

Oxfordshire County Council

Town and Country Planning (Environmental Impact Assessment Regulations)
2017

SCOPING OPINION

Application Site and Description of Development

North-Western Extension to Gill Mill Quarry, Ducklington, Witney

Land & Mineral Management on behalf of Smiths & Son (Bletchington) Ltd. has requested a scoping opinion and submitted a scoping report providing details of the proposed development, dated 21st March 2023.

It is intended to make an application for the north-western extension to Gill Mill Quarry. The extension site relates to excavation of sand and gravel at Gill Mill Quarry. The proposal would provide an additional 1 million tonnes of sand and gravel reserves. Extraction would be carried out using an extractor, loading ADTs, which would be worked within the existing processing plant area.

Site Description

The proposed development is located in the Lower Windrush Valley, approximately 500 metres to the south of Witney, and immediately east of the village of Ducklington and the A415. The site area is approximately 17 hectares.

The site currently comprises arable and pasture farmland with the Gill Mill quarry workings active and restored, located to the east and south. The nearest site of special scientific interest (SSSI), located immediately south of the proposed extension, is called Ducklington Mead, designated for flood meadow flora.

The Windrush Path (194/3/10), a public right of way (PRoW) runs through the development from north to south along the River Windrush then changing direction to the south of the development in a westerly direction towards Ducklington.

The Cotswolds Area of Outstanding Natural Beauty (AONB) is located approximately 5.8km north-west of the site.

The land is classed as Agricultural Land Classification Grade 4 (ALC), which is classed as 'poor quality', therefore not best and most versatile agricultural land.

The nearest scheduled monument is located in Witney approximately 1km to the north of the site in the form of the Bishop of Winchester's Palace. The closest listed building is Windrush Cottage (Grade II) which is located approximately 40m west of the site in Ducklington.

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 consideration is given to the detailed responses of the consultees, as set out in Annex 1, and where these identify environmental impacts, these are incorporated into the Environmental Statement.

Mitigation measures should be described for all 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. 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 Environmental Statement should identify all sensitive receptors, including residential properties within and within close proximity of the scheme area and the public highway and those which could be affected by changes to the existing highway network as a consequence of the development and consider the environmental impacts on these.

The Environmental Statement should cover the whole site, including all ancillary development and all the phases of the development including preparatory works, construction, landscaping, restoration.

Cumulative impacts should be considered, and mitigation measures identified for all topic areas.

Specific Chapters

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

- Heritage
- Air Quality
- Landscape and Visual Impact
- Biodiversity
- Hydrology and Flood Risk
- Hydrogeology and Groundwater
- Noise
- Bird Strike
- Cumulative Effects

Oxfordshire County Council confirms that that these topics must be included in the Environmental Statement.

The following chapters must also be included:

- Agriculture and Farming (including Soils)
- Community and Social Effects
- Consideration of Alternatives

Please see additional comments below.

As there is cross-cutting of the assessments which will be required between the topic areas, clear cross-referencing should be provided within each assessment as appropriate.

The following topics have been scoped out in the Scoping Report as specific topic areas:

- Soils (to be included in Agriculture and Farming)
- Highways
- Major Accidents and Disasters

Further detail of what these chapters should cover is set out below.

Although it is agreed that Transport can be scoped out of the ES, a Transport Assessment must be included with the planning application.

Although a Human Health chapter has not been included, the air and noise quality chapter should include consideration of potential impacts on health.

For all topic areas, the Environmental Statement must be based on clear timescales for the proposed development both in total and all phases including the time periods for the works for site preparation, construction, landscaping and restoration and the scheme becoming operational.

A Non-Technical Summary should also be provided.

Heritage

Please see the detailed advice of the OCC Archaeology Officer set out in Annex 1.

Agree that the Heritage chapter should be scoped in. Agree with the heritage documents to be provided set out in the Scoping Report this includes providing a Desk Based Assessment (DBA). The DBA should be undertaken in line with the Chartered Institute for Archaeology standards and guidance, including the submission of a written scheme of investigation to ensure that the scope of the assessment has been agreed.

NB - A programme of archaeological investigation will need to be undertaken ahead of the determination of any planning application for the site. This will need to include a geophysical survey as well as a trenched evaluation. The County Archaeologist has received and approved the WSI for a geophysical survey on the site.

Air Quality

Please see the detailed advice of the County Council's Public Health Team set out in Annex 1.

Agree that the Air Quality should be scoped in. The air quality assessment should identify the presence of any vulnerable receptors during the construction phase which might be exposed to mineral dust, plus impacts in subsequent operational stages of the development, for example children attending the village primary school, nearby residential areas or impacts on the nearby public rights of way (PRoW).

Landscape and Visual Impact

Please see the detailed advice of the County Council's Landscape Specialist and Witney Town Council set out in Annex 1.

Agree that the Landscape and Visual effects should be scoped in, and the visual assessment should be carried out in accordance with the Guidelines for Landscape and Visual Assessment, 3rd Edition (GLVIA3). Visualisation should be in accordance with Technical Guidance Note 06/19 on 'Visual Representation of Development Proposals' by the Landscape Institute (June 2019).

The LVIA should take account of existing local landscape character assessments and studies. It should also assess direct and indirect effects and take account of lighting and cumulative effects with other developments in the area, e.g. the current mineral extraction and any proposed housing developments. Design and assessment should be an interactive process and inform any potential mitigation.

Impacts on PRow will also need to be considered in the LVIA.

NB - The County's Landscape Specialist recommends that assessment methodology, Zone of Theoretical Visibility (ZTV), study area, viewpoints and visualisations are agreed with her at the outset of the assessment.

It is unclear whether the proposal has the potential to impact trees and hedgerows. A tree survey to BS5837:2012 (Trees in relation to construction) and Arboricultural Impact Assessment (AIA) should be carried out to inform the potential impact of the scheme on trees and other mature vegetation, and to inform potential mitigation. This should not only consider trees and hedgerows within the application boundary but also adjacent to the site where mature vegetation might be affected. This information should inform the extent of the Root Protection Areas (RPA) and outline how these areas will be adequately protected from adverse impacts.

No Site Layout Plan or Landscape Masterplan has been submitted at this stage, but the proposals should not only seek to minimise adverse landscape and visual impacts but also deliver landscape and green infrastructure enhancements as part of the proposals.

Biodiversity

Please see the detailed advice of the County Council's Biodiversity Officer, Natural England, Witney Town Council, West Oxfordshire District Council, and Berkshire, Buckinghamshire & Oxfordshire Wildlife Trust (BBOWT) set out in Annex 1. In summary:

Agree that the biodiversity chapter should be scoped in. The proposed development in the proposed location has potential to impact Ducklington Mead SSSI. The proposed scheme boundary falls within the Lower Windrush Valley Conservation Target Area (CTA). Therefore, any impacts to the CTA should be avoided and measures proposed to achieve biodiversity net gain should seek to deliver the aims of the CTA. Creation of habitats would need to link to the surrounding area, providing opportunities for wildlife corridors.

The land proposed for extraction is identified as Priority Habitat on the Lower Windrush Valley CTA plan. Given the national and local recognition of a biodiversity emergency, careful consideration must be given to the value of nature

in its own right but also for the services it provides. This issue is not fully addressed as part of the potential effects of the proposal.

The site is also in close proximity to North of section A 'Snipe Meadow'. Witney Town Council mentions a newly planned native species hedge along the boundary of Snipe Meadow, potentially could be impacted by the proposal. Therefore, further assessment of potential impacts of this area should be shown to be completed, including water table drawdown risk to Snipe Meadow and Witney Lake.

In support of the application the EIA will need to demonstrate the development will show a biodiversity net gain in line with national planning policy and Policy M10 of the Oxfordshire Minerals and Waste Core Strategy. Net gain should be measured using the current version of the Defra biodiversity metric (currently version 3.1). The application would need to show a biodiversity net gain. It is expected that the long-term management will be guaranteed for a minimum of 30 years, which includes 5 years of aftercare. Details should be included through a Landscape and Ecology Management Plan (LEMP).

In addition, Natural England's response offers some generic advice on what should be included within the EIA, the full response can be found in Annex 1.

It is recommended that the habitats present on site are mapped using the UK Habitat Classification System including condition assessments to allow an accurate calculation of Biodiversity Net Gain.

There should be assessment of ecological impacts on all designated sites and non-statutory designated sites, this is particularly relevant with regard to the proximity of Ducklington Mead SSSI, giving rise to the need to assess potential indirect impacts from changes to hydrology. It is recommended that advice is sought from Natural England with regards this.

Hedgerows impacted will need to be surveyed following the Defra (2007) Hedgerow Survey Handbook.

The Ecological Appraisal/Biodiversity Assessment should explain how habitats and species within the site and surrounding area would be protected from impacts of the development, including the adjacent broadleaved woodland along the Green Lane.

The ecology chapter of the EIA should contain the results of any ecology surveys completed. Assessment of the impacts should include proposed mitigation, compensation and enhancement measures. Surveys of species vulnerable to persecution, such as badgers and birds of prey, should be provided in a confidential annex.

Hydrology & Flood Risk

Please see the detailed advice of Thames Water and Lead Local Flood Authority set out in Annex 1. At the time of writing the scoping opinion document, the case officer had not received comments from the Environment Agency (EA) . If and when the comments are received, the case officer will email directly to planning agent for consideration.

Agree that Hydrology and Flood Risk should be scoped in. The development will need to show surface water requirements and flood risk can be met on and off site. In addition, the proposal will need to show demand for water supply and network infrastructure both on and off site can be met. The proposals will need to show how infrastructure can be delivered ahead of occupation.

Hydrogeology & Ground Water

Please see the detailed advice of Thames Water, and Witney Town Council set out in Annex 1.

Agree that Hydrogeology & Ground Water should be scoped in. At the time writing the scoping opinion document, the case officer had not received comments from the Environment Agency.

Witney Town Council questioned the statement in the report that Witney Lake is considered as a 'surface water feature'. They are of the opinion the lake is groundwater fed and are currently completing testing of the quality and purity of the water. The EIA should show that the proposals would not impact on the water quality of Witney Lake from contamination of ground water.

The EIA should include assessment on the potential impact of the proposed flow patterns, not just for the section of the watercourses that run through the site, but potentially on impacts along the corridor of the River Windrush.

Noise

Please see the detailed advice of the County Council's Public Health Team set out in Annex 1.

Agree that the Noise should be scoped in. The noise assessment should identify the presence of any vulnerable receptors, for example children attending the village primary school, nearby residential areas, or impacts on the nearby public rights of way (PRoW).

Bird Strike

Agree that a chapter on Bird Strike should be scoped in, due to its proximity to RAF Brize North due to the edge of the runway being approximately 6 km west of the extension area.

Cumulative Effects

Please see the detailed advice of West Oxfordshire District Council set out in Annex 1.

Agree that a chapter on Cumulative Effects should be scoped in. The consideration of the cumulative effects should include effects with other existing development and/or approved development.

Soils

The Agricultural Land Classification (ALC) mapping shows the site to be on land of Grade 4 (poor quality). As the restoration scheme proposed is for the creation of lakes and ponds, this would see the loss of agricultural land. Therefore, we would like a chapter on 'Agriculture and farming' to assess the potential loss of farmland, this would include a section on soil. Please see the paragraph below for more details. Soils would still need to be covered by an assessment but can be merged with the Agriculture and Farming chapter. This would need to include details on how the soil will be handled during the construction, operational and restoration phases.

Agriculture and Farming

Would like a chapter on 'Agriculture and Farming, due to the potential loss of farmland due to the proposed creation of lakes as part of the restoration scheme.

The chapter should include assessment of potential and predicted impacts of the development on the land, and mitigation measures to limit the impact. Assessment of viability of wider agricultural unit, due to potential loss of farmland, and a section on soils (see above).

Community and Social Effects

With the development in close proximity to Ducklington and Witney, plus impacts caused on PRoW, would like to see a chapter included in the EIA on Community and Social Effects. This chapter would need to provide an outline of the community and social, including economic, issues in the context of the local area and the development proposals. The chapter would need to show how the development fits into the local area in terms of landuse and how it would provide benefits to the community.

Highways

Please see the detailed advice of OCC Highway Authority set out in Annex 1.

Agree with the decision to scope out Transport and Highways chapter. OCC Highways Authority is in agreement with the approach, for the reasons given in 3.9 of the Scoping Report. Environmental impacts caused by HGV movements will need to be included within the ES under the relevant chapters including 'Air Quality', 'Noise', and 'Community & Social Effects'.

Public Rights of Way

Please see the detailed advice of OCC Public Rights of Way Officer set out in Annex 1.

A chapter on PRow is not required but given the location of this development in close proximity to Ducklington as well as a PRow crossing the site and the accessible greenspace area of Witney Lakes and Country Park. Impacts on PRow should be assessed as part of the EIA under the 'Air Quality', 'Noise', 'Community & Social Effects' and 'Landscape and Visual Impact chapters. Assessments in these chapters should also cover permissive path routes.

Any proposal for diversion needs to provide short-, and long-term amenity and accessibility benefits for users, for the paths themselves, for paths as connections to wildlife and habitat experiences, and paths as linear access routes leading elsewhere.

Alternatives

OCC agrees that Alternatives chapter should be included within the EIA either in the Introduction Chapter or as its own separate chapter. There should be a description of the reasonable alternatives studied and an indication of the main reasons for the option chosen, taking into account the effects of the development on the environment.

Conclusion

Provided that the above information is included, and the detailed comments set out in 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 Statement. However, Environmental Impact Assessment is an iterative process that allows the development proposal to be continually refined. Therefore, further information may be required at a later stage.

Signed*Matthew Case*..... (Case Officer)

Date ...5th May 2023.....

Approved by ...*David Periam*.....Development Management Team
Leader

Date: 5th May 2023

ANNEX 1

CONSULTATION RESPONSES

Summary of Consultation Responses

Consultation responses can be viewed in full on the council's applications website including any plans provided which cannot be reproduced in this annex.

Ducklington Parish Council

At the parish council meeting on 5 April 2023 the chair reported on a meeting he had had with a representative of Smith & Sons (Bletchington) Limited regarding their proposals for a northern extension to their Gill Mill Quarry. Councillors were broadly happy with the proposals and resolved to support the application.

Witney Town Council

Thank you for contacting Witney Town Council with an opportunity for us to respond to the EIA Scoping.

The proposed Northwestern Extension of Gill Mill Quarry, Witney has been discussed by our Climate, Biodiversity and Planning Committee and Witney Town Council make the following observations:

Witney Town Council express serious concerns about the impact of the proposed extension to quarrying in this sensitive area. The site itself is surrounded by watercourses, is in close proximity to the Lake & Country Park, and to the North of section A is 'Snipe Meadow'. Witney Town Council are actively working through a programme to enhance biodiversity in the immediate areas surrounding the proposed extension area - just two months ago a new native species hedge has been planted, creating a new 200 metre hedgerow along the Southern boundary of Snipe Meadow, this sits just metres from the North boundary of Section A of the proposed extension area. With the recent appointment of a new Biodiversity & Green Spaces Officer, Witney Town Council have started an ambitious programme of projects encompassing green spaces and wetland, in areas that will undoubtedly be affected by this proposed extension.

Witney Town Council highlight the following areas of concern and ask that these are fully investigated as part of the Environmental Impact Assessment:

- A comprehensive buffer zone along the Northern boundary of Section A is required and the EIA should determine what measures are required to protect the water levels in the established Snipe Meadow.

- The EIA should fully explore any potential risk of permeation between the surrounding watercourses, and potential risk of contaminated water entering Witney Lake. Paragraph 2.8 of the submitted Scoping Report refers to mitigation

to protect water levels at Ducklington Mead. Witney Town Council require that the EIA investigates watertable drawdown risk to Snipe Meadow and Witney Lake.

- Paragraph 2.12 states that '*Smiths intend to discuss with Witney Town Council the potential for the restoration to complement the existing Witney Lake & Country Park and increase green infrastructure for public use*'. At the time of writing, Witney Town Council have not been approached by Smiths Bletchington, or their agents.

- • Witney Town Council question that the submitted Scoping Report refers to Witney Lake as a 'surface water feature'. Witney Town Council are of the opinion that the lake is groundwater fed, furthermore, Witney Town Council are currently awaiting results of water quality testing which will more accurately reflect the quality and purity of the water at the lake. Early indications and basic testing show good quality, clean water, and the lake is home to at least two species of the rare stonewort plant - known indicators for this plant include good quality water. Current plans for the management of the lake and biodiversity enhancement are working on the basis that the lake is formed of uncontaminated ground water.

- • Paragraph 8.18 of the Scoping Report lists Witney Lake as a receptor potentially affected by the proposed development. The EIA should determine to what extent surrounding watercourses and Witney Lake might be at risk and what physical protection can be constructed to prevent contamination – Water contamination in this sensitive area could have devastating and long-lasting effects on the biodiversity and water environment. Table 4 on page 23 of the submitted Scoping Report identifies potential lowering of groundwater levels and derogation of surface water resources and features. Witney Lake and Snipe Meadow must be included in any assessment and the EIA must demonstrate that the proposed development will not cause ANY detrimental impact to the surrounding open spaces and water features.

- • Paragraphs 9.7 and 9.8 of the Scoping Report offer a concerning glimpse that the groundwater levels and flow patterns will be affected by the dewatering process. The EIA must fully assess the potential impact of the proposed development to flow patterns, not just for the section of the watercourses that run through the site, but potential impacts along the corridor of the River Windrush. The Environment Agency openly accept that the flood risk modelling for the River Windrush is out of date. There can be no confidence in assessments based on current flood risk modelling for Witney, the developer should be required to commission up-to-date modelling as part of any Environmental Impact Assessment.

- • Witney Town Council acknowledge that the setting of Witney Lake & Country Park is identified within the Scoping Report as a potential landscape receptor and visual receptor. The EIA should properly identify the rich biodiversity and varied landscape - not just at the Lake & Country Park, but also fully assessed

in the existing meadow and footpath areas in this valuable open space, regularly used by Witney residents and visitors to West Oxfordshire. The proposed development must not harm the publicly accessible offering and protection is required for the existing fragile ecosystems.

- In the event of this development proposal going ahead, Witney Town Council question the monitoring that is described within the submitted documents. Witney Town Council have not been asked for benchmark data for water levels at land within Council ownership – With what data will the water levels/water quality be monitored?

Finally, Witney Town Council suggest that consultation be extended to include input from the following organisations:

- WASP – Windrush Against Sewage Pollution (<https://www.windrushwasp.org/>) Witney Flood Mitigation Group (witneyfloodmitigation@gmail.com) Lower Windrush Valley Project (<https://www.oxfordshire.gov.uk/residents/environment-and-planning/countryside/lower-windrush-valley-project/what-we-do>)

West Oxfordshire District Council

Background

A Minerals and Waste Local Plan is currently being prepared, with a planned adoption date of March 2026. A ‘call for sites’ exercise ended on 12 April 2023. The existing Gill Mill Quarry is an active site, extracting sand and gravel. The land subject to this EIA Scoping Opinion request lies between the existing area of extraction/processing and the town of Witney and village of Ducklington, two settlements which are experiencing change through development proposals, particularly house building. To the immediate east is the parish of South Leigh.

Overall

Subject to the feedback from specialist consultees, the overall scope and methodology of the approach set out in the Scoping Report appears to be largely acceptable.

I do have some specific observations I wish to raise at this stage.

Planning policy considerations

Given the location of the proposal in West Oxfordshire, in addition to national and county strategies and policies for minerals, the West Oxfordshire Local Plan 2031 is a key consideration. Supporting guidance and evidence should also be looked at, such as the West Oxfordshire Landscape Assessment, the Witney Landscape and Visual Review and the West Oxfordshire Design Guide SPD.

It is also important to consider the South Leigh Parish Neighbourhood Plan 2017-2031, particularly as this useful information on landscape, green infrastructure and biodiversity.

Inter-project effects

Consideration of the cumulative, in-combination effects with other existing development and/or approved development, are particularly important given the number of proposals within a short distance of the site and the cumulative scale of these developments.

Ecology, conservation and public access

The site lies within the Lower Windrush Valley Project Area, the Lower Windrush Conservation Target Area and the Core and Recovery Zones of the draft Local Nature Recovery Network.

All the land proposed for extraction is identified as Priority Habitat on the Lower Windrush Valley CTA plan.

[https://uploads-](https://uploads-ssl.webflow.com/62602eef03c83769e0539df4/63386d1eedd4562c40f5f130_Lower-Windrush-Valley-CTA.pdf)

[ssl.webflow.com/62602eef03c83769e0539df4/63386d1eedd4562c40f5f130_Lower-Windrush-Valley-CTA.pdf](https://uploads-ssl.webflow.com/62602eef03c83769e0539df4/63386d1eedd4562c40f5f130_Lower-Windrush-Valley-CTA.pdf)

Given the national and local recognition of a biodiversity emergency, careful consideration must be given to the value of nature in its own right but also for the services it provides. This issue is not fully addressed as part of the potential effects of the proposal.

In particular, there is limited proposed assessment of the **health and well-being** impacts of the proposal. For example, this area, close to Witney and immediately adjoining Ducklington, is valuable for informal recreation and allows people easy access to nature, with all the health benefits associated with that. It is an important area of accessible natural green space and, as such, consideration should be given to its loss while extraction takes place and its loss to lakes for the after-use, both in terms of this proposal and the cumulative and in-combination effects with the other sites to the south.

Previous consideration of area

By way of background information, as part of the assessment work in 2012/13 on the main Gill Mill workings, north of the processing plant, the fields closest to Ducklington village were specifically excluded for a number of reasons, including:

- Noise, dust, disturbance to residential properties in the village due to proximity of workings.
- The area of the proposed extension, principally grassland rather than arable, is far more sensitive due to the high recreational use along the well-established PROW routes, including the Windrush Way. The very large, mainly arable fields (4, 6, 7 and 8) along Cogges Lane were considered to be less sensitive, less visible in public views, and further from residential areas.

- Retention of the meadow character would allow continuity of landscape character, public access and recreational benefits and grassland habitat connectivity.
- Concerns about the impact on the Ducklington Mead SSSI, particularly about uncertainties regarding ground water changes along the valley caused by upstream excavations, changes in drainage, underground water flows etc.

West Oxfordshire District Council (Contamination)

From review of the scoping document submitted with the above referenced application I see that that potential contamination of groundwater and surface water has been considered. As the report suggests, the following should be considered in the EIA - the potential for site activities to result in a release of pollutants and subsequent groundwater and surface water contamination.

Environmental Health Officer

With regards to the above application I am happy with the proposed approach to the Air Quality Assessment outlined in the EIA scoping report, to determine the impacts of the quarry extension on the village of Ducklington and Ducklington Mead SSSI.

Berkshire, Buckinghamshire & Oxfordshire Wildlife Trust

Thank you for consulting us on the above scoping opinion request. As a wildlife conservation charity, our comments relate specifically to the protection and enhancement of the local ecology on and around the application site.

Avoidance of impact on protected sites

The NPPF states:

180. When determining planning applications, local planning authorities should apply the following principles: b) development on land within or outside a Site of Special Scientific Interest, and which is likely to have an adverse effect on it (either individually or in combination with other developments), should not normally be permitted.

Ducklington Mead SSSI designated for its flood meadow flora, is immediately adjacent to the proposed extension site. This traditionally managed meadow has diverse flora, such as the rare and declining snake's-head fritillary. Flowering plants in drier areas include saw-wort, dropwort, lady's bedstraw and betony. There are also ditches with interesting wetland flora and an ancient hedge with a variety of shrubs. These habitats are extremely vulnerable to any changes in hydrology both water (quantity and quality).

This vulnerability is acknowledged by the applicant at paragraph 9.11 of the Scoping Report.

“Ducklington Meadis an area of unimproved grassland supporting a very diverse and wide range of wild flowers. The floral community is known to be sensitive to soil moisture, which is strongly linked to groundwater levels in the underlying gravels. Recent analysis of the floral community at Ducklington Mead has concluded that the current water level regime resulting from seasonal groundwater level fluctuations remains suitable for sustaining the designated habitat (Flood Plain Meadows Partnership, 2022). For the purpose of this assessment the SSSI is therefore considered to be a groundwater feature.”

The EIA must fully assess whether the extension as currently proposed can proceed without any adverse impact on the SSSI.

We note that paragraph 2.8 of the applicant’s Scoping Report states:

“Quarrying would commence in the north moving southwards with soils stripped and retained for restoration purposes. The mineral would be worked dry by the dewatering of the excavation void. The pumped water would be discharged to a recharge trench at the southern end of the site, between the workings and Ducklington Mead SSSI. The purpose of the recharge trench is to avoid any watertable drawdown, arising from the dewatering of the workings, occurring at the Mead. To ensure there was no adverse impact on water levels at the Mead water levels would be managed throughout the duration of operations with adjustments to working and recharge arrangements as necessary. Additionally, clay lining of the excavation void would take place to mitigate impacts to the River Windrush.”

It is imperative that the environmental statement sets out exactly how the SSSI will be protected including an assessment of the likelihood of any changes in hydrology which might impact the SSSI and a detailed description of mitigation measures that will be carried out and how they will ensure there will be no impact. There should also be measures to ensure that, in the event of any future application being approved, if any impact on the SSSI subsequent to the beginning of work was identified then measures would be taken to address the impact. If an adverse impact cannot be fully mitigated then the plans should be amended to ensure no adverse impact.

Restoration to nature conservation

Oxfordshire County Council’s Minerals and Waste Core Strategy adopted September 2017 places a very high priority on nature conservation outcomes from minerals restoration including making it a key objective e.g.

“Minerals Planning Objectives:

3.4 The Oxfordshire Minerals Planning Vision is supported by the following objectives which underpin the minerals strategy and policies in this plan.....

x. Implement a biodiversity-led restoration strategy that delivers a net gain in biodiversity, and contributes to establishing a coherent and resilient ecological network, through the landscape-scale creation of priority habitat.”

Paragraph 4.77 then explains what a biodiversity-led restoration strategy is:

“4.77 A biodiversity-led restoration strategy should include:

a)treating biodiversity as the primary consideration in the restoration of mineral sites;

- b) giving preference to allocating and/or permitting mineral development in areas where it will have the greatest potential to maximise biodiversity benefits (i.e. within Conservation Target Areas) (policy M4c));*
- c) creation of priority habitat at a landscape scale, either on individual sites or on clusters of sites in close proximity;*
- d) integration of habitat creation on restored mineral sites into the existing ecological network in the surrounding area; and*
- e) targets for the area of priority habitat that will be created on sites identified for mineral working in the Site Allocations Document.”*

We note that paragraph 2.12 of the applicants Scoping Report states:

“The restoration proposals would not involve the importation of materials. The restored landform would comprise a series of small lakes designed to avoid increasing bird strike potential whilst providing nature conservation habitats with associated public access. Smiths intend to discuss with Witney Town Council the potential for the restoration to complement the existing Witney Lake Country Park and increase green infrastructure for public use.”

Given the clear Minerals Planning Objective to implement a biodiversity-led restoration strategy in the Minerals Local Plan Core Strategy it is our view that restoration of the site should aim to maximise the benefit to wildlife and be restored to a high-quality nature reserve.

The restored habitats should be subject to 20-year long-term management (in addition to 5 years of aftercare). The EIA should provide details of the proposed restoration and management. This should include ecological monitoring proposals and details of any remedial action that will be taken to ensure a successful biodiversity restoration.

We hope that these comments are useful. Please do not hesitate to get in touch should you wish to discuss any of the matters raised.

Lead Local Flood Authority

The LLFA has reviewed the Scoping report (Smiths Bletchington, 21st March 2023) and do not have any objections to the scoping in regard to SuDS and Flood Risk within the report. A full assessment can be carried out once full details of the strategy and an FRA is provided for review.

OCC Biodiversity

Recommendation:

EIA Scoping

An up-to-date Preliminary Ecological Appraisal of the site should be carried out including all required phase 2 surveys as included in the EIA scoping report no more than one year before the proposed development to ensure the results are

still representative of the site. This should include badger surveys and an assessment of the habitats present for their suitability to support dormice and foraging/commuting bats.

There should be assessment of ecological impacts on all designated sites and non-statutory designated sites, this is particularly relevant with regard to the proximity of Ducklington Mead SSSI, giving rise to the need to assess potential indirect impacts from changes to hydrology. It is recommended that advice is sought from Natural England with regards this.

All hedgerows that are to be impacted should be surveyed following Defra (2007) Hedgerow Survey Handbook. A standard procedure for local surveys in the UK. Defra, London.

Biodiversity Net Gain

Objective x. of the Oxfordshire Minerals and Waste Core Strategy seeks a biodiversity led restoration strategy that delivers a net gain in biodiversity, through policy M10. While no set percentage for biodiversity net gain is currently provided within local or national policy, the Environment Act 2021 introduces a mandatory minimum 10% biodiversity net gain from Autumn 2023. The proposed restoration scheme should therefore be biodiversity-led providing a meaningful contribution to local nature recovery. This should be measured using the current version of the Defra biodiversity metric (at the time of writing this is version 3.1) and demonstrate at least a 10% net gain, exceedance of this minimum is encouraged in line with objective x. of the Oxfordshire Minerals and Waste Core Strategy.

It is recommended that the habitats present on site are mapped using the UK Habitat Classification System including condition assessments to allow an accurate calculation of Biodiversity Net Gain.

The site area under consideration is subject to an existing planning consent requiring restoration of the site in accordance with agreed plans. Biodiversity net gain needs to be calculated using the agreed site restoration as a baseline rather than the existing site conditions.

Biodiversity Net Gain should be calculated using the current version of the Defra biodiversity metric (at the time of writing that is version 3.1) and the final landscape design. The metric calculations should be informed by a credible assessment of the value of the habitats that would be created and realistic expectations of what can be achieved in terms of habitat creation and long-term management.

Impacts within the scheme area should in the first instance be minimised wherever possible and where it is not possible to achieve gains on-site and there is a consequential net loss, off-site compensation will be required. Details on how the

net gain will be achieved will be provided at the application stage to provide confidence in what is achievable.

For the purposes of assessing strategic significance, inclusion within a Conservation Target Area (CTA) should be considered as “within an area formally identified in a local strategy’.

The scheme boundary falls within the Lower Windrush Valley Conservation Target Area (CTA). Any impacts to these features should be avoided wherever possible, and measures to achieve biodiversity net gain should seek to help deliver the aims of the Conservation Target Area. Consideration should be given to how the created habitats will link to the surrounding area and provide for local species, and opportunities to provide wildlife corridors and stepping-stones should be identified.

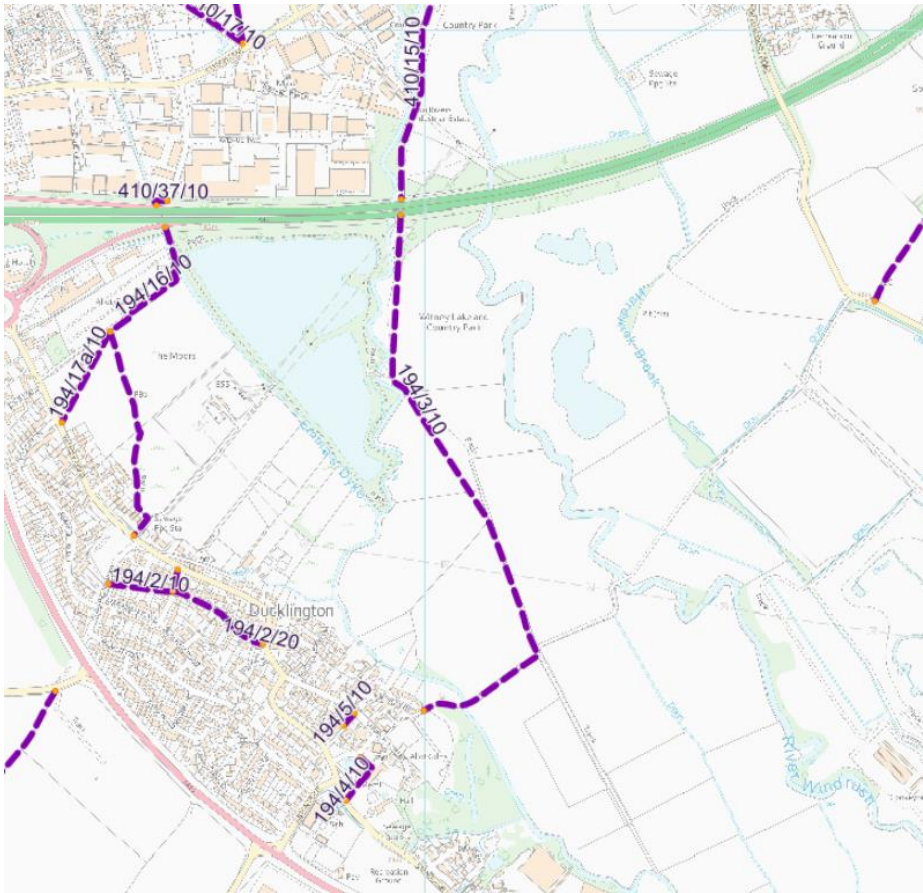
In designing the scheme, consideration should be given to how habitats created will be managed and maintained. Management will need to be secured through planning condition or obligation for a period of 30 years. Details should be included through a Landscape and Ecology Management Plan (LEMP).

OCC Public Rights of Way

Matt, thanks for this EIA consultation,

Given the location of this development in close proximity to Ducklington as well as a PRoW crossing the site and the accessible greenspace area of Witney Lakes and Country Park, I consider an EIA to be essential. In PRoW terms it needs to assess impact on social, health and recreation users and uses of the public rights of way and accessible greenspace areas and what short term and long term mitigation is necessary. Note that the drawing GML-83 North Western Extension Proposals does not include the permissive path routes within and in the vicinity of the site. These need to be shown and included within the EIA process.

Any proposal for diversion needs to provide short and long term amenity and accessibility benefits for users, for the paths themselves, for paths as connections to wildlife and habitat experiences, and paths as linear access routes leading elsewhere.



OCC Landscape Officer

Additional documents reviewed

- Scoping Opinion
- Proposed extension plan

Landscape Comments

I agree that Landscape and Visual effects should be scoped in. I also agree that the landscape and visual assessment should be carried out in accordance with the Guidelines for Landscape and Visual Impact Assessment, 3rd Edition (GLVIA3). Visualisation should be in accordance with Technical Guidance Note 06/19 on 'Visual Representation of Development Proposals' by the Landscape Institute (June 2019).

The LVIA should take account of existing local landscape character assessments and studies. It should also assess direct and indirect effects and take account of lighting and cumulative effects with other developments in the area, e.g. the current

mineral extraction and any proposed housing developments. Design and assessment should be an interactive process and inform any potential mitigation. It is recommended that methodology, study area, viewpoints and types of visualisations are agreed with the Council's landscape officer prior to the assessment being carried out.

The development is proposed to occupy 17 hectares of existing agricultural land, some of which might be high quality. The site and surrounding landscape are pasture fields at the northeastern edge of Ducklington. The proposed mineral extraction would be immediately adjacent to the Ducklington conservation area and impacts on the settlement and the conservation area and its setting will need to be adequately assessed.

The LVIA should also include an assessment of impacts on Public Rights of Way (PROW) and the Council's Public Rights of Way officer should be consulted on this.

It is unclear whether the proposal has the potential to impact on trees or hedgerows. A tree survey to BS5837:2012 (Trees in relation to construction) and Arboricultural Impact Assessment should be requested should the development have the potential to adversely affect trees or other mature vegetation.

No Site Layout Plan or Landscape Masterplan have been submitted at this stage, but the proposals should not only seek to minimise adverse landscape and visual impacts but also deliver landscape and green infrastructure enhancements as part of the proposals

OCC Local Highway Authority

Thank you for consulting Transport Development Control on this Scoping Opinion.

If there is to be no substantial increase in the number of HGV movements, then I agree that Highways is a "Non Significant Issue" in respect of the EIA, for the reasons given in 3.9 of the Scoping Report.

The Routeing Agreement, dated 9 June 2015, must be carried forward to any future planning permission.

OCC Archaeology Officer

Chapter 4 of the applicant's Scoping Report documentation states that a desk based assessment (DBA) will be prepared assessing the archaeological baseline and potential of the site. If an EIA is required, then this DBA should be included within it. If an EIA is not required, then the DBA will need to be submitted along with any planning application.

This desk based assessment should be undertaken in line with the Chartered Institute for Archaeology standards and guidance including the submission of a written scheme of investigation to ensure that the scope of the assessment has been agreed.

A programme of archaeological investigation will need to be undertaken ahead of the determination of any planning application for the site. This will need to include a geophysical survey as well as a trenched evaluation. We have received and approved the WSI for a geophysical survey on the site.

Public Health OCC

The Public Health team welcomes the opportunity to provide comment on the proposal to submit an EIA Scoping Opinion for the North Western Extension to Gill Mill Quarry in Ducklington. The following remarks relate to the proposal's potential impact on human health.

We acknowledge that the site area for the proposed extension is below the 25ha threshold for a mandatory EIA, however due to the presence of the Ducklington Mead SSSI, the quarry's proximity to a residential area (Ducklington village) and associated vulnerable receptors such as a primary school, we strongly urge the applicant to conduct an EIA.

Public Rights of Way

The applicant has made reference to bridleway 194/3/10, which crosses the site from north to south. We also acknowledge the applicant's intention to temporarily divert the PRow during construction. It is important that OCC's PRow team are consulted on this application due to the intricacies of rights of way.

Air Quality and Noise

We welcome the fact that a noise assessment will be carried out, with particular attention paid to nearby receptors in Ducklington village. However, we require the noise assessment to identify the presence of any *vulnerable* receptors, such as the children attending the village primary school. Similarly with air quality, the full assessment will need to identify vulnerable groups who might be exposed to mineral dust etc during the construction phase and subsequent operational stages of the site. These would include, but are not limited to, those using the PRow.

The Public Health team is in principle supportive of this application on the basis that the following criteria are met:

- A full EIA is conducted on the proposed extension to the quarry
- Any affected PRow are suitably diverted during construction, and reinstated after construction, ensuring those using the path are not impeded in any way

- Noise and air quality assessments to include the identification of *vulnerable* receptors, who will be especially susceptible to any hazards

Natural England

Annex A – Natural England Advice on EIA Scoping

General Principles

[Schedule 4](#) of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017, sets out the information that should be included in an Environmental Statement (ES) to assess impacts on the natural environment.

This includes:

- A description of the development – including physical characteristics and the full land use requirements of the site during construction and operational phases
- Expected residues and emissions (water, air and soil pollution, noise, vibration, light, heat, radiation etc.) resulting from the operation of the proposed development
- An assessment of alternatives and clear reasoning as to why the preferred option has been chosen
- A description of the aspects of the environment likely to be significantly affected by the development including biodiversity (for example fauna and flora), land, including land take, soil, water, air, climate (for example greenhouse gas emissions, impacts relevant to adaptation, cultural heritage and landscape and the interrelationship between the above factors
- A description of the likely significant effects of the development on the environment – this should cover direct effects but also any indirect, secondary, cumulative, short, medium, and long term, permanent and temporary, positive, and negative effects. Effects should relate to the existence of the development, the use of natural resources (in particular land, soil, water and biodiversity) and the emissions from pollutants. This should also include a description of the forecasting methods to predict the likely effects on the environment
- A description of the measures envisaged to prevent, reduce and where possible offset any significant adverse effects on the environment
- A non-technical summary of the information
- An indication of any difficulties (technical deficiencies or lack of know-how) encountered by the applicant in compiling the required information

Further guidance is set out in Planning Practice Guidance on [environmental assessment](#) and [natural environment](#).

Cumulative and in-combination effects

The ES should fully consider the implications of the whole development proposal. This should include an assessment of all supporting infrastructure.

An impact assessment should identify, describe, and evaluate the effects that are likely to result from the project in combination with other projects and activities that

are being, have been or will be carried out. The following types of projects should be included in such an assessment (subject to available information):

- a. existing completed projects;
- b. approved but uncompleted projects;
- c. ongoing activities;
- d. plans or projects for which an application has been made and which are under consideration by the consenting authorities; and
- e. plans and projects which are reasonably foreseeable, i.e. projects for which an application has not yet been submitted, but which are likely to progress before completion of the development and for which sufficient information is available to assess the likelihood of cumulative and in-combination effects.

Environmental data

Natural England is required to make available information it holds where requested to do so.

National datasets held by Natural England are available at <http://www.naturalengland.org.uk/publications/data/default.aspx>.

Detailed information on the natural environment is available at www.magic.gov.uk.

Natural England's SSSI Impact Risk Zones are a GIS dataset which can be used to help identify the potential for the development to impact on a SSSI. The dataset and user guidance can be accessed from the [Natural England Open Data Geportal](#).

Natural England does not hold local information on local sites, local landscape character, priority habitats and species or protected species. Local environmental data should be obtained from the appropriate local bodies. This may include the local environmental records centre, the local wildlife trust, local geo-conservation group or other recording society.

Biodiversity and Geodiversity

General principles

The [National Planning Policy Framework](#) (paragraphs 174-175 and 179-182) sets out how to take account of biodiversity and geodiversity interests in planning decisions. Further guidance is set out in Planning Practice Guidance on the [natural environment](#).

The potential impact of the proposal upon sites and features of nature conservation interest and opportunities for nature recovery and biodiversity net gain should be included in the assessment.

Ecological Impact Assessment (EclA) is the process of identifying, quantifying, and evaluating the potential impacts of defined actions on ecosystems or their components. EclA may be carried out as part of the EIA process or to support

other forms of environmental assessment or appraisal. [Guidelines](#) have been developed by the Chartered Institute of Ecology and Environmental Management (CIEEM).

Local planning authorities have a [duty](#) to have regard to conserving biodiversity as part of their decision making. Conserving biodiversity can include habitat restoration or enhancement. Further information is available [here](#).

Designated nature conservation sites

Nationally designated sites

The development site is within or may impact on the following Site of Special Scientific Interest:

- Ducklington Mead SSSI

Sites of Special Scientific Interest are protected under the Wildlife and Countryside Act 1981 and paragraph 180 of the NPPF. Further information on the SSSI and its special interest features can be found at www.magic.gov .

Natural England's SSSI Impact Risk Zones can be used to help identify the potential for the development to impact on a SSSI. The dataset and user guidance can be accessed from the [Natural England Open Data Geoportal](#).

The Environmental Statement should include a full assessment of the direct and indirect effects of the development on the features of special interest within the SSSI and identify appropriate mitigation measures to avoid, minimise or reduce any adverse significant effects. The consideration of likely significant effects should include any functionally linked land outside the designated site. These areas may provide important habitat for mobile species populations that are interest features of the SSSI, for example birds and bats. This can also include areas which have a critical function to a habitat feature within a site, for example by being linked hydrologically or geomorphologically.

Regionally and Locally Important Sites

The ES should consider any impacts upon local wildlife and geological sites, including local nature reserves. Local Sites are identified by the local wildlife trust, geoconservation group or other local group and protected under the NPPF (paragraph 174 and 175). The ES should set out proposals for mitigation of any impacts and if appropriate, compensation measures and opportunities for enhancement and improving connectivity with wider ecological networks. Contact the relevant local body for further information.

Protected Species

The conservation of species protected under the Wildlife and Countryside Act 1981 and the Conservation of Habitats and Species Regulations 2017

is explained in Part IV and Annex A of Government Circular 06/2005 [Biodiversity and Geological Conservation: Statutory Obligations and their Impact within the Planning System](#).

The ES should assess the impact of all phases of the proposal on protected species (including, for example, great crested newts, reptiles, birds, water voles, badgers and bats). Natural England does not hold comprehensive information regarding the locations of species protected by law. Records of protected species should be obtained from appropriate local biological record centres, nature conservation organisations and local groups. Consideration should be given to the wider context of the site, for example in terms of habitat linkages and protected species populations in the wider area.

The area likely to be affected by the development should be thoroughly surveyed by competent ecologists at appropriate times of year for relevant species and the survey results, impact assessments and appropriate accompanying mitigation strategies included as part of the ES. Surveys should always be carried out in optimal survey time periods and to current guidance by suitably qualified and, where necessary, licensed, consultants.

Natural England has adopted [standing advice](#) for protected species, which includes guidance on survey and mitigation measures. A separate protected species licence from Natural England or Defra may also be required.

District Level Licensing for Great Crested Newts

District level licensing (DLL) is a type of strategic mitigation licence for great crested newts (GCN) granted in certain areas at a local authority or wider scale. A [DLL scheme for GCN](#) may be in place at the location of the development site. If a DLL scheme is in place, developers can make a financial contribution to strategic, off-site habitat compensation instead of applying for a separate licence or carrying out individual detailed surveys. By demonstrating that DLL will be used, impacts on GCN can be scoped out of detailed assessment in the Environmental Statement.

Priority Habitats and Species

Priority Habitats and Species are of particular importance for nature conservation and included in the England Biodiversity List published under section 41 of the Natural Environment and Rural Communities Act 2006. Most priority habitats will be mapped either as Sites of Special Scientific Interest, on the Magic website or as Local Wildlife Sites. Lists of priority habitats and species can be found [here](#). Natural England does not routinely hold species data. Such data should be collected when impacts on priority habitats or species are considered likely.

Consideration should also be given to the potential environmental value of brownfield sites, often found in urban areas and former industrial land. Sites can be checked against the (draft) national Open Mosaic Habitat (OMH) inventory

published by Natural England and freely available to [download](#). Further information is also available [here](#).

An appropriate level habitat survey should be carried out on the site, to identify any important habitats present. In addition, ornithological, botanical, and invertebrate surveys should be carried out at appropriate times in the year, to establish whether any scarce or priority species are present.

The Environmental Statement should include details of:

- Any historical data for the site affected by the proposal (e.g. from previous surveys)
- Additional surveys carried out as part of this proposal
- The habitats and species present
- The status of these habitats and species (e.g. whether priority species or habitat)
- The direct and indirect effects of the development upon those habitats and species
- Full details of any mitigation or compensation measures
- Opportunities for biodiversity net gain or other environmental enhancement

Ancient Woodland, ancient and veteran trees

The ES should assess the impacts of the proposal on any ancient woodland, ancient and veteran trees, and the scope to avoid and mitigate for adverse impacts. It should also consider opportunities for enhancement.

Natural England maintains the Ancient Woodland [Inventory](#) which can help identify ancient woodland. The [wood pasture and parkland inventory](#) sets out information on wood pasture and parkland.

The [ancient tree inventory](#) provides information on the location of ancient and veteran trees.

Natural England and the Forestry Commission have prepared [standing advice](#) on ancient woodland, ancient and veteran trees.

Biodiversity net gain

Paragraph 174 of the NPPF states that decisions should contribute to and enhance the natural and local environment by minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures.

Biodiversity Net Gain is additional to statutory requirements relating to designated nature conservation sites and protected species.

The ES should use an appropriate biodiversity metric such as Biodiversity Metric 3.0 together with ecological advice to calculate the change in biodiversity resulting

from proposed development and demonstrate how proposals can achieve a net gain.

The metric should be used to:

- assess or audit the biodiversity unit value of land within the application area
- calculate the losses and gains in biodiversity unit value resulting from proposed development
- demonstrate that the required percentage biodiversity net gain will be achieved

Biodiversity Net Gain outcomes can be achieved on site, off-site or through a combination of both. On-site provision should be considered first. Delivery should create or enhance habitats of equal or higher value. When delivering net gain, opportunities should be sought to link delivery to relevant plans or strategies e.g. Green Infrastructure Strategies or Local Nature Recovery Strategies.

Opportunities for wider environmental gains should also be considered.

Landscape

Landscape and visual impacts

The environmental assessment should refer to the relevant [National Character Areas](#). Character area profiles set out descriptions of each landscape area and statements of environmental opportunity.

The ES should include a full assessment of the potential impacts of the development on local landscape character using [landscape assessment methodologies](#). We encourage the use of Landscape Character Assessment (LCA), based on the good practice guidelines produced jointly by the Landscape Institute and Institute of Environmental Assessment in 2013. LCA provides a sound basis for guiding, informing, and understanding the ability of any location to accommodate change and to make positive proposals for conserving, enhancing or regenerating character.

A landscape and visual impact assessment should also be carried out for the proposed development and surrounding area. Natural England recommends use of the methodology set out in *Guidelines for Landscape and Visual Impact Assessment 2013* ((3rd edition) produced by the Landscape Institute and the Institute of Environmental Assessment and Management. For National Parks and AONBs, we advise that the assessment also includes effects on the 'special qualities' of the designated landscape, as set out in the statutory management plan for the area. These identify the particular landscape and related characteristics which underpin the natural beauty of the area and its designation status.

The assessment should also include the cumulative effect of the development with other relevant existing or proposed developments in the area. This should include an assessment of the impacts of other proposals currently at scoping stage.

To ensure high quality development that responds to and enhances local landscape character and distinctiveness, the siting and design of the proposed development should reflect local characteristics and, wherever possible, use local materials. Account should be taken of local design policies, design codes and guides as well as guidance in the [National Design Guide](#) and [National Model Design Code](#). The ES should set out the measures to be taken to ensure the development will deliver high standards of design and green infrastructure. It should also set out detail of layout alternatives, where appropriate, with a justification of the selected option in terms of landscape impact and benefit.

Heritage Landscapes

The ES should include an assessment of the impacts on any land in the area affected by the development which qualifies for conditional exemption from capital taxes on the grounds of outstanding scenic, scientific, or historic interest. An up-to-date list is available at www.hmrc.gov.uk/heritage/lbsearch.htm.

Connecting People with nature

The ES should consider potential impacts on access land, common land, public rights of way and, where appropriate, the England Coast Path and coastal access routes and coastal margin in the vicinity of the development, in line with NPPF paragraph 100. It should assess the scope to mitigate for any adverse impacts. Rights of Way Improvement Plans (ROWIP) can be used to identify public rights of way within or adjacent to the proposed site that should be maintained or enhanced.

Measures to help people to better access the countryside for quiet enjoyment and opportunities to connect with nature should be considered. Such measures could include reinstating existing footpaths or the creation of new footpaths, cycleways, and bridleways. Links to other green networks and, where appropriate, urban fringe areas should also be explored to help promote the creation of wider green infrastructure. Access to nature within the development site should also be considered, including the role that natural links have in connecting habitats and providing potential pathways for movements of species.

Relevant aspects of local authority green infrastructure strategies should be incorporated where appropriate.

Soils and Agricultural Land Quality

Soils are a valuable, finite natural resource and should also be considered for the ecosystem services they provide, including for food production, water storage and flood mitigation, as a carbon store, reservoir of biodiversity and buffer against pollution. It is therefore important that the soil resources are protected and sustainably managed. Impacts from the development on soils and best

and most versatile (BMV) agricultural land should be considered in line with paragraphs 174 and 175 of the NPPF. Further guidance is set out in the Natural England [Guide to assessing development proposals on agricultural land](#).

As set out in paragraph 211 of the NPPF, new sites or extensions to sites for peat extraction should not be granted planning permission.

The following issues should be considered and, where appropriate, included as part of the Environmental Statement (ES):

- The degree to which soils would be disturbed or damaged as part of the development
- The extent to which agricultural land would be disturbed or lost as part of this development, including whether any best and most versatile (BMV) agricultural land would be impacted.

This may require a detailed Agricultural Land Classification (ALC) survey if one is not already available. For information on the availability of existing ALC information see www.magic.gov.uk.

- Where an ALC and soil survey of the land is required, this should normally be at a detailed level, e.g. one auger boring per hectare, (or more detailed for a small site) supported by pits dug in each main soil type to confirm the physical characteristics of the full depth of the soil resource, i.e. 1.2 metres. The survey data can inform suitable soil handling methods and appropriate reuse of the soil resource where required (e.g. agricultural reinstatement, habitat creation, landscaping, allotments and public open space).
- The ES should set out details of how any adverse impacts on BMV agricultural land can be minimised through site design/masterplan.
- The ES should set out details of how any adverse impacts on soils can be avoided or minimised and demonstrate how soils will be sustainably used and managed, including consideration in site design and master planning, and areas for green infrastructure or biodiversity net gain. The aim will be to minimise soil handling and maximise the sustainable use and management of the available soil to achieve successful after-uses and minimise offsite impacts.

Further information is available in the [Defra Construction Code of Practice for the Sustainable Use of Soil on Development Sites](#) and The British Society of Soil Science Guidance Note [Benefitting from Soil Management in Development and Construction](#).

The following additional guidance is provided for minerals and waste development. The ES should consider and, where appropriate, include the following:

- The methods and equipment to be used for the protection, recovery, storage, and sustainable re-use of the different types of topsoil and subsoil, including consideration of any required phasing to minimise soil handling and maximise the sustainable management of the soil.
- The method of assessing whether soils are in a suitably dry condition to be handled (i.e. dry and friable), and the avoidance of soil handling, trafficking, and cultivation during the wetter winter period.
- A description of the restoration criteria, including the proposed soil horizon depths and soil characteristics; normally to an overall depth of 1.2 m over an evenly graded overburden layer (or, in the case of waste reclamation, an evenly graded capping layer), suitable for the proposed end-use, including the restored ALC Grade.
- The effects on land drainage, agricultural access, and water supplies, including other agricultural land in the vicinity. The impacts of the development on farm structure and viability, and on other established rural land use and interests, both during the site working period and following its reclamation.
- The restoration and aftercare of the site, in line with Chapter 17 'Facilitating the Sustainable Use of Minerals' of the NPPF.
- A detailed Restoration Plan illustrating the restored soil profile characteristics, landform and the intended standard of restoration including ALC Grade(s), together with details of surface features; water bodies; the availability of outfalls to accommodate future drainage requirements; and aftercare.

Further guidance is contained in the [Defra Guidance for Successful Restoration of Mineral and Waste Sites](#) and the Natural England guidance note [Planning and aftercare advice for reclaiming land to agricultural use](#). Reference could also usefully be made to the Institute of Quarrying (2021) [Good Practice Guide for Handling Soils in Mineral Workings](#) which comprises separate sections, describing the typical choice of machinery and methods for handling soils at various phases. The techniques described by Sheets A-D are appropriate for the successful reinstatement of higher quality agricultural land. The Natural England [Guide to reclaiming mineral extraction and landfill sites to agriculture](#) also contains useful background information.

Air Quality

Air quality in the UK has improved over recent decades but air pollution remains a significant issue. For example, approximately 85% of protected nature conservation sites are currently in exceedance of nitrogen levels where harm is expected (critical load) and approximately 87% of sites exceed the level of

ammonia where harm is expected for lower plants (critical level of 1µg)¹. A priority action in the England Biodiversity Strategy is to reduce air pollution impacts on biodiversity. The Government's Clean Air Strategy also has a number of targets to reduce emissions including to reduce damaging deposition of reactive forms of nitrogen by 17% over England's protected priority sensitive habitats by 2030, to reduce emissions of ammonia against the 2005 baseline by 16% by 2030 and to reduce emissions of NOx and SO2 against a 2005 baseline of 73% and 88% respectively by 2030. Shared Nitrogen Action Plans (SNAPs) have also been identified as a tool to reduce environmental damage from air pollution.

The planning system plays a key role in determining the location of developments which may give rise to pollution, either directly, or from traffic generation, and hence planning decisions can have a significant impact on the quality of air, water and land. The ES should take account of the risks of air pollution and how these can be managed or reduced. This should include taking account of any strategic solutions or SNAPs, which may be being developed or implemented to mitigate the impacts on air quality. Further information on air pollution impacts and the sensitivity of different habitats/designated sites can be found on the Air Pollution Information System (www.apis.ac.uk).

Information on air pollution modelling, screening and assessment can be found on the following websites:

- SCAIL Combustion and SCAIL Agriculture - <http://www.scail.ceh.ac.uk/>
- Ammonia assessment for agricultural development
<https://www.gov.uk/guidance/intensivefarming-risk-assessment-for-your-environmental-permit>
- Environment Agency Screening Tool for industrial emissions
<https://www.gov.uk/guidance/airemissions-risk-assessment-for-your-environmental-permit>
- Defra Local Air Quality Management Area Tool (Industrial Emission Screening Tool) – England <http://www.airqualityengland.co.uk/laqm>

Water Quality

The planning system plays a key role in determining the location of developments which may give rise to water pollution, and hence planning decisions can have a significant impact on water quality, and land. The assessment should take account of the risks of water pollution and how these can be managed or reduced. A number of water dependent protected nature conservation sites have been identified as failing condition due to elevated nutrient levels and nutrient neutrality is consequently required to enable development to proceed without causing further damage to these sites. The ES needs to take account of any strategic solutions for nutrient neutrality or Diffuse Water Pollution Plans, which may be being developed or implemented to mitigate

¹ [1] Report: Trends Report 2020: Trends in critical load and critical level exceedances in the UK - Defra, UK

and address the impacts of elevated nutrient levels. Further information can be obtained from the Local Planning Authority.

Climate Change

The ES should identify how the development affects the ability of the natural environment (including habitats, species, and natural processes) to adapt to climate change, including its ability to provide adaptation for people. This should include impacts on the vulnerability or resilience of a natural feature (i.e. what's already there and affected) as well as impacts on how the environment can accommodate change for both nature and people, for example whether the development affects species ability to move and adapt. Nature-based solutions, such as providing green infrastructure on-site and in the surrounding area (e.g. to adapt to flooding, drought and heatwave events), habitat creation and peatland restoration, should be considered. The ES should set out the measures that will be adopted to address impacts.

Further information is available from the Committee on Climate Change's (CCC) Independent Assessment of UK Climate Risk, the National Adaptation Programme (NAP), the Climate Change Impacts Report Cards (biodiversity, infrastructure, water etc.) and the UKCP18 climate projections.

The Natural England and RSPB Climate Change Adaptation Manual (2020) provides extensive information on climate change impacts and adaptation for the natural environment and adaptation focussed nature-based solutions for people. It includes the Landscape Scale Climate Change Assessment Method that can help assess impacts and vulnerabilities on natural environment features and identify adaptation actions. Natural England's Nature Networks Evidence Handbook (2020) also provides extensive information on planning and delivering nature networks for people and biodiversity.

The ES should also identify how the development impacts the natural environment's ability to store and sequester greenhouse gases, in relation to climate change mitigation and the natural environment's contribution to achieving net zero by 2050. Natural England's Carbon Storage and Sequestration by Habitat report (2021) and the British Ecological Society's nature-based solutions report (2021) provide further information.

Contribution to local environmental initiatives and priorities

The ES should consider the contribution the development could make to relevant local environmental initiatives and priorities to enhance the environmental quality of the development and deliver wider environmental gains. This should include considering proposals set out in relevant local strategies or supplementary planning documents including landscape strategies, green infrastructure strategies, tree and woodland strategies, biodiversity strategies or biodiversity opportunity areas.

Thames Water

Water Comments

Thank you for giving Thames Water the opportunity to comment on the above application. Thames Water are the statutory water and sewerage undertaker for the area and would like to make the following comments: The EIA Regulations 2017 set out in Schedule 4 that water and wastewater issues may need to be covered in an EIA. Thames Water considers the following issues should be considered and covered in either the EIA or planning application submission: 1. The developments demand for Sewage Treatment and network infrastructure both on and off site and can it be met. 2. The surface water drainage requirements and flood risk of the development both on and off site and can it be met. 3. The developments demand for water supply and network infrastructure both on and off site and can it be met. 4. Build – out/ phasing details to ensure infrastructure can be delivered ahead of occupation. 5. Any piling methodology and will it adversely affect neighbouring utility services. The developer can obtain information to support the EIA by visiting the Thames Water website <https://www.thameswater.co.uk/developers/larger-scale-developments/planning-your-development/working-near-our-pipes>

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.