitigation measures should be described for the identified significant impacts. An assessment of the effectiveness of the mitigation measures should also be included.

Other impacts that are not considered to be significant will not need to be assessed to the same level of detail as the impacts identified above. However, some detail will be required to indicate that they have been considered and why they are not considered to be significant. Mitigation measures should also be identified.

The EIA should identify sensitive receptors, for example residential properties within close proximity, and consider the impacts on these.

The Environmental Statement should cover the whole site, including all ancillary development and all the phases of the development.

Specific Chapters

The Scoping Report states that it is proposed to undertake a detailed assessment on the following topics:

- Arboricultural (Trees and Hedgerows)
- Ecology
- Hydrology
- Landscape and Visual
- Noise
- Transport

It is confirmed that the identified topics should be included in the EIA as set out in the Scoping Opinion request subject to the following topic specific comments.

It is further considered that the following topics should also be addressed in the EIA:

- Dust
- Socio-economic impacts
- Cumulative and combined impacts
- Climate change

Arboricultural (Trees and Hedgerows)

An Arboricultural survey to BS5837:2012 standard, should be provided as proposed.

Depending on the findings of the survey, an Arboricultural Method Statement (AMS) might be required to outline methods of working and to ensure adequate protection of existing vegetation.

Arboricultural recommendations should inform the Restoration Masterplan and a related long-term Landscape Management Plan. The development should also seek to maximise opportunities for tree and hedgerow planting together with appropriate management.

Ecology

The assessment criteria outlined in the Scoping Request are acceptable. The chapter should include an Extended Phase 1 Habitat Survey. This may identify the need for further protected species or habitat surveys.

The EIA should answer the following questions:

1. What species or habitats are involved?
2. What is the population level (or area) likely to be affected by the proposal?
3. What is the impact of the proposal on Species or Habitats of Principal Importance?
4. Is the impact necessary or acceptable?
5. What can be done to mitigate the impact?
6. Will a licence be required from Natural England?

There should be no net loss of biodiversity, and the latest version of the DEFRA biodiversity accounting metric must be provided to demonstrate that a measurable net gain would be achieved. Provision should be made for the long-term management of restored habitats.

The comments from the Ecology Officer in Annex 1 contain full details of the requirements for the Ecology chapter.

Hydrology

Cllr Reynolds has raised drainage as an issue on this site, as it has been a problem in the past. Therefore, surface water and site drainage should be addressed through the technical assessments.

It is recommended that you contact the Lead Local Flood Authority team to understand the requirements for the EIA and the planning application:
LLFAPlanningService@Oxfordshire.gov.uk

Landscape and Visual

This chapter should include a Landscape & Visual Appraisal (LVA) or Landscape & Visual Impact Assessment (LVIA) in accordance with the Guidelines for Landscape and Visual Impact Assessment, 3rd Edition (GLVIA3).

Potential impacts on the Cotswolds AONB including its setting should be assessed.

The assessment should not only consider the landscape and visual effects of extraction, infilling and restoration of the site itself but also take account of the potential impact of HGV traffic on landscape character and landscape quality, for example tranquillity. The impact of lighting should be assessed, including any potential impacts on the night sky.

The assessment should be used to inform the proposals including the landform and restoration.

Full details of the Landscape Officer's response are in Annex 1.

The OCC Rights of Way team have confirmed that they are satisfied with the proposals for assessing impacts on rights of way and users of the rights of way. The assessment should cover both the operational and restoration phases.

Noise

Cherwell District Council Environmental Protection team have confirmed that a noise assessment will be required.

Transport

The traffic movements associated with this development have been raised as a key issue of concern amongst the local communities. The traffic impacts on Banbury, Drayton and Wroxton have all been raised.

The OCC Transport Development Control team have advised that careful consideration should be given to the final route to the site. Once this is agreed, the impact of development traffic on that route must be assessed, including in terms of highway safety (including review of collision records), pedestrian/cycle delay and amenity and severance.

The full details of the response from OCC Transport Development Control is provided in Annex 1.

Dust

The potential for dust to be created associated with the transport, storage and infilling of waste should be assessed. This should consider dust impacts at all stages of the development including site preparation works, landscaping and restoration.

Socio-economic impacts

Socio-economic impacts, including on health, should be considered in relation to residents and commercial enterprises close to the site.

Cumulative and combined impacts

The cumulative and combined effects with other planned and proposed schemes in the vicinity, will need to be assessed. This could be done in the individual assessments.

Climate change

In line with the requirements of Section 5(f) of Schedule 4 to the Town and Country Planning (Environmental Impact Assessment) Regulations 2017, an assessment should be made of the impact of the project on climate. Particular consideration should be given to the generation of greenhouse gases from vehicles and a comparison made with alternative solutions.

Consideration should also be given to the contribution of the project to the national target of achieving net zero emissions by 2050, as set out in the Climate Change Act 2008 (as amended).

Conclusion

Provided that the above information is included and the detailed requirements of the consultees (Annex 1) are taken into account, Oxfordshire County Council considers that the Environmental Statement would sufficiently cover the necessary information for inclusion in an Environmental Impact Assessment. However, EIA is an iterative process that allows the development proposal to be

continually refined. Therefore, further information may be required at a later stage.

Signed*M Hudson*..... (Case Officer)

Date ...16th April 2021.....

Approved by*David Periam*.....

Development Management Team Leader

On behalf of the Director for Planning and Place

Date: 19th April 2021

CONSULTATION RESPONSES

Summary of Consultation Responses

Local Cllr - Cllr Reynolds

Traffic and drainage must be scoped in.

The environmental impact must be considered of moving this amount of soil over many miles especially through Banbury, Drayton and Wroxton and if requested at the weekends. The number of lorries could be well in excess of the number that would be satisfactory through the villages. The maximum a lorry would carry would be 15 to 20 cubic metres so there could be over 50 lorry movements day after day for 3 years.

Problems that have occurred drainage in the past.

Cherwell District Council – Environmental Protection

Potential issues are noise and dust from the proposed development. Section 1.7 of the submitted Request for Scoping Opinion outlines the environmental issues that will be considered as part of the EIA and this includes a noise assessment. The potential impacts of dust from the proposed development also need to be considered.

Cherwell District Council – Planning

Cherwell District Council considers the proposed scope of the Environmental Impact Assessment to largely be sufficient but would request that the potential impact of dust arising from the proposed development should also be considered within any subsequent Environmental Impact Assessment and further that appropriate consultation is carried out with the Environment Agency with regards to potential risk of aquifer contamination.

Environment Agency

No issues with the scoping exercise. Pleased to see that it is proposed to provide wetland and ephemeral pond for biodiversity net gain. They may need to apply for a permit or an exemption in terms of inert waste material but that's purely an informative.

OCC Highways

Overall assessment of impact of development traffic on the agreed access route on highway safety (including review of collision records), pedestrian/cycle delay

and amenity and severance. There will also likely be other related impacts such as noise/vibration and air quality and will need to be considered by others. An estimate of the number of vehicles likely has not been provided to gauge a basic consideration of likely impact.

The final route will need to be determined however the A422 from the site through Wroxton and Drayton to the Warwick Road junction needs to be covered giving careful consideration to sensitive receptors such as schools and other land uses. At that point there are two possible routes to the main routes on the north side of Banbury via either Dukes Meadow Drive or Ruscote Avenue. It is recommended that the Council's Network Co-ordination Team are consulted when the likely timescales are known so that further consideration on the route with the least impact can be given. Once determined assessment of this route should be undertaken in the same way.

The applicant should also be aware that there is a cap on the number of HGV movements related to HS2 on the A361 which impact their operations.

OCC Rights of Way

The EIA proposes assessment of impact during operation and restoration on the public rights of way and users of the public right of way. I therefore have no comments to make at this stage.

OCC Landscape

The Scoping Opinion does not appear to provide additional information compared to the Screening Opinion and as such the landscape advice given as part of the Screening response still applies (outlined in the appendices). This also includes information on the landscape character context and landscape policy context.

I support the conclusion that a separate chapter in the EIA will be required with regard to assessing the impact on landscape character and views. A Landscape & Visual Appraisal (LVA) or Landscape & Visual Impact Assessment (LVIA) in accordance with the Guidelines for Landscape and Visual Impact Assessment, 3rd Edition (GLVIA3) is required to assess landscape and visual effects including any potential impacts on the Cotswolds AONB including its setting.

As mentioned in my previous comments the assessment should not only consider the landscape and visual effects of extraction, infilling and restoration of the site itself but also take account of the potential impact of HGV traffic on landscape character and landscape quality (e.g. tranquillity), especially should the Cotswolds AONB be affected. I have not been able to find a reference that

this will be included in the assessment and request that this is added to the scope.

The landscape and visual assessment should also include an assessment of the impact of lighting on landscape character and views, including any potential impact on the night sky.

In line with best practice guidance, the assessment should be used to inform the proposal with regard to the most appropriate landform and landscape treatment. In addition, local landscape character assessments and ecological requirements should be used to inform the restoration of the site.

In this context consideration should also be given to how the proposal could best compliment the restoration on the adjacent landfill with a view to maximise landscape, ecological and green infrastructure benefits.

OCC Lead Local Flood Authority

No comments were received from the Lead Local Flood Authority team, however if these are provided at a later date, they will be supplied to you.

If you have queries for this team please contact:

LLFAPlanningService@Oxfordshire.gov.uk

OCC Arboriculture

It is proposed to undertake an Arboricultural survey to BS5837:2012 standard, which is appropriate. Depending on the findings of the survey an Arboricultural Method Statement (AMS) might be required to outline methods of working and to ensure adequate protection of existing vegetation.

The development should also seek to maximise opportunities for tree and hedgerow planting together with appropriate management. Arboricultural recommendations should inform the Restoration Masterplan and a related long-term Landscape Management Plan.

OCC Ecology Officer

I support the conclusion that a separate chapter in the EIA will be required for ecology and agree with the assessment criteria outlined.

The chapter should identify protected, notable or priority species, designated sites, important habitats and any other notable biodiversity features on or adjacent to the site. The EclA should include an Extended Phase 1 Habitat

Survey for the site and its surroundings to assess the potential direct and indirect impacts of the proposals.

A desk study must be undertaken, with information obtained for the site and a 2km radius, obtained from the Thames Valley Environmental Records Centre (TVERC).

The Extended Phase 1 survey may identify the need for further protected species or habitat surveys. Habitat and species surveys should be undertaken in accordance with prevailing best practice guidance and carried out by suitably qualified personnel. A list of ecological consultants is available on the CIEEM website (www.ieem.net). The EIA should answer the following questions:

1. What species or habitats are involved?
2. What is the population level (or area) likely to be affected by the proposal?
3. What is the impact of the proposal on Species or Habitats of Principal Importance?
4. Is the impact necessary or acceptable?
5. What can be done to mitigate the impact?
6. Will a licence be required from Natural England?

Survey reports will state whether the proposed works have the potential to impact on a European Protected Species and result in an offence under the Habitats Regulations 2017 (as amended). If an offence is likely, the applicant will need a licence from Natural England and OCC must consider whether a licence from Natural England is likely to be obtained before granting planning permission. Protected species surveys may only be valid for 12 months so if works are planned to occur more than 12 months after the date of the initial survey then the survey may need to be updated.

Compensation and Enhancement

In addition to providing appropriate mitigation measures as required, the scheme should go further to ensure there is no net loss of biodiversity and must result in a measurable net gain, in accordance with national and local planning policy.

Policy C7: Biodiversity and Geodiversity of the Oxfordshire Minerals and Waste Local Plan: Part 1 Core Strategy (adopted 2017) includes provisions for the delivery of a net gain in biodiversity during working and later restoration.

“Minerals and waste development should conserve and, where possible, deliver a net gain in biodiversity...In all other cases, development that would result in significant harm will not be permitted unless the harm can be avoided,

adequately mitigated or, as a last resort, compensated for to result in a net gain in biodiversity (or geodiversity).”

Biodiversity enhancements should be included in the development design in line with national planning policy (National Planning Policy Framework) and the Natural Environment and Rural Communities Act 2006 which places a duty on local authorities to enhance biodiversity.

Biodiversity accounting is a method of quantifying how much impact a scheme is likely to cause to biodiversity, and what can be done to achieve a net gain in biodiversity. A metric must be provided to demonstrate that a measurable net gain in biodiversity will be achieved as a result of the proposals. The latest version of the Defra metric shall be used (version 2.0 at the time of writing). Although not currently required under local or national planning policy, the upcoming Environment Bill is to require a 10% net gain in biodiversity be achieved.

Consideration must be given to measures to enhance sustainable and long-term biodiversity, in line with the objectives of the Northern Valleys Conservation Target Area (CTA).

Provision should be made for the long-term management of the restored habitat for a minimum of 25 years, to be detailed within an Ecological Management Plan or similar.

ANNEX 2: INFORMATION TO BE INCLUDED IN AN ENVIRONMENTAL STATEMENT

Town and Country Planning (Environmental Impact Assessment) Regulations 2017 –

Regulation 18

(3) An environmental statement is a statement which includes at least—

(a) a description of the proposed development comprising information on the site, design, size and other relevant features of the development;

(b) a description of the likely significant effects of the proposed development on the environment;

(c) a description of any features of the proposed development, or measures envisaged in order to avoid, prevent or reduce and, if possible, offset likely significant adverse effects on the environment;

(d) a description of the reasonable alternatives studied by the developer, which are relevant to the proposed development and its specific characteristics, and an indication of the main reasons for the option chosen, taking into account the effects of the development on the environment;

(e) a non-technical summary of the information referred to in sub-paragraphs (a) to (d); and

(f) any additional information specified in Schedule 4 relevant to the specific characteristics of the particular development or type of development and to the environmental features likely to be significantly affected.

(4) An environmental statement must—

(a) where a scoping opinion or direction has been issued in accordance with regulation 15 or 16, be based on the most recent scoping opinion or direction issued (so far as the proposed development remains materially the same as the proposed development which was subject to that opinion or direction);

(b) include the information reasonably required for reaching a reasoned conclusion on the significant effects of the development on the environment, taking into account current knowledge and methods of assessment; and

(c) be prepared, taking into account the results of any relevant UK environmental assessment, which are reasonably available to the person preparing the environmental statement, with a view to avoiding duplication of assessment.

Schedule 4

1. A description of the development, including in particular:

(a) a description of the location of the development;

- (b) a description of the physical characteristics of the whole development, including, where relevant, requisite demolition works, and the land-use requirements during the construction and operational phases
- (c) a description of the main characteristics of the operational phase of the development (in particular any production process), for instance, energy demand and energy used, nature and quantity of the materials and natural resources (including water, land, soil and biodiversity) used;
- (d) an estimate, by type and quantity, of expected residues and emissions (such as water, air, soil and subsoil pollution, noise, vibration, light, heat, radiation and quantities and types of waste produced during the construction and operation phases.

2. A description of the reasonable alternatives (for example in terms of development design, technology, location, size and scale) studied by the developer, which are relevant to the proposed project and its specific characteristics, and an indication of the main reasons for selecting the chosen option, including a comparison of the environmental effects.

3. A description of the relevant aspects of the current state of the environment (baseline scenario) and an outline of the likely evolution thereof without implementation of the development as far as natural changes from the baseline scenario can be assessed with reasonable effort on the basis of the availability of environmental information and scientific knowledge.

4. A description of the factors specified in regulation 4(2) likely to be significantly affected by the development: population, human health, biodiversity (for example fauna and flora), land (for example land take), soil (for example organic matter, erosion, compaction, sealing), water (for example hydromorphological changes, quantity and quality), air, climate (for example greenhouse gas emissions, impacts relevant to adaptation), material assets, cultural heritage, including architectural and archaeological aspects, and landscape.

5. A description of the likely significant effects of the development on the environment resulting from, inter alia:

- (a) the construction and existence of the development, including, where relevant, demolition works;
- (b) the use of natural resources, in particular land, soil, water and biodiversity, considering as far as possible the sustainable availability of these resources;
- (c) the emission of pollutants, noise, vibration, light, heat and radiation, the creation of nuisances, and the disposal and recovery of waste;
- (d) the risks to human health, cultural heritage or the environment (for example due to accidents or disasters);

- (e) the cumulation of effects with other existing and/or approved projects, taking into account any existing environmental problems relating to areas of particular environmental importance likely to be affected or the use of natural resources;
- (f) the impact of the project on climate (for example the nature and magnitude of greenhouse gas emissions) and the vulnerability of the project to climate change;
- (g) the technologies and the substances used.

The description of the likely significant effects on the factors specified in regulation 4(2) should cover the direct effects and any indirect, secondary, cumulative, transboundary, short-term, medium-term and long-term, permanent and temporary, positive and negative effects of the development. This description should take into account the environmental protection objectives established at Union or Member State level which are relevant to the project, including in particular those established under Council Directive 92/43/EEC and Directive 2009/147/EC.

6. A description of the forecasting methods or evidence, used to identify and assess the significant effects on the environment, including details of difficulties (for example technical deficiencies or lack of knowledge) encountered compiling the required information and the main uncertainties involved.

7. A description of the measures envisaged to avoid, prevent, reduce or, if possible, offset any identified significant adverse effects on the environment and, where appropriate, of any proposed monitoring arrangements (for example the preparation of a post-project analysis). That description should explain the extent, to which significant adverse effects on the environment are avoided, prevented, reduced or offset, and should cover both the construction and operational phases.

8. A description of the expected significant adverse effects of the development on the environment deriving from the vulnerability of the development to risks of major accidents and/or disasters which are relevant to the project concerned. Relevant information available and obtained through risk assessments pursuant to EU legislation such as Directive 2012/18/EU of the European Parliament and of the Council or Council Directive 2009/71/Euratom or UK environmental assessments may be used for this purpose provided that the requirements of this Directive are met. Where appropriate, this description should include measures envisaged to prevent or mitigate the significant adverse effects of such events on the environment and details of the preparedness for and proposed response to such emergencies.

9. A non-technical summary of the information provided under paragraphs 1 to 8.

10. A reference list detailing the sources used for the descriptions and assessments included in the environmental statement.