

# Guidance Notes for applicants seeking planning permission for mineral working and associated development

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## **General introduction**

These guidance notes are to help you complete the planning application form and to help you provide us with all the information we need to decide your application as quickly as possible. Prior to making an application, we would encourage you to contact the Development Management Team Leader, David Periam (01865) 895151 to arrange a pre-application meeting.

The following documents are contained in the application form: a) general guidance notes (including the scale of fees); b) the application form; and c) notices under article 13 & 37 of The Town and Country Planning (Development Management Procedure) Order (England) 2015 (GDMPO) (to be served by the applicant on the owner/tenant or through a newspaper advert notifying the appeal).

## **Completing the application form**

Please answer all questions as comprehensively as possible.

Please give all measurements in metric units.

Please submit the application electronically along with one hard copy, unless a different number has been agreed at any pre-application discussions, including plans and any Supporting Statement. This helps to speed up the consultation process.

On completion of the application, please forward all the required information to: David Periam Development Management Team Leader Environment & Economy Speedwell House Speedwell Street Oxford. OX1 1NE

Enquiries Telephone (01865) 815084, e-mail: [planning@oxfordshire.gov.uk](mailto:planning@oxfordshire.gov.uk)

## **Section 1 – Basic information**

*To be completed for all applications*

Q1.1 Please give the full name and address of the applicant, even if the application is being handled by an agent.

Q1.2 If an agent is acting for the applicant, all correspondence will be sent to the agent. Please include the name of the individual who is handing the application on behalf of the applicant, as well as any company name etc.

Q1.3 A brief description of your proposal should include all purposes to which you propose to put the land or buildings concerned.

Q1.4 Your application should be for ONE ONLY of categories (a) to (c). Please note that applications for changes of use of land or buildings, or for operational development such as mineral working or waste disposal, must be full applications.

Q1.5 An Environment Statement is needed if your proposal is likely to have significant effects on the environment. It must be a document separate from the application but in support of it. An Environmental Statement is a study, carried out by (or on behalf of) the applicant, to investigate the effects of the proposal on the environment, to show how those effects have been taken into account in the application, and to show what measures have been taken to minimise those effects. The requirements and procedures governing Environmental Impact Assessments are complex, and their content cannot be summarised in these notes. Appendix C gives some more guidance on this subject. If you are unsure as to whether an Environmental Impact Assessment is needed with your application, and how to proceed if it is, please contact David Periam (01865) 895151.

Q1.6 You should list all the documents that form part of your application, including any Supporting Statement and Environmental Impact Assessment. These documents will be made available for public inspection. Appendix B gives more advice on the documents required. If you are submitting any other documents that do not form part of your application (for example - illustrative proposals, or documents that you wish to remain confidential), it would help if you would list these too, but making it plain that they are not part of the formal application papers.

Q1.7 All planning applications must be accompanied by a certificate confirming whether or not the applicant owns the land in question, and confirming that the owners and any tenants on the land (including agricultural tenants) have been notified of the application. This must be done by completing one of the Certificates A, B, C or D included with the application form, together with the Agricultural Holdings Certificate. Your application will not be accepted

without the relevant certificate. You should complete Certificate A if the applicant is the sole owner of the whole application site: “owner” means a person with a freehold interest in the land, or a leasehold interest with an unexpired term of not less than 7 years, or else a person entitled to an interest in the mineral in the land – other than oil, gas and coal. If the applicant is not the sole owner of the whole of the application site, you should use Certificate B if all the owners are known, Certificate C if some but not all of the owners are known, and Certificate D if you cannot trace any of the owners. If you know all or some of the owners of the site, notice must be served on them to let them know that you are making the application.

Q1.8 All planning applications must be accompanied by the correct fee. The fees are fixed by the government. If you have just received this document the current scale of fees is set out in Appendix D, but you should be aware that it is subject to periodic change. Details of the latest scale of charges, and exemptions from them, are available from the Development Management Team. You should submit the fee with your application, making your cheque payable to Oxfordshire County Council. Your application cannot be registered until the correct fee has been paid.

Q1.9 The form and declaration following Question 1.9 must be signed and dated. If it is not, your application will not be accepted.

## **Section 2 – The Application Site**

*This section must be completed for ALL applications.*

Q2.1 Please give the address of the site where the development is proposed to take place, or else identify it by reference to an Ordnance Survey sheet and field parcel numbers. Your application must include a plan showing the boundaries of the application site (including the proposed access) edged in red, and showing any other land in the control of the applicant edged in blue. This plan should normally be at a scale of 1:10,000. Further details of the plans that should be submitted as part of your application are given in Appendix B.

Q2.2 Application site area (that is, the area within the red line on the submitted plan).  
1 hectare = 10,000 square metres or 2.47 acres. For sites of less than 0.1ha (1,000 square metres), you may give your answer in square metres.

### **Section 3 – Mineral extraction**

*In many cases it is preferable for full answers to the questions to be given in a Supporting Statement.*

Q3.2 To avoid any uncertainty, please state the geological formation from which the mineral will come, as well as naming the mineral itself.

Q3.3 Please enter the net extraction area – that is the actual area of the land where excavation is proposed (excluding margins, soil storage areas outside the extraction area, and so on).

Q3.7 Please provide additional information in a Supporting Statement. The Statement should then give a clear description of the proposed scheme of working, with cross-references to the submitted plans. Wherever possible the proposals should provide for working to be phased and programmed to ensure that no more land is disturbed at any one time than is strictly necessary, and to ensure that the land is progressively restored and returned to beneficial use at the earliest opportunity.

Q3.8 The results of any soil surveys should be summarised either on the form or in a Supporting Statement.

Q3.9-Q3.10 In a Supporting Statement please supply details of the procedures undertaken to assess the quality and quantity of the material, including the location of boreholes and trenches etc., and provide the results of all analyses that have been undertaken

Q3.12 If the 'immediate proposed destination' of the extracted material is an off-site processing plant, please also state the material's next destination after the processing plant, if known.

Q3.13 You should indicate the Grade (1, 2, 3a, 3b, 4 or 5) of all agricultural land with the site. If necessary, please provide a plan showing how the grading occurs across the site.

Q3.14 Please give a brief description of the restoration proposals on the application form. You must demonstrate that the site can be restored satisfactorily. Restoration plans (see Appendix B) must be included as part of your application, to give a full picture of the long-term intentions for the land. You are advised to read the National Planning Policy Framework Technical Guidance, which sets out information on this subject and the Minerals & Waste Local Plan Code of Practice.

Q3.15 If you answer YES to item (i) of this question, you should also complete part 4 of the form.

Q3.16 After-use may be for agriculture, forestry, amenity (nature conservation, informal recreation, or sport) or for other purposes. If your answer is 'other', you should state the intended use. 'Other' uses may require their own planning permission in which case a separate application can be made to the District Council or it can be included in this application. If it is, the description of development (Q1.3) must include the proposed 'other' development and the District Council's planning application form should be filled in. If you propose some combination of these categories, please indicate the area (in hectares) to be given over to each after-use. If you are proposing amenity after-use, please indicate whether the site is intended for nature conservation, informal recreation, sport, or for some combination of these categories.

Q3.18 The Reservoirs Act 1975 requires all large raised reservoirs (with a capacity over 25,000m<sup>3</sup>) to be registered with the County Council. For the purposes of the Act 'reservoir' means a reservoir for water as such (and accordingly does not include a mine or quarry lagoon which is a tip within the meaning of the Mines and Quarries (Tips) Act 1929 and 1969). A reservoir is raised if it is designed to hold or capable of holding water above the natural level of any part of the land adjoining the reservoir (note: if the reservoir adjoins a river the level of adjoining land is taken to be the level of the bed of the river).

Q3.19 You should provide a reasoned justification of the need to work the proposed site. This should include details of the market for the mineral(s), and the particular contribution that your proposal would make in meeting the need for the mineral(s). Where appropriate you should include information on any alternative sites considered.

#### **Section 4 – Waste disposal and other Waste Related Development**

*In many cases it is preferable for full answers to the questions to be given in a Supporting Statement.*

Where landfilling or landraising are proposed, operators will need to obtain an environmental permit or exemption from the Environment Agency, as well as getting planning permission. Much of the operational detail of any landfilling or landraising proposal will be submitted and regulated as part of the waste management permitting procedure. Nevertheless, for planning purposes it is necessary to show that proposals are soundly based – for example, that waste materials will be available to carry out the development in the timescale proposed, that the development can and will be carried out in an environmentally acceptable manner and that operations will be managed so as to allow the proposed after-use to be carried out successfully.

Please note that the grant of planning permission for any waste-related activity does not guarantee that an environmental permit application will be approved. Note also, that planning permission for waste disposal does not permit the removal of material from the site, either for sale or for deposit elsewhere, unless this is specifically identified as part of your planning application.

Q4.1 If your application is a combined proposal for mineral extraction and restoration by landfilling (or landraising), then answer YES to the question.

Q4.2 For the purposes of this question, 'landraising' is either of the following:  
The deposit of waste on land (other than in a mineral void) resulting in the level of the land being raised above that existing; or  
The raising of levels of landfills in mineral voids above those necessary to achieve satisfactory drainage and restoration (after allowing for necessary doming, and for surcharging to allow for settlement).

Q4.4 It is important that the Council can be confident that waste materials will be available to allow the development to be carried out within the timescale indicated in your answer to Q4.11. You should therefore give as much information as possible of the expected sources of the waste materials to be deposited, including details of any contractual arrangements to secure waste for deposit at the site.

Q4.6 If your answer to this question is YES, you should indicate in a supporting statement the types of liquids concerned, what special consideration has been given to the siting of the parts of the development that involve these materials, and what special measures have been taken to minimise environmental harm resulting from the deposit of liquid wastes.

Q4.7 Please enter the net area of the proposed landfill or landraising site – that is, the actual area of the land where the deposit of waste is proposed (excluding margins of the site of any ancillary activities). If your proposal is for mineral extraction followed by restoration of the whole site by means of waste disposal, your answer to this question should be the same as that to Q3.3.

Q4.12 The results of any soil surveys should be summarised either on the form or in a Supporting Statement.

Q4.15 Please state the distances that any built development is from the edge of your landfill/landraising area.

Q4.16 Show on a plan the disposition of any well heads or monitoring points and describe how they are constructed.

Q4.25 If you are unsure whether the materials in your proposal are hazardous, please contact the Environment Agency for guidance. Further guidance can be obtained from Chapter 10 Planning (Hazardous Substances) Act 1990.

### **Section 5 – Plants, buildings and other structures**

*Please complete this section if your application is for (or involves) the erection of any fixed plant, buildings or structures, or for the retention of any existing fixed plant, buildings or structures. Such proposals may range from the installation of minor ancillary buildings or structures on a mineral or waste site, up to the construction of major facilities such as a new minerals processing plant, a rail aggregates depot, or a large new facility for waste treatment.*

Q5.1 The need for the plant, building or other structures should be explained either on the form or (preferably) in a Supporting Statement.

Q5.3 The Council will normally require that plant, buildings and other structures at mineral or waste disposal sites are removed when extraction or restoration activities have been completed. Such buildings or structures should therefore be of temporary construction (and the application for them should be for temporary planning permission (Q1.4b).

Q5.4 Please give your answer in tonnes per year, not tonnes per hour. Your answer to (a) should give your best estimate of the realistic likely annual throughput of the plant. Your answer to (b) should be based on the assumption that the plant will work to its maximum theoretical capacity throughout the year on the assumption of a 60 hour week (but allowing appropriate breaks for maintenance etc.)

### **Section 6 – Traffic and transportation**

*This section must be completed for ALL applications*

#### **Traffic and transportation**

Most of the questions in this section assume that materials will be taken to and/or removed from the site by road. If rail or water transport are proposed, full details should be given in a Supporting Statement. This should include (among other things) details of loading and unloading operations, the tonnages likely to be moved, the range of market destinations, and the expected timing of movements through the day. For road transport, a supporting plan showing the levels of traffic generated by the site (including movements both to and from the site) should be included as part of the application (see Appendix B).

Where improvements to the highway will be needed as a result of the proposed development, these will normally have to be undertaken at the expense of the applicant or site operator. If the proposal is likely to give rise to significant amounts of heavy vehicular traffic or would

involve the use of roads of poor construction, width or alignment you are strongly advised to discuss the details with officers of the Highways Development Control at Speedwell House when preparing your application (see Appendix A).

Q6.1 If the mode of transport used to bring material to the site will be different from that used to remove material from the site, please make this clear in your answer.

Q6.3 The figures you give must be the number of movements – so one lorry entering and leaving the site counts as two movements. Please be sure to indicate whether the lorry capacities in your answer are in tonnes or cubic metres. Every application involving road transport must involve one or another of the three options in this question. If your proposal involves altering an existing access or constructing a new one, please supply detailed plans.

Q6.5 Please show on a map the routes proposed to be used. If more than one route is likely to be used by lorries to and from the site, please indicate the proportion of the total number of movements that are likely to be made on each route. If you would be prepared to enter into a legal agreement defining or limiting the routes which may be taken by lorries to and from the site, please say so.

## **Section 7 – Environment**

*Applicants should ensure from the outset that their proposals take account of all relevant statutory and non statutory designations that affect the application site (including those on land immediately outside the site itself). It may be helpful to discuss this with County Council officers when preparing your application. Examples of the designations that might affect a site are given in Appendix D, along with notes about where you can find out more information about them.*

Q7.1 If you answer YES on any of the topics listed in the question, please give details of the feature in question, and show it on the application plans. If any original investigations have been carried out on any of these topics as part of the preparation of this application – for example, an archaeological field evaluation – please give details in a Supporting Statement.

Q7.3 **General** If you are providing a Supporting Statement, please include a separate section dealing with each of the topics (a) to (g). If some of the topics are not applicable to your proposal, this should be stated.

## **Noise**

You should give information on the predicted noise levels at all stages of the proposed operation, including (but not limited to) the predicted or actual noise arising from specific plant, the length of time the plant will be in use, measures taken to control noise (such as the

details of screening barriers), and methods of calculating and monitoring noise levels at the site. If development is proposed to take place near houses, schools, hospitals, recreation areas, or other noise-sensitive areas, you should provide details of predicted noise levels at these sites. Otherwise you should give details of the expected noise levels at site boundaries.

### **Dust and Emissions to air**

You should set out the methods for controlling and suppressing dust and other emissions arising from the activities at the site, including the treatment of topsoil and subsoil storage heaps.

### **Water pollution, drainage and flooding**

You should give an indication of the measures that are proposed to:

- control potential pollution to ground and surface water both during working and during and after restoration;
- of any necessary drainage and flood control measures;
- or any requirements for settlement lagoons;
- of the way in which surface water is to be disposed of;
- of how your proposal will affect drainage from adjoining areas;
- of how you will prevent material entering open watercourses.

You are advised to discuss these issues, and any other issues regarding the water environment that are relevant to your proposal, with officers of the Environment Agency (see useful contact numbers in Appendix A) when preparing your application. Please include details of any such discussions with your application.

### **Archaeology, Ecology and Geology**

You should give details of all archaeological, ecological and (if appropriate) geological interests that will be effected by your proposal. These should include – but should not be limited to – the designations identified in your answer to Q7.1. You should also give details of the measures that you have incorporated in the application to safeguard these interests. If your application would involve the felling of trees or the removal of hedges, their location must be accurately shown on the submitted plans. See appendix D for further information.

### **Visual impact**

You should provide enough information to show the extent of the visual impact of the proposed development. For larger proposals, this may need to be done by using such methods as photomontages or maps of the visual envelope of the development. In all cases you should also provide information on the timing, nature, extent and location of any screening to be undertaken to mitigate the visual impact of the development. Screening

includes both planting of trees and bushes and earth mounding. Long term landscaping is dealt with in Appendix B – ‘Restoration, Aftercare and After Use’ plans.

### **Rights of Way**

Where an application site includes a public right of way (such as a public footpath, a bridleway, or a public road), this must be clearly shown on the plans. Please note that a grant of planning permission does not give a right to extinguish or divert a public right of way. If you need to do this, you will require a separate permission. Please contact the Rights of Way Officer for more details. (See Appendix A).

### **Section 8 – Certificates**

*Under Article 14 of the GDMPO, applicants are required to inform the County Council that they are the owners of the land subject to development or have notified the owners and any tenants including agricultural tenants on the land of their proposals.*

Applicants must ensure that, when making a planning application, the relevant certificates have been completed to show that all owners and tenants of the land to which the application relates have been notified. The following Certificates must be completed, depending on the circumstances of the land ownership.

- Certificate A:** This must be completed where the applicant is the sole owner of the land to which the application relates and where none of the land has been let to any other person.
- Certificate B:** This must be completed where all the owner(s)/tenant(s) to which the application relates are known and have been notified of the application. The names of those persons, the addresses to which any notices have been sent and the date of each notice should be indicated.
- Certificate C:** This must be completed where the applicant cannot identify or cannot notify all the owner(s)/tenant(s) including agricultural tenants of the land to which the application relates.
- Certificate D:** This must be completed if the applicant is unable to serve any of the above certificates as the applicant cannot find the owner(s)/tenant(s) or cannot serve notice on them.
- Agricultural Holdings Certificate:** This must be completed by all applicants to indicate that either none of the land is part of an agricultural holding, or if it is, that notification has been given to all agricultural tenants on the land.

If the proposal includes underground mineral working then the applicant should contact the County Council as the certification procedure is different from the above.

## **Important notice on legal offences**

Any person who issues a Certificate which contains a statement which they know to be false, or recklessly issues a Certificate which contains a statement which is false or misleading, shall be guilty of an offence and liable on summary conviction, as specified in the Town and Country Planning Act 1990, as amended by the Planning and Compensation Act 1991.

'Owner' means a person having a freehold interest or a leasehold interest, the unexpired term or which is not less than 7 years, or, in the case of development consisting of the winning and working of minerals, a person entitled to an interest in a mineral in the land (other than oil, gas, coal, gold or silver).

## **Appendix A**

### **Useful contacts**

#### **Oxfordshire County Council –**

Planning	01865 895084
Rights of Way advice	01865 815302
Ecologist Planner	01865 815046
County Archaeological Officer	01865 810185
Advice on trees and forests	01865 812653

#### **Others:**

##### **District Councils –**

<i>Cherwell District Council</i> Bodicote House, Bodicote, Banbury, OX15 4AA.	01295 227006
<i>Oxford City Council</i> St Aldate's Chambers, 109 St Aldate's Oxford, OX1 1DS.	01865 249881
<i>South Oxfordshire District Council</i> 135 Eastern Avenue, Milton Park, Milton OX14 4SB	01235 540546
<i>Vale of White Horse District Council</i> 135 Eastern Avenue, Milton Park, Milton OX14 4SB	01235 540546
<i>West Oxfordshire District Council</i> Elmfield, New Yatt Road, Witney, OX28 1PB.	01993 861000
<i>Environment Agency (Planning Liaison)</i>	020302 59601
<i>Historic England</i>	01483 252020
<i>Natural England</i>	0300 060 3900
<i>Berkshire, Buckinghamshire &amp; Oxfordshire Wildlife Trust</i>	01865 775476
<i>Network Rail</i>	01793 260127

*The Safeguarding Consultee, London Oxford Airport  
The Head of Safeguarding, Defence Estates*

01865 290600  
0121 311 2010

## Appendix B

### **Plans and drawings**

In most cases applications involving mineral extraction or waste disposal will require the following plans, sections and drawings. All plans should preferably be on an Ordnance Survey base, and should be clearly titled, given a unique reference number, signed and dated.

#### **1. Location Plan**

This should normally be at a scale of 1:50,000 but not larger than 1:10,000, and should show the location and boundary of the site in relation to its surroundings.

#### **2. Site Plans**

These should normally be at a scale of 1:2,500 although larger scale plan(s) may be appropriate in some cases. Site Plans should show the following information:

- (i) the land to which the application relates, edged red. The boundary shown on the Site Plan will be regarded as the official boundary of the application site. Please note that the access route between the site and the public highway, landscaping works, amenity bunds and landfill gas monitoring boreholes etc. should be included within the red line;
- (ii) any adjoining land under the applicant's control, edged in blue;
- (iii) any land within or adjoining the site which has been used for mineral working, waste disposal or associated development, including the position of working/tipping faces, restored areas etc. and any planning permission references;
- (iv) the position of existing buildings, underground services, overhead lines, roads and public rights of way within or adjacent to the site;
- (v) the provision of walls, hedges, trees within and adjacent to the site;
- (vi) existing contours within and normally for a distance of at least 250 metres outside the site, to illustrate the relationship of the site to the surrounding topography;
- (vii) the position of any watercourses, culverts, drainage ditches or ponds within or on the boundary of the site showing, where appropriate, the direction of flow; and
- (viii) the positions of trial pits and boreholes.

### 3. Working Plans

These should be the same scale as the Site Plan(s) and include the following information:

- (i) any areas of land to be excavated should be shown edged in green and any areas to be filled shown diagonally hatched. The boundaries of areas for excavation/filling should allow sufficient margins to protect public rights of way, railway lines, watercourses, services, buildings, trees etc. which are to remain undisturbed;
- (ii) proposals for the storage of topsoil, subsoil and overburden (other than screening bunds);
- (iii) proposals for screening and landscaping the operations, including details of screening bunds and advance tree planting (including type, size, spacing and maintenance);
- (iv) the location of processing and other plant, stockpiles (with details of maximum height), buildings, offices, weighbridges, wheel cleaners, etc.;
- (v) details of fencing and other security arrangements;
- (vi) the method, depth, direction and phasing of working and restoration/landfilling, including details of the estimated duration of each phase of working;
- (vii) the position of any diverted watercourses, lagoons, leachate collection systems, sources of water supply and drainage, and the position of any water discharges going to existing watercourses;
- (viii) the position of any landfill gas monitoring and control facilities;
- (ix) full details of the vehicular access route from the site to the public highway. The detailed design of the access junction with the public highway should be submitted on a separate plan at a scale of
  - (i) 1:100. This should show the width of the road, its means of construction, the turning radii and sight lines;
- (x) internal traffic routes within the site (including widths) and the position of any conveyors or pipelines;
- (xi) details of proposed measures to divert, remove or avoid overhead lines and other services, and to remove or divert public rights of way;
- (xii) for underground mining proposals, the position of all mine entries (including ventilation shafts etc.), areas likely to be subject to subsidence, and areas to be left unworked to provide support.

- xiii) Details should also be submitted, on a plan of appropriate scale, of the level of traffic (both lorry traffic and other traffic) expected to be generated from the site on to the roads in the vicinity of the site, taking account of the routes that vehicles are expected to follow to and from the site.

#### **4. Restoration, After-care and After-use Plans**

These should be the same scale as the Site Plan(s) and show how the site will be restored during and following the completion of operations. They should include the following information:

- (i) the final contours of the land, with typical gradients indicated. The contours should normally be extended for a distance of at least 250 metres outside the site to illustrate the relationship of the restored land to the surrounding topography. If landfill is to take place, the plans should show the levels both before and after settlement;
- (ii) the replacement depths of soils;
- (iii) the position of any permanent water features, together with estimated depths of water and details of typical marginal treatment;
- (iv) proposals for the drainage of land including the position of field drains, ditches, pumps and watercourses (including direction of flow) and permanent discharge points to surrounding watercourses;
- (v) the position of existing trees, shrubs and hedges to be retained on site following the completion of operations, and details of trees etc. to be planted (include type, size, spacing and the expected date of planting);
- (vi) any other landscaping proposals, and provision for public or other access.

#### **5. Sections**

The following sections and profiles should be supplied:

- (i) representative sections showing existing and final restoration surface levels. Where extraction of minerals is to take place, the maximum depth of the excavation and (where explicable) the position of the water table and maximum extent of quarry faces should be shown;
- (ii) for mineral working and landfill operations, profiles should be submitted which differentiate between topsoil, subsoil and overburden, both prior to development, after restoration and capping layer if appropriate. Describe the characteristics and thickness of each;

- (iii) for mineral extraction, the pit/borehole information should also include the thickness and characteristics of the mineral(s) to be extracted and any interbedded waste materials which need to be removed, the underlying geology, and the position of the water table.

## **6. Plans of Buildings, Plant and Structures**

Detailed plans of all fixed plant, buildings and structures should be submitted at the same time as the rest of the application. These plans should normally be at a scale of 1:100. They should include both ground plans and elevations, and should state the type and colour of external materials to be used. Plans of weighbridges, fixed wheel cleaning equipment and the maximum extent of stockpiles should be included. Also include the means of access to the building and landscape details.

## **Appendix C**

### **Environmental Impact Assessment**

Planning applications for some types of major development must be subject to a process known as Environmental Impact Assessment. Environmental Impact Assessment is intended to ensure that the environmental effects of major developments are taken into account at the earliest possible stage in the planning process. It requires the developer (or applicant) to identify the environmental effects of the proposal and to indicate the steps being taken to mitigate those effects. These matters must be brought together by the developer in an Environmental Statement, which should be submitted to the planning authority at the same time, as the planning application and Environmental Statement should be separate documents. The planning authority then has to consider and consult on the Environmental Statement alongside the planning application, and must take its content into account when reaching its decision on the application.

The procedures governing the Environmental Impact Assessment process are laid down in the Town and Country Planning (Environmental Impact Assessment) Regulations 2011. The Regulations explain the types of application that might need to be subject to Environmental Impact Assessment, and describe the special procedures that applications involving Environmental Impact Assessment must go through. They also give details of the rights of appeal which an applicant has at various stages of the Environmental Impact Assessment process.

Proposals that may require Environmental Impact Assessment are divided into two groups, known as Schedule 1: Development (which must always be subject to Environmental Impact Assessment) and Schedule 2: Development (development which is not Schedule 1 but which may have significant effects on the environment by virtue of factors such as its nature, size or location).

### **Multiple applications**

For the purposes of determining whether Environmental Impact Assessment is required, a particular planning application should not be considered in isolation. It is to be regarded as an integral part of an inevitably more substantial development. In such cases, the need for Environmental Impact Assessment must be considered in respect of the total development.

### **Changes or extensions to existing or approved development**

Development which comprises a change or extension requires Environmental Impact Assessment only if the change or extension is likely to have significant environmental effects.

**Schedule 1 Developments** which are likely to be “County Matters” and will always require Environmental Impact Assessment are listed below:

- An installation designed solely for the permanent storage or final disposal of radioactive waste;
- An installation for the incineration, or chemical treatment or landfill of hazardous waste;
- An installation for the incineration, or chemical treatment of non-hazardous waste exceeding 100 tonnes per day capacity;
- Waste water treatment plants with a capacity exceeding 150,000 population equivalent;
- Quarries or open-cast mining where the surface of the site exceeds 25 hectares.

Development which is listed below may be subject to Environmental Impact Assessment. Whether the development should be subject to Environmental Impact Assessment is determined by whether the project is likely to have any significant environmental effects by virtue of its size, nature and location.

**Schedule 2 Developments** which may be subject to Environmental Impact Assessment are listed below:

- Surface mineral working;
- Installation for the processing and storage of radioactive waste;
- Intermodal trans-shipment facilities;
- Installations for the disposal of non-hazardous waste;
- Sludge-deposition site (sewage sludge lagoon);
- Storage of scrap iron, including scrap vehicles;
- Waste-water treatment plants;
- Incinerators.

## **Screening and Scoping Opinions**

Developers may write to the County Council requesting a Screening Opinion about whether an Environmental Impact Assessment will be required for Schedule 2 development. Developers may also write to the County Council requesting an opinion as to what information should be included within an Environmental Statement, such an opinion is called a 'Scoping Opinion'.

## **Appendix D**

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### **Sources of Information on Environmental and Related Topics**

#### **Archaeology**

Archaeological designations include Scheduled Ancient Monuments (sites of national importance, designated under the Ancient Monuments and Archaeological Areas Act 1979), and Areas of Archaeological Significance (sites of more local importance, designated in District Local Plans). Much archaeological evidence exists outside these designated areas. All archaeological remains found in the county are recorded in the Sites and Monuments Record, a computerised database maintained by the County Archaeological Officer.

If your proposal would affect a Scheduled Ancient Monument, a separate permission ('scheduled monument consent') may be needed as well as planning permission. Guidance on such permission can be obtained from English Heritage.

Special provisions also apply to the sites of Historic Parks and Gardens, and to Historic Battlefield sites. Details of the sites concerned, and of the special arrangements that exist to protect them, can be obtained from English Heritage (020 7973 3000), or the Garden History Society (020 7608 2409).

#### **Historic Sites and Buildings**

Historic Buildings may be protected by being 'listed' under the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990. The same Act empowers District Councils to designate areas of special architectural interest as 'Conservation Areas'. The legislation then introduces various safeguards to protect these buildings or areas. Separate permissions may be needed, in addition to planning permission, if your development would affect a Listed Building or a Conservation Area.

To find out whether your proposal would affect a Listed Building or Conservation Area, please contact the relevant District Council (see Appendix A). Officers of the District Council will/may be able to advise you on the steps you will need to take to ensure that these interests are safeguarded.

**Nature Conservation and Geology** Development plan policies and planning decisions must be based upon up-to-date information about the environmental characteristics of their areas, including the relevant biodiversity resources of the area.

In submitting a planning application, applicants must identify and protected or priority species, designated sites, important habitats or other biodiversity features on or adjacent to the development site. [Biodiversity and Planning in Oxfordshire](#) gives an overview of these features in Oxfordshire. More detailed information is available from [TVERC](#).

Where it is likely that a proposal will impact on any of these features, up to date biodiversity information will need to be provided with the planning application. The type of assessment needed will vary from a biodiversity survey and report to Environmental Impact Assessment and Appropriate Assessment if a European site is involved.

Discussion of biodiversity survey needs at pre-application stage can help reduce the likelihood of delays resulting from requirement for survey being identified at a late stage.

Depending on the scale and location of proposed development, the following surveys may be required:

2km radius of proposed development site

- Deskstudydatasearch

500m radius of proposed development site

- Extendedphase1habitatsurvey
- Phase 2 habitat survey where potential UK BAP habitat has been identified in the phase 1 survey
- Geological and geomorphological survey.
- Landscape character assessment.
- Scoping survey for potential habitat for protected species, species of conservation concern, rare and notable species and UK Biodiversity Action Plan (UKBAP) species.
- Full survey for protected species, species of conservation concern, rare and notable species and UK Biodiversity Action Plan (UKBAP) species where potential habitat has been identified in the scoping survey.
- Landscape features.

Surveys should be carried out by suitably qualified personnel. A list of ecological consultants is available on the [IEEM website](#).

All ecological reports should include the following:

- a) What biodiversity is present
- b) How biodiversity impacts can be avoided
- c) If it is not possible to avoid impacts, how they can be mitigated
- d) If there is no way of mitigating impacts, compensation measures should be identified
- e) How the application can result in overall enhancement in biodiversity

Avoidance, mitigation, compensation and enhancement measures must be clearly stated to enable report recommendations to be conditioned and enforced.

### **Enhancements and Restoration**

Where additional planting has been proposed as part of a planning application, a planting scheme should be included.

This should cover:

- Species mix (species should be of local provenance and appropriate to the local area)
- Plant size
- Planting layout
- Planting spacing
- Methods of establishment

Mineral workings frequently provide opportunities to create new wildlife habitats and sites of geological interest and such features should be built into restoration proposals. Minerals extraction sites close to a [ConservationTargetArea](#) will be expected to contribute to the targets of that CTA.

Areas restored to nature conservation will be subject to long-term management (currently 20 years over and above the statutory 5 year after-care period). The applicant will be expected to provide a management plan and the funding to implement it.

Areas not restored to nature conservation (e.g. agriculture) should ensure they incorporate green and blue infrastructure such as hedgerows and ponds. See the [SouthEastGreen InfrastructureFramework](#) for more information.

Contact Tamsin Atley, Ecologist Planner for further advice [tamsin.atley@oxfordshire.gov.uk](mailto:tamsin.atley@oxfordshire.gov.uk); (01865 815046) and see the guidance on the [Natural Environment](#) pages for "[BiodiversityandPlanning](#)", "[BiodiversityinOxfordshire](#)" and "[ProtectedSpecies](#)".

### **Public Rights of Way**

If your proposal affects a public footpath or bridle way, particularly if it would require diversion or extinguishment, you should contact the Rights of Way Officer (01865 815302) who maintains the definitive map that gives details of all public rights of way in the county.

## Appendix E

### **Other Issues**

#### **Highway considerations**

Where there is a need for highway improvements to be carried out as a consequence of your development, you will normally be required to undertake them at your own expense, or else to reimburse the Highway Authority for the cost of undertaking them. As explained in the main guidance notes, if your proposal is likely to generate significant amounts of heavy goods traffic and/or heavy goods vehicles would use roads of poor construction, width or alignment, you are strongly advised to contact the County Council's Highways Development Control Team (01865 816042).

#### **Waste disposal/waste management facilities**

Where waste disposal operations are to take place, you must obtain an environmental permit or exemption as well as a planning permission. Application forms and further advice may be obtained from the Environment Agency, who are responsible (as the 'waste regulation' authority) for deciding applications for waste management licences, and for monitoring the conditions imposed on them.

#### **Pollution control**

More information about waste management and pollution control, and their relationship to the planning process, is given in the National Planning Policy Framework. The regimes governing planning and pollution control are quite separate from each other, and in most circumstances planning controls are not an appropriate means of regulating the detailed characteristics of potentially polluting activities.

#### **Noise**

Noise at mineral and waste disposal sites can be controlled through the planning process. The National Planning Policy Framework contains advice on this subject, and planning applications should take full account of its provisions.

#### **Building regulations**

Please note that if you are proposing to erect new buildings and structures you may also need to apply for approval under the Building Regulations. Applications should be made on forms available from the relevant District Council (see Appendix A).

### **‘Statutory Undertakers’ and others**

Where your proposed development will involve the provision of, or will affect gas, electricity, water or telecommunications services, you should give notice of the proposal to the relevant undertaker(s).

If your proposal is within the safeguarding area of Oxford Airport, you should consult The Safeguarding Consultee, Oxford Airport, Kidlington, Oxford, OX5 1RA

If your proposal is within the safeguarding area of any military aerodrome in Oxfordshire, you should consult the Head of Safeguarding, Defence Estates, Blakemore Drive, Sutton Coldfield, West Midlands, B75 7RL when drawing up your proposals.

If the application site adjoins a railway line, you are advised to contact Network Rail (01793 260127) to ensure that the application meets their requirements for ensuring the stability of the railway.

## **Appendix F**

### **Procedure What happens to applications once submitted**

- If the application is administratively and technically satisfactory you will receive a letter saying the application is valid.
- If the application is not satisfactory you will be asked for more details. Only when that is supplied will the application be valid.
- If it is considered that the application should be supported by an Environmental Statement and there is not one submitted you will be informed within three weeks of the application being submitted.
- The valid application is sent to the relevant District Council for formal registration.
- The local County Councillor is informed.
- The County Council officers will arrange for the application to be advertised on site and in a local paper.
- Consultations will be undertaken.
- Any important matters arising from consultation and advertisement will be taken up with you.
- If necessary a report will be prepared for the Planning & Regulation Committee. It will normally recommend whether planning permission should be granted or not.
- The Planning & Regulation Committee may wish to visit the site and invite presentations from the applicant and Parish Council.
- The Planning & Regulation Committee will make the decision.

## **What happens after Planning & Regulation Committee has made a decision**

- If permission has been refused you will receive a certificate of refusal, stating the reasons for the refusal, along with all the papers constituting the application, as soon as possible.
- You may wish to appeal against the Council's decision or lack of one (see following note).
- If permission has been granted you will be informed by letter as soon as possible.
- If the application is a major one, or if you request it, draft planning conditions will be sent to you for comment before a decision notice is issued.
- Permission may be granted subject to formal agreement. You will be informed of this as soon as possible. The Solicitor to the Council will then write to you setting out a draft agreement.
- Once any comments are received, or agreements signed, a Certificate of Approval will be issued together with all the plans and particulars submitted and approved. All of these documents constitute a planning permission.
- All documents accompanying a decision notice and forming part of the permission or refusal will be stamped 'approved' or 'refused' and have a date of issue and planning application reference on them. No other plans or documents will form part of that decision unless formally approved by the County Council following a subsequent formal submission of those plans and documents.
- Complete copies of decisions on County Matters will be issued to: 1) the applicant; 2) the relevant District Council (for formal registration purposes); and 3) The Environment Agency (where the development involves waste). A copy will be retained in Environment and Economy.
- Copies of the decision notice will be issued to any consultee requesting it.
- Permissions will always be granted subject to conditions. Some conditions may require action by you before development commences or by a specific date. Be sure to comply with these requirements or enforcement action may result.

## **Appeals**

- You are entitled to appeal to the Secretary of State for the Environment against:
  - a refusal of planning permission (but you must do so within six months of the date on the refusal certificate);
  - non determination of a planning application (but only thirteen weeks after it is declared valid, sixteen weeks if an Environmental Statement accompanies the application or after any other time that you might have agreed to in writing for its determination).
  - planning conditions (again, with six months of the date on the approval certificate);
  - or
  - the local planning authority informing you that your application should be accompanied by an Environmental Statement.
- Appeal forms can be obtained from: The Planning Inspectorate, Room 3/13, Temple Quay House, 2 The Square, Bristol. BS1 6PN Tel. 0303 444 5000

## **Other forms of application**

### **Joint applications**

It is permissible to make one application for two or more separate developments on the same site (e.g. mineral extraction and waste disposal).

Joint applications can be made for mineral extraction and/or landfill and after-uses other than those which the County Council can require (i.e. housing, recreation etc.). If any event, any mineral extraction and landfill application must describe the intended use of the site when the proposed operations or uses are finished.

### **Renewal of a Temporary Consent**

If you wish to retain works or continue a use granted by a temporary consent then it must be done by completing the application form and relevant annex(es) unless the application is made before the temporary consent period has run out.

If an application is made before the temporary consent period has run out it may be made by letter, no form required, provided you can give adequate information on the planning permission to be extended, including the description of the development and a site plan, condition not to be complied with and the proposed new end date. Certificates must also be submitted together with a fee.

You should state why you want the application renewed.

The County Council may take the opportunity of imposing a completely new set of conditions on any renewed permission. These conditions will only be attached if they are relevant matters covered by the conditions not to be complied with.

The application should state that it is to carry out the development permitted without complying with the relevant conditions. Any notice of planning permission will be so worded.

### **Modification of a Planning Condition**

An application for modification of a condition can be made by letter, no form required. Again, it should give sufficient information to identify the planning permission to be modified including the description of the development and a site plan, the conditions to be modified and proposed new conditions, if any.

The application should state that it is to carry out the development permitted without complying with the relevant condition(s).

Any notice of planning permission will be so worded.

A certificate under Article 14 of the GDMPO and appropriate fee must be submitted.

An application using the application form and annexes may be requested if it is considered necessary for proper consideration of the proposal.

## **Certificates of Lawful Use or Development**

You can apply for a certificate of lawful development to ascertain:

- (i) whether your proposed development requires planning permission or
  - (ii) whether your existing development is an 'established' use.
- Application forms and guidance notes are available from Development Management, Environment & Economy, Speedwell House, Speedwell Street, Oxford OX1 1NE.