1. **APPLICATION SITE AND LOCALITY** 
   1. The site is a former ironstone quarry, now exhausted, managed by Peter Bennie Ltd, sitting in open countryside some 750m east of the village of Alkerton. The quarry is bounded by established mature hedge with hedgerow trees to the east and south. Adjacent land has been restored after quarry workings, mostly to low level agricultural restoration with the exception of the adjacent landfill to the west.
2. **DESCRIPTION OF PROPOSED DEVELOPMENT**
   1. The consultation with CDC relates to a Section 73 application to vary condition 99 of a previous planning permission ref 12/01365/CM (MW.0113/12); to relocate the ephemeral pond at Alkerton Quarry, amending the previously approved land restoration scheme.
3. **RELEVANT PLANNING HISTORY**
4. The following planning history is considered relevant to the current proposal:

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| Application Ref. | Proposal | Decision |
| 97/00430/CM | Review of Mineral Planning Permissions. Non-compliance with conditions No. 5, No. 98 and No. 101 of Planning Determination ref:. 97/00430/CM and variation of Working Plan approved under condition No. 105. Objections | Application Permitted |
| 01/01478/CM | Non-compliance with conditions No. 5, No. 98 and No. 101 of Planning Determination ref:. 97/00430/CM and variation of Working Plan approved under condition No. 105. | Objections |
| 12/01365/CM | Application to vary conditions 35, 40, 41, 98 & 99 of planning permission Ref 12/00056/CM; to create restoration contours the allow for effective drainage (OCC ref. MW.0113/12) | Application Permitted |
| 13/01257/CM | Section 73 application to vary condition 109 of planning application 12/01365/CM to allow the implementation of an updated restoration | No Objections |

1. **PRE-APPLICATION DISCUSSIONS**
2. No pre-application discussions have taken place with Cherwell District Council with regard to this proposal.
3. **RESPONSE TO PUBLICITY**
   1. As a County Matter application, all publicity and consultation has been carried out by Oxfordshire County Council. Cherwell District Council is a consultee only and has not undertaken any additional publicity or consultation.
4. **RELEVANT PLANNING POLICY AND GUIDANCE**
   1. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.
   2. The Cherwell Local Plan 2011-2031 - Part 1 was formally adopted by Cherwell District Council on 20th July 2015 and provides the strategic planning policy framework for the District to 2031.  The Local Plan 2011-2031 – Part 1 replaced a number of the ‘saved’ policies of the adopted Cherwell Local Plan 1996 though many of its policies are retained and remain part of the development plan. The relevant planning policies of Cherwell District’s statutory Development Plan are set out below:

CHERWELL LOCAL PLAN 2011 - 2031 PART 1 (CLP 2031)

* ESD10: Protection and Enhancement of Biodiversity and the Natural Environment
* ESD13: Local Landscape Protection and Enhancement
* ESD15: The Character of the Built and Historic Environment

CHERWELL LOCAL PLAN 1996 SAVED POLICIES (CLP 1996)

* C28: Layout, design and external appearance of new development
  1. Other Material Planning Considerations
* National Planning Policy Framework (as amended) (NPPF)
* Planning Practice Guidance (PPG)

1. **APPRAISAL**
2. The proposal is a County Matter application and CDC is a consultee only. The key consideration is the effect the proposal might have upon the interests of the District, which in this case are considered to be the effect on visual amenities, the rural landscape and ecology. It is expected that matters of ecology fall within the scope of Oxfordshire County Council and that appropriate consultation and mitigation (if necessary) will be carried out.
3. Cherwell District Council’s Landscape Officer (CDCLO) has assessed the proposals and whilst considering the proposals to largely constitute an improvement on the previous restoration scheme, raises concerns with regards to the apparent loss of tree planting from within the scheme from that previously approved, commenting: ‘*The proposed hedgerow is approx. 620m long but has only 8 trees. This is inadequate. I am unsure why a decision has been taken to remove all trees from the scrub planting areas. There is no explanation for this. Trees appear to be shown on the March 2018 restoration plan but aren’t in the schedule. To provide a variety of habitats trees should be included in some parts of the planting as shown on the plan*’.
4. The site is within a landscape once deemed to be an Area of High Landscape Value in the CLP 1996, but now rescinded in the current Cherwell Local Plan with Policy ESD 13 in favour of seeking to *‘conserve and enhance the distinctive and highly valued local character of the entire District’*.
5. Notwithstanding the comments of the CDCLO it is noted that no objections are raised by the County Council’s own Landscape Officer. It is thus considered that, whilst the loss of tree planting from the proposed scheme from that previously approved would detract from the overall ecological and biodiversity value of restoration scheme as a whole, it would not likely result in a scheme that, once implemented, would be to the detriment of the visual amenities of the site or its wider landscape setting to the extent that such proposals should be refused; but that this matter should be raised with the County Council for their consideration.
6. On balance, given the context and location of the site, officers do not anticipate that the wider rural landscape would be significantly affected by amendments to the land restoration scheme proposed within the current application.
7. **PLANNING BALANCE AND CONCLUSION**
8. The NPPF states that the purpose of the planning system is to contribute to the achievement of sustainable development. Paragraph 8 requires that the three dimensions to sustainable development (economic, social and environmental) are not undertaken in isolation, but are sought jointly and simultaneously.
9. The proposal is a County Matter and CDC is a consultee only. It is expected that the County Council will make a full assessment into the effects of the proposal, but from the District perspective it is considered that, subject to an assessment of the ecology of the site being approved and appropriate landscaping being implemented, the proposal would not result in significant harm to the visual amenities of the site and wider landscape within which it sits.

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| 1. **RECOMMENDATION** 2. That Cherwell District Council raises no objections to the proposal subject to appropriate consideration given to ecology matters and the following comments: *‘The provision of only 8 trees is inadequate. Due regard should be given to appropriate tree planting within the proposed hedgerow along the western boundary. To provide a variety of habitats trees should be included in some parts of the planting as shown on the proposed plan (KB-AQ/101)’*.   Cherwell District Council requests that they be informed of the outcome of the application once a decision has been made. |

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| Case Officer: | Bob Neville | DATE: 25/04/2019 |
| Checked By: | Nathanael Stock | DATE: 25.04.2019 |