

Location and control of mineral workings

4.1 The Structure Plan gives the following broad guidance on the location and control of mineral workings:

M9 In the following areas of nationally acknowledged importance there will normally be a presumption against mineral working unless it can be shown that the need for the development outweighs any adverse environmental consequences:

- (a) on grade 1, 2 or 3a land, unless it is demonstrated that a high standard of restoration to agriculture will be achieved;*
- (b) in or affecting Areas of Outstanding Natural Beauty;*
- (c) which would damage an ancient monument or archaeologically important area requiring permanent preservation;*
- (d) which would damage the conservation interest of a nature reserve or Site of Special Scientific Interest.*

M10 The County Council will also protect areas of regionally and locally acknowledged importance, and there will normally be a presumption against mineral working which would seriously damage:

- (a) areas important to the immediate landscape setting of Oxford;*
- (b) the immediate setting of the River Thames or other rivers in the county, and the Oxford Canal;*
- (c) the special qualities of an Area of High Landscape Value or important local landscape feature;*
- (d) the environment and amenities of towns, villages, dwellings, residential institutions, hospitals and other sensitive buildings;*
- (e) important historic landscape, parks and gardens and an ancient semi-natural woodland.*

M11 Outside the areas covered by M9, M10 and M13¹ applications for mineral extraction will be considered on their merits in the light of other policies in the Plan.

M12 Policy EN5 will not be regarded as necessarily preventing the winning and working of minerals provided that high environmental standards are maintained and that the site is well restored.

M15 Before granting planning permission the County Council will need to be satisfied that the land will be progressively restored within a reasonable timescale to an acceptable use that is appropriate to its location and immediate area.

¹ Structure Plan policy M13 can be found at paragraph 7.1.

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M16 *The County Council will seek to secure the environmental improvement of land that has been damaged by mineral working.*

In addition, Structure Plan policy EN4 states that in Areas of Outstanding Natural Beauty high priority will be given to the Areas' protection and enhancement and that development which would damage their beauty will be strongly resisted. There are three Areas of Outstanding Natural Beauty in Oxfordshire: the Chilterns, the Cotswolds and the North Wessex Downs.

4.2 PE1 Proposals for mineral workings will be considered in the light of the criteria below:

- (a) the protection of local residential, landscape and natural amenities;
- (b) the provision of adequate buffer zones to protect residential and natural amenities;
- (c) buildings of architectural and historical importance and their setting are not significantly damaged;
- (d) that satisfactory access can be provided onto roads which can safely accommodate the proposed traffic without material harm to the environment;
- (e) where archaeological sites do not need to be preserved, appropriate provision is made for the recovery and recording of remains before extraction takes place;
- (f) sites important for nature conservation, other than covered by Structure Plan policy M9(d), are not seriously damaged;
- (g) woods, copses and belts of trees which are important in the landscape are protected;
- (h) a high standard of restoration and landscaping is provided;
- (i) water supplies and resources are protected and pollution avoided, and hydrological studies are provided where necessary;
- (j) the networks of public rights of way are protected;
- (k) that every care is taken in the siting, design and landscaping of processing plant to minimise the effects on the local area;
- (l) when considering applications for mineral development, the County Council will consider the feasibility of the restoration and aftercare proposals.

- 4.3 **PE2** Planning permissions for mineral working will not be granted outside the areas identified in this Plan unless:
- (a) the working would be acceptable under policy SD2, or
 - (b) (i) the proposal satisfies the policies of the Structure Plan and this Local Plan, and
 - (ii) in the case of sand and gravel, the apportioned supply from the county cannot be met from within the areas identified, or
 - (iii) in the case of other minerals, the demand cannot be met from within areas which are identified in the Plan.
- 4.4 The County Council's approach to the location of workings, in both the Structure Plan and this Local Plan, is to concentrate mineral extraction in specific areas (see Chapter 7). This is to minimise the geographical disturbance caused and to concentrate resources in order to achieve satisfactory restoration and after-use. The aim is to ensure a steady supply of minerals for the industry from identified areas, while at the same time giving residents and others a clear idea of where working is and is not likely to be permitted.
- 4.5 Structure Plan policy WD3 and Local Plan policy W7 (see paragraphs 3.25-3.26) give guidance on proposals for waste disposal by landfill. The County Council's aim is to control the release and location of landfill sites to ensure that satisfactory restoration is achieved with the least possible harm to the environment.

Buffer zones

- 4.6 Buffer zones seek to protect local residents and others, and natural features, from the most immediate and damaging effects of mineral working and waste disposal, such as noise, vibration, dust, smell, fumes, scavenging birds, visual intrusion and the migration of landfill gas. The exact extent of the buffer zones will be determined at the time of a planning application and will take account of the length of time over which the disturbance is likely, the character and setting of the settlement or dwellings to be protected and the physical features which may affect the impact of mineral working and waste disposal. Buffer zones may also be necessary to protect wildlife and its corridors.
- 4.7 **PE3** Appropriate buffer zones will be safeguarded around mineral working or waste disposal sites for protection against unacceptable losses of residential or natural amenity.
- 4.8 Since the late 1970s the County Council has operated a buffer zone policy based on a requirement for a distance of 350 metres between mineral workings and towns, villages and hamlets, and 100 metres between mineral workings and an individual dwelling or a small group of dwellings. When determining planning applications for mineral or waste development, the County Council will have regard to these established standards, together with the individual circumstances of the site and the other measures which may be used to mitigate the effects of the development proposed.

The water environment

4.9 The Structure Plan states:

EN10 There will be a general presumption against any development which will have an adverse impact on the water environment, particularly in relation to rivers, ponds, wetlands, public access in river corridors and water-related recreation. Favourable consideration will be given to proposals which seek to restore and enhance the natural elements of the river environment and improve water quality.

Groundwater

4.10 PE4 Proposals for mineral extraction and restoration (including waste disposal) will not be permitted where they would have an impact on groundwater levels in the surrounding area which would harm existing water abstraction, river flow, canal, lake or pond levels or important natural habitats. Proposals must not put at risk the quality of groundwater.

4.11 The Council will have regard to the NRA's¹ 'Policy and Practice for Protection of Groundwater' when considering proposals which may affect water resources.

Rivers and canals

4.12 Other Structure Plan policies, in addition to EN10 and M10, seek to protect main river valleys and other waterways, and to increase public access where this is consistent with conservation. Policies R6 and R7, reproduced below, are particularly relevant, but policies such as R1, R3 and R4 will also be applicable in many cases:

R6 The Council will seek to promote river valleys as important areas of open land by encouraging public access and water-related recreation in appropriate locations.

R7 In considering proposals for development on or affecting the River Thames and its immediate valley, to seek to preserve and where appropriate enhance the pleasant environmental qualities of the river and its valley and to prevent increased congestion and consequent loss of amenity. To this end:

- (a) any new riverside recreational development incorporating substantial buildings and structures should be associated as far as possible with existing settlements, and should be capable of being provided with adequate road access and parking areas. Permission will not normally be granted for development in the open countryside which could damage the rural quality of the river and its valley;*

¹ In April 1996 the Environment Agency took over the functions of the NRA.

- (b) *there will be a presumption against the provision of new permanent moorings, or new hire bases. Proposals for extensions to existing hire bases will be considered in relation to their effect on the character of the river and its surroundings, and any other local planning interests and there will be a presumption against proposals which would result in a significant increase in river traffic. Opportunities will be taken where appropriate and desirable to relocate existing on-river moorings into side-channels, gravel workings or backwaters;*
- (c) *there will be a presumption against additional organised water sports proposals which would result in a significant increase in congestion or insuperable conflicts between river users, or which would damage the character of the river and its surroundings. Wherever possible, water sports clubs and organisations will be encouraged to develop through existing clubs and premises rather than through the creation of new ones;*
- (d) *encouragement will be given to proposals which seek to improve opportunities for access to and walking along the river by improvement and completion of the Thames towing path as a continuous route.*

4.13 The NRA (now replaced by the Environment Agency) and the relevant local authorities have published a new recreation strategy for the River Thames.



The River Thames near Newbridge.

- 4.14 PE5 Mineral working or waste disposal should not harm the immediate setting and nature conservation value of the River Thames and other watercourses of significant visual or nature conservation value, or canals.

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- 4.15 PE6 Where mineral working or waste disposal is to be permitted a further buffer zone must be left between the mineral working/waste disposal and adjacent significant watercourses and canals to preserve their setting and avoid pollution. The size and landscape treatment of the buffer zone will depend on the characteristics of the area and the details of the proposals. Proposals for diversion of watercourses will be determined in accordance with policy PE5. Existing trees and hedges should be retained.

Floodplain

- 4.16 The Structure Plan states:

EN11 In areas at risk from flooding there will be a general presumption against new development or the intensification of existing development. Appropriate flood protection will generally be required where the redevelopment of existing developed areas is permitted in areas at risk from flooding. Proposals which would result in an increased flood risk in areas downstream due to additional surface run off will be resisted.

- 4.17 PE7 In the floodplain proposals for mineral extraction and restoration should not result in the raising of existing ground levels. Mineral extraction or restoration by landfill should not adversely affect groundwater levels or water quality, impede flood flows, reduce the capacity of flood storage or adversely affect existing flood defence structures. The developer and/or landowner will be expected to undertake any hydrological surveys necessary to establish the implications of a proposal.
- 4.18 The County Council normally consults the Environment Agency on proposed development in the floodplain. Development, including landfill, which raises ground levels can reduce the capacity of the floodplain to store flood water and can impede flows. This increases the risk of flooding elsewhere.
- 4.19 The type of material used to fill former workings in the floodplain can also cause problems: impermeable materials can lead to raised groundwater levels upstream which can in turn result in waterlogging and groundwater flooding. The disposal of putrescible waste increases the risk of pollution. The Environment Agency is likely to object to the disposal of anything other than inert waste in the floodplain. Elsewhere, the disposal of putrescible waste will not be permitted where it is likely to lead to the pollution of groundwater or surface water.
- 4.20 Hydrological surveys may be necessary to determine the implications of mineral working and restoration proposals. Surveys will be required where English Nature advise that a proposal could involve a change in the water table which would damage an important site for nature conservation.

Archaeology

- 4.21 There are few possible mineral working areas in Oxfordshire without potential archaeological interest. Areas of sand and gravel deposits in particular are known to be potentially very rich in remains. The desirability of preserving or recording archaeological remains are a material consideration in determining planning applications¹. Briefly, the Government identifies three main stages in the investigation of archaeological remains:
- (a) a preliminary assessment, involving a desk study;
 - (b) field evaluation, involving field walking and trenching and other suitable forms of investigation;
 - (c) full recording or preservation in situ.
- 4.22 Operators should consult the County Archaeologist before submitting a planning application. A preliminary archaeological assessment involving a desk study of existing information will normally be necessary (see also policy PE17).
- 4.23 Where this assessment suggests that important remains may exist or that further information is required the applicant may need to carry out an archaeological field evaluation to a specification approved by the County Archaeologist. This would be required before the application is determined as it may reveal remains where preservation in situ is essential. However, it may be possible to agree in advance, subject to the evaluation, the principle of extraction. Where the County Council decides that physical preservation in situ is not justified mineral extraction will be allowed to proceed. The developer will still be responsible for the excavation and recording of the remains to a specification approved by the County Archaeologist, and for the subsequent analysis and suitable publication of the results.



Children at an archaeological open day at Worton Rectory Farm.

¹ PPG16 Archaeology and Planning gives further details of Government guidance. The approach in this Plan also takes into account the Archaeological Investigations Code of Practice for Mineral Operators (March 1991) produced by the Confederation of British Industry.

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- 4.24 Where investigation prior to extraction does not suggest that further investigation is required, this will not necessarily be conclusive as to the absence of remains. In order that the opportunity is given for preservation or recording of remains found unexpectedly during site preparation, conditions will be applied to all permissions requiring that notice is given of the intention to disturb new areas of a site, and that opportunity is given to appropriate archaeological bodies to inspect the site and investigate any remains found.
- 4.25 **PE8** Before determining an application for mineral extraction the County Council will normally require the applicant to carry out a preliminary archaeological assessment to determine the nature and significance of any archaeological remains. The County Council may, subject to the results of this initial assessment, require an archaeological field evaluation of the site to determine the appropriate means for mitigating the impact of extraction on the archaeological resource¹.
- 4.26 **PE9** Scheduled Ancient Monuments, other archaeological remains of national importance and their settings should be preserved in situ. For all other remains of importance preservation in situ will be preferred. Where this is not appropriate and for all other remains, adequate provision should be made for their excavation and recording. This policy applies to all remains, including those not revealed by policy PE8.

Woodlands

- 4.27 Oxfordshire has very little woodland: only about 6% of the county is woodland of which about half is ancient woodland². The Structure Plan states:

EN3 Areas of importance for nature conservation, geology, archaeology and historical interest, and scenically, ecologically or locally important woodlands and forestry will normally be protected by resisting potentially harmful developments.

- 4.28 **PE10** Mineral working and waste disposal should not damage or destroy woodland and forestry. Proposals which would affect woodland will be assessed by taking into account the importance of the affected woodland, economically, scenically and ecologically; the local abundance or scarcity of woodland; the remaining life of the woodland; the extent of replacement proposed; and the time which it can be expected to take for replacement woodland to make a positive contribution to the landscape.
- 4.29 The Structure Plan (policy EN1) encourages the creation of new woodland areas/community forests. The County Council will seek tree planting with native species both as screening/landscaping for workings and as an after-use. Further details on this are given in the relevant sections of the Code of Practice (see Annex 1).

1 Policies PE8 and PE9 will be applied in accordance with PPG16 Archaeology and Planning, Department of the Environment, November 1990.

2 English Nature defines ancient woodland as having had continuous woodland cover since 1600 AD.

Rights of way and public access

4.30 The Structure Plan generally seeks to improve public access to the countryside. Policies R1 and R5 are relevant, as well as R6 (see paragraph 4.12):

R1 To make optimum use of existing countryside recreation facilities and resources, including public rights of way, banks of rivers and waterways, woodlands and parklands, and suitable disused land. Opportunities will be taken to provide and permission will normally be granted for new facilities where this can be done in accordance with policy R3 and where there is a clear shortage of such facilities.

R5 To secure the recreational or nature study/conservation after-use of mineral workings and waste disposal sites where there is no overriding constraint inhibiting such use and where restoration to high quality agricultural land of grades 1, 2 and 3a is not appropriate and to secure increased public access in appropriate cases.

4.31 PE11 The rights of way network should be maintained and individual rights of way retained in situ. Diversions should be temporary, safe and convenient and should be reinstated as soon as possible. Any proposal for permanent diversion should fulfil the functions of recreational and communications use of the right of way. Improvements to the rights of way network will be encouraged.

4.32 PE12 In appropriate cases general public access will be sought to restored mineral workings; where this is required, planning permission will not be granted until its provision and long-term management has been secured.

4.33 Mineral workings and their restoration provide opportunities to improve public access to the countryside, although it will not be desirable in every case eg for certain after-uses where nature conservation predominates or where the use of a right of way would cause an unacceptable degree of disturbance to nearby land uses. Improved public access requires maintenance and management which the County Council will require to be secured before planning permission is granted.

Restoration, after-use and nature conservation

4.34 The Structure Plan states:

M15 Before granting planning permission the County Council will need to be satisfied that the land will be progressively restored within a reasonable timescale to an acceptable use that is appropriate to its location and immediate area.

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M16 The County Council will seek to secure the environmental improvement of land that has been damaged by mineral working.

- 4.35 Mineral working inevitably changes the landscape while it is taking place. When working finishes it may be possible to restore the land to its original state and/or to take the opportunity to provide for nature conservation, recreation or some other appropriate use. Restoration and after-use proposals should wherever possible be determined at the same time as the proposal for mineral working. The most satisfactory way of doing this will normally be by way of a combined application for mineral working, restoration and after-use, although there may be cases where a separate planning application is required.
- 4.36 **PE13 Mineral workings and landfill sites should be restored within a reasonable timescale to an after-use appropriate to the location and surroundings. Proposals for restoration, aftercare and after-use should be submitted at the same time as any application for mineral working. Planning permission will not be granted for mineral working or landfill sites unless satisfactory proposals have been made for the restoration and after-use, and means of securing them in the long-term.**
- 4.37 Policy PE13 seeks to ensure that acceptable restoration and after-use proposals are agreed before planning permission for mineral working or waste disposal is granted. After-uses for mineral workings should normally conform with the relevant policies in Chapter 7. It is important to ensure that the restoration and after-use can be implemented, both physically and financially. This will involve planning conditions, and where necessary planning obligations¹ will be sought, including appropriate financial safeguards.
- 4.38 The County Council will seek, when the opportunity arises, to improve environmental standards at sites developed when environmental standards were lower.
- 4.39 The County Council is particularly keen to ensure that best use is made of the nature conservation potential that mineral working and restoration provides. This can be done both through the designation of particular sites and the development of strategies and the management of wider areas for nature conservation. This is an after-use that is not normally self-financing.

¹ 'Planning obligations' were introduced by the Planning and Compensation Act 1991. They involve undertakings (normally by landowners, developers and planning authorities) to achieve ends for which planning conditions are not appropriate. They normally take the form of legal ('Section 106') agreements. Guidance on the operation of Section 106 is given in Circular 16/91 and in MPGs and PPGs.

- 4.40 **PE14 Sites of nature conservation importance should not be damaged.** Proposals which would affect a nature conservation interest will be assessed by taking into account the importance of the affected interest; the degree and permanence of the projected damage; and the extent to which replacement habitat can be expected to preserve the interest in the long-term.
- 4.41 Structure Plan policy M9 gives protection to nationally designated nature conservation sites and SSSIs. Local Plan policy PE1 gives protection to locally important sites. National policy and the statutory framework is set out in PPG9¹, which asks local authorities to take account of nature conservation interests wherever relevant to local decisions. The County Council encourages the development of good quality habitats in the restoration of mineral sites. The Code of Practice (see Annex 1) gives more detail of the procedure to be followed.
- 4.42 **PE15 The County Council will seek the designation of local nature reserves on appropriate restored mineral sites.** Where such designation is expected planning permission will not be granted unless satisfactory proposals have been made to secure their creation and long-term maintenance.
- 4.43 Local nature reserves are designated under the National Parks and Access to the Countryside Act (1949). Designation helps protection of the site and increases the likelihood of attracting grant aid from organisations such as English Nature.
- 4.44 The inset maps show the after-uses which the County Council considers appropriate for particular areas. However, there may be cases where other compatible uses can be accommodated or where further investigation (eg a detailed archaeological or hydrological survey) dictates that an alternative after-use should be found. In all cases after-uses should be appropriate to the location and surroundings, and comply with other policies in both the Structure Plan and this Local Plan. If after-uses cannot be agreed then planning permission will normally be refused, in accordance with policy PE13.
- 4.45 In the areas identified for intensive water based activities (category 7) on the inset maps any proposals for motorised water sports should be accompanied by an assessment of their predicted noise impact. It is unlikely that permission for motorised water sports will be granted within 500 metres of any dwelling. It is to be expected that the best practical means will be used to reduce as far as possible increases in ambient noise levels or deteriorations in their tonal quality where these would affect noise sensitive uses.

¹ PPG9 *Nature Conservation, Department of the Environment, October 1994.*



Restored lake used for water-skiing near Standlake.

- 4.46 PE16 Permission will not be granted for noisy water sports where a significant impact is likely upon the amenity of those who reside in and use the locality for quiet enjoyment. If permission is granted conditions will specify the maximum noise levels and hours of operation.
- 4.47 After-use, particularly where proposals are submitted separately from an application for mineral working, may be a matter for the district planning authorities to control¹. The districts would consider any planning application in the context of this Local Plan and their local plans, which must also conform with the Structure Plan.

Planning applications

- 4.48 PE17 Every application for mineral extraction or waste disposal should as appropriate be accompanied by:
- (a) a full description of existing site conditions including a preliminary archaeological assessment based on a desk study;
 - (b) a working plan indicating all aspects of the extraction/disposal operation;
 - (c) plans, details and any draft obligations necessary to fulfil policy PE13;
 - (d) a written statement and landscape survey providing full supporting details, including details of the relationship of the proposals to the wider surrounding area and hydrological/hydrogeological surveys where the site is in the floodplain or near to an SSSI; and
 - (e) full transport information, including details of traffic generation and proposed lorry routes.

¹ This would not be the case, however, where the main operation involved waste disposal, which is a matter for the County Council.

- 4.49 It is in both the planning authority's and the applicant's interest that the right information is submitted with a planning application to enable it to be determined promptly. The Code of Practice sets out the requirements in more detail.
- 4.50 PE18 In determining applications covered by this Plan the County Council will:
- (a) have regard to the appropriate provisions of the Code of Practice in Annex 1, which is part of this Plan, and
 - b) regulate and control development by the imposition of conditions on the grant of permission. Where this cannot satisfactorily be done, appropriate planning obligations will be sought.
- 4.51 The County Council will also take into account an operator's past record of achieving successful restoration and complying with conditions, together with the commitment shown by the applicant toward achieving the proposed restoration and securing the proposed after-use.

Environmental assessment

- 4.52 Some development proposals which are likely to have significant environmental effects may have to be subject to environmental assessment¹. Environmental assessment is essentially a systematic evaluation of the likely environmental effects of a development, together with an assessment of how adverse effects might be mitigated. An application requiring such assessment has to be accompanied by an environmental statement.
- 4.53 Proposals for radioactive and special² waste **have** to be subject to environmental assessment. Environmental assessment is required for other waste disposal or mineral working proposals only if they are likely to have significant environmental effects. There is no Government definition of 'significant'.
- 4.54 The Structure Plan states:
- M21 Where appropriate, applications for mineral development should be accompanied by environmental statements which should include a description of the likely significant effects of the development on the environment and its relationship to the policies in this Plan and set out measures and proposals to avoid, reduce or remedy any significant adverse effects that have been identified.*

1 For more detail see 'Environmental Assessment: A Guide to the Procedures' HMSO, 1989 and Department of the Environment Circulars 15/88 and 1/92.

2 As defined by the Control of Pollution Act 1974.

4 Protecting the environment

4.55 The County Council's decision on whether to require an environmental assessment will take into account:

- (a) Mineral workings:
- the sensitivity of the location (eg environmental assessment will normally be required for proposals in Areas of Outstanding Natural Beauty);
 - size (eg sand and gravel workings of over 50 hectares will probably require environmental assessment);
 - working methods;
 - the proposals for disposing of waste;
 - the nature and extent of processing and ancillary operations;
 - the duration of the proposed workings.
- (b) Waste disposal:
- installations (including landfill sites) for the transfer, treatment or disposal of household, industrial and commercial wastes¹ with a capacity of more than 75,000 tonnes a year may well require environmental assessment.

4.56 Applicants may appeal to the Secretary of State for the Environment against a planning authority's decision to require environmental assessment. Equally, the Secretary of State has the power to direct that an application requires environmental assessment.

4.57 The requirement for environmental assessment is largely linked to the scale and significance of the likely environmental effects. **An application may not require formal environmental assessment but may still be refused planning permission because it is environmentally unacceptable.**

4.58 Applicants should seek the County Council's advice as early as possible on whether environmental assessment is required. Where it is, they should try to agree with the Council in advance the topics to be covered and the level of detail required.

¹ As defined in the *Collection and Disposal of Waste Regulations, Department of the Environment, 1988*