



**Peter
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**APPLICATION TO VARY APPROVED
RESTORATION DETAILS**

ALKERTON QUARRY

January 2019



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1 Introduction

- 1.1.1 Heatons have prepared a Planning Application on behalf of Peter Bennie Ltd to seek approval to vary condition 99 of planning permission reference 12/01365/CM to vary the approved restoration scheme for Alkerton Quarry (the site). The purpose of this document is to provide the details of the proposed revisions and the justifications for the alterations. The application is accompanied by a revised Restoration, Soil Placement and Aftercare Scheme dated January 2019.

2 Background

- 2.1.1 The application site is an ironstone working, part of a larger working area covering Alkerton, Hornton and Wroxton Quarries. The site is managed by Peter Bennie Ltd. Mineral excavation at the site has now ceased and soil placement has previously taken place on the northern section of Alkerton Quarry.
- 2.1.2 The current/approved restoration details are contained within the Restoration, Soil Placement and Aftercare Scheme dated July 2012 (approved as part of Planning Application reference 12/01365/CM/MW.0113/12).
- 2.1.3 The overarching planning consent for the site is 12/01365/CM/MW.0113/12. This permission includes conditions 35, 40, 41, 45, 46, 47, 77, 78, 79, 98 and 99 which collectively require Alkerton Quarry's restoration and aftercare to be carried out in accordance with the details set out in the approved Restoration, Soil Placement and Aftercare Scheme dated July 2012. With the exception of condition 99, all other conditions will still be complied with. Condition 99 requires;
- ‘Mineral waste arising (...) shall be levelled and graded in accordance with the restoration contours shown on approved plan Alkerton Quarry Revised Restoration Plan May 2012’
- 2.1.4 Since May 2012, a further 10,000 tonnes of aggregate have been removed from the site. This is within the approved details/levels permitted at the site. However, improved operating techniques mean less waste was being generated during mineral extraction, therefore there is less material available on site to restore the site levels originally anticipated. Consequently, there is a need to revise the restoration scheme to take account of the lower land levels.

3 Site Setting

- 3.1.1 Alkerton Quarry is located within Wroxton, Banbury however the closest settlement is the village of Alkerton which sits approximately 1 km west of the site.
- 3.1.2 The application site is a triangular shaped parcel of land extending to circa 10.7 hectares. It is bound by a public footpath along the west edge, and existing hedgerow with mature trees along the east and south boundaries. This is reflected on the Revised Restoration Plan.
- 3.1.3 The site is surrounded by agricultural land. There is an isolated residential property adjacent to the site boundary and Stratford road.
- 3.1.4 The main route for vehicles using the site is via the A422 Stratford Road to the east. The former Alkerton Waste Disposal site is located to the west.
- 3.1.5 Soil was placed on an area of 0.85 ha of the northern section of the quarry 12 years ago. However, as detailed in the revised restoration scheme, it is proposed to re-work the northern part of the site to improve the quality of the partial restoration and drainage. This is due to an apparent deterioration in soil quality over time. It will be re-restored in the same manner as the rest of the site but using the lower quality soils.

4 Proposed Development

- 4.1.1 This Application seeks to vary condition 99 of Planning Application reference 12/01365/CM. Condition 99 states that the site must be restored in accordance with the details provided on the approved plan - Alkerton Quarry Revised Restoration Plan May 2012. Since this application was approved, further mineral has been extracted and the volume of soils remaining on site recalculated. There is less available soils and other restoration materials available on site to achieve the approved restoration. As a result, a revised restoration scheme has been submitted – see drawing reference KB-AQ/101 contained within the Restoration, Soil Placement and Aftercare Scheme – March 2018. The new scheme does not require the importation of any restoration materials.
- 4.1.2 The previously approved restoration scheme was to low-lying agricultural land with perimeter planting, ecological enhancement and a seasonal pond to improve site drainage. The general principles of restoration submitted as part of this Application

remain the same. The site will be restored to low level agricultural land. To minimise the amount of earth works, the ephemeral pond is situated on the site's eastern boundary.

- 4.1.3 Restoration soils were placed on the northern section of Alkerton Quarry (approximately 0.85 ha) 12 years ago. The site won soils used as part of this restoration were stored in topsoil bunds for several years and the quality of these soils is likely to have deteriorated over time. It is therefore proposed to rework the northern area to improve the quality of restoration and drainage as part of the overall restoration of the site.
- 4.1.4 The Application is accompanied by a Restoration, Soil Placement and Aftercare Scheme dated March 2018 which sets out the detail of soil placement and management strategy, planting specifications, maintenance and aftercare strategy. Following restoration, a period of 5 years aftercare is proposed.
- 4.1.5 The proposed restoration involves improving the landscape through soil placement and the planting and/or retention of rough grassland, scrub and hedgerows. The revised restoration scheme aims to maximise the productive agricultural area of the site (6.1 ha) while providing ecological enhancement with the creation of 1.8 ha of rough grassland with perimeter scrub and 654m of new native hedgerow. There will be five years of maintenance following planting to ensure the planting becomes established, and natural regeneration will be accepted on the slopes.

5 Relevant Planning Policy

- 5.1.1 The following paragraphs summarise the most relevant Development Plan Policy relevant to the consideration of the Application.

Oxfordshire Minerals and Waste Local Plan (September 2017)

- 5.1.2 The Oxfordshire Minerals and Waste Local Plan (OMWLP) identifies Alkerton (and surrounding areas) as the one existing area of ironstone working in the north of the county, and notes that it contains substantial reserves with permission to be worked.
- 5.1.3 The following policies within the OMWLP are of particular relevance to this application:

- 5.1.4 **Policy M10: Restoration of mineral workings** seeks high standard restoration of mineral workings in a timely manner that is appropriate to the location and provides a net gain in biodiversity. The policy goes on to detail how restoration and after-use should consider the characteristics of the site and its surroundings, as well as flood risk and thus opportunities for increased flood storage capacity. Furthermore, the policy notes that conservation and enhancement of biodiversity appropriate to the local area should be taken into account.
- 5.1.5 **Policy C7: Biodiversity and geodiversity** states that development should conserve and, where possible, deliver a net gain in biodiversity. The policy specifically requires proposals to demonstrate how the development will maintain and enhance local habitats, biodiversity or geodiversity. Furthermore, Policy C7 requires satisfactory long-term management of restored sites with a commitment to ecological monitoring and remediation.
- 5.1.6 **Policy C8: Landscape** requires proposals to respect and, where possible, enhance the landscape. Proposals should be informed by a landscape character assessment, and include careful siting, design and landscaping. The policy goes on to state that great weight will be given to conserving the landscape.
- 5.1.7 **Policy C11 Rights of Way** promotes the integrity and amenity value of the rights of way network, and therefore requires any public rights of way to be retained in situ in safe and useable condition. If diversions are necessary, the policy requires that they are safe, attractive and convenient. Permanent diversions should seek to enhance and improve the network.

Cherwell Local Plan 2011-2031 (2015)

- 5.1.8 The following policies within the Cherwell Local Plan are deemed to be of relevance to this application:
- 5.1.9 **Policy PSD1: Presumption in Favour of Sustainable Development** notes that councils should take a proactive approach to applications, working with applicants to find solutions so that proposals can be approved wherever possible. This policy therefore aims to ensure that development that improves the economic, social and environmental conditions of the area is approved without delay.

- 5.1.10 **Policy ESD10 Protection and Enhancement of Biodiversity and the Natural Environment** encourages developments to achieve a net gain in biodiversity through protecting, managing, enhancing and extending existing resources by creating new resources. Furthermore, the policy expects the protection of trees, the reuse of soils and the incorporation of features to encourage biodiversity.
- 5.1.11 **Policy ESD13: Local landscape protection and enhancement** promotes enhancement of the character and appearance of the landscape through restoration, management or enhancement of existing landscapes, features or habitats and where appropriate the creation of new ones, including the planting of woodlands, trees and hedgerows. Thus, proposals will not be permitted if they would cause undue visual intrusion into the open countryside or undue harm to important natural landscape features and topography.

6 Other Material Considerations

National Planning Policy Framework (2018)

- 6.1.1 The National Planning Policy Framework (NPPF) includes policies that aim to ensure that worked land is reclaimed at the earliest opportunity. The policies within chapter 17 ("Facilitating the sustainable use of minerals") collectively promote high-quality restoration and aftercare of mineral sites, for example, for agricultural use (safeguarding the long-term potential of best and most versatile agricultural land and conserving soil resources), geodiversity, biodiversity, native woodland, the historic environment, and recreation.
- 6.1.2 Furthermore, the NPPF outlines the need for a flexible approach to the potentially long duration of planning permissions associated with mineral extraction.

7 Environmental Consideration

Ecology

- 7.1.1 In line with the collective requirements of **Policy ESD10 Protection and Enhancement of Biodiversity and the Natural Environment**, **Policy C7: Biodiversity and geodiversity** and **Policy M10: Restoration of mineral workings**, the revised Restoration, Soil Placement and Aftercare Scheme that accompanies this planning

application ensures a high standard of restoration that actively encourages a net gain in biodiversity through protecting, managing and creating new resources. Specifically, the scheme details the creation of new areas of rough grassland, scrub and hedgerow as well as a seasonal pond which together will encourage natural regeneration and ecological enhancement across the site. The proposed new rough grassland, scrub and hedgerow are all priority habitats within the national or local biodiversity action plans. For example, the Cherwell Biodiversity Action Plan describes rough grassland as having particular local importance. Therefore, ecological enhancement is promoted by the proposed scheme.

Landscape

- 7.1.2 The proposed restoration of Alkerton Quarry offers an enhancement of the current landscape and therefore adheres to the requirements of **Policy ESD13: Local landscape protection and enhancement**, **Policy C8: Landscape** and **Policy M10: Restoration of mineral workings**. The proposed new areas of rough grassland, scrub and hedgerow will promote a natural regeneration of the site, and combined with the proposed soil placement, will enable it to become fully restored to agricultural use. As a result, the landscape features of the site will be enhanced, with a resulting topography that is sympathetic to the site's wider setting which is mostly arable land with established mature hedges with hedgerow trees.

Public Rights of Way

- 7.1.3 There is one Public Rights of Way on the site, public footpath 418/12 which follows the southern edge of the site. This is shown on the submitted Revised Restoration Plan (March 2018). The footpath will be maintained and protected as part of the revised restoration scheme. The proposal therefore meets the requirement of **Policy C11 Rights of Way** as the integrity and amenity value of the rights of way network is maintained.

Amenity

- 7.1.4 In terms of amenity, there is one neighbouring residential property, Heath Farm, to consider in the decision-making process for this revised restoration scheme. There are specific conditions within the current planning permission, reference 12/01365/CM, which aim to ensure that there is no detrimental impact on this property. Condition 95 outlines the maximum permitted noise levels at noise

sensitive locations at Heath Farm, and Condition 96 requires noise monitoring to be carried out every two months, with the reason being to reduce noise levels in the vicinity of Heath Farm to tolerable levels. Furthermore, Condition 100 required a screening bund to be constructed before working commenced as a means of screening Heath Farm from noise, dust and visual intrusions. The operations to restore the site will continue to comply with these conditions.

8 Conclusions

- 8.1.1 This proposal seeks a revision to the approved restoration scheme at Alkerton Quarry. The general principles of restoration remain the same in that the site will be restored to low level agricultural land. The only fundamental difference is that there is less material available to restore the site levels than originally anticipated. Consequently, there is a need to revise the approved restoration contours.
- 8.1.2 The proposed restoration will improve the landscape through soil placement and the planting and/or retention of rough grassland, scrub and hedgerows. The proposal aims to maximise the productive agricultural area of the site while providing ecological enhancement with the creation of rough grassland areas with perimeter scrub and new native hedgerows.
- 8.1.3 The Aftercare Strategy, comprising a five-year aftercare phase, will ensure that the land is maintained to a high standard as it undergoes a natural regeneration.
- 8.1.4 Considering the discussed environmental considerations and the proven compliance with development plan policy, it is considered that the proposed development should be approved in accordance with the “presumption in favour of sustainable development” which is a golden thread running through the NPPF and local plans.