



To: Members of the Planning & Regulation Committee

## ***Notice of a Meeting of the Planning & Regulation Committee***

**Monday, 7 September 2020 at 2.00 pm**

***Please note that due to guidelines imposed on social distancing by the Government this meeting will be held virtually and can be viewed via [this livestream link](#)***

***For further information on this please contact the Committee Officer (details below) bearing in mind the information set out at Item 3 on this Agenda.***

A handwritten signature in cursive script, appearing to read 'Yvonne Rees'.

Yvonne Rees  
Chief Executive

August 2020

Committee Officer: **Graham Warrington**  
Tel: 07393 001211; E-Mail:  
[graham.warrington@oxfordshire.gov.uk](mailto:graham.warrington@oxfordshire.gov.uk)

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*Members are asked to contact the case officers in advance of the committee meeting if they have any issues/questions of a technical nature on any agenda item. This will enable officers to carry out any necessary research and provide members with an informed response.*

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### **Membership**

Chairman – Councillor Jeannette Matelot  
Deputy Chairman - Councillor Stefan Gawrysiak

#### *Councillors*

Ted Fenton	Bob Johnston	John Sanders
Ted Fenton	G.A. Reynolds	Alan Thompson
Mrs Anda Fitzgerald- O'Connor	Judy Roberts	Richard Webber
Pete Handley	Dan Sames	
Damian Haywood		

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**Notes: Date of next meeting: 19 October 2020**

## Declarations of Interest

### The duty to declare.....

Under the Localism Act 2011 it is a criminal offence to

- (a) fail to register a disclosable pecuniary interest within 28 days of election or co-option (or re-election or re-appointment), or
- (b) provide false or misleading information on registration, or
- (c) participate in discussion or voting in a meeting on a matter in which the member or co-opted member has a disclosable pecuniary interest.

### Whose Interests must be included?

The Act provides that the interests which must be notified are those of a member or co-opted member of the authority, **or**

- those of a spouse or civil partner of the member or co-opted member;
- those of a person with whom the member or co-opted member is living as husband/wife
- those of a person with whom the member or co-opted member is living as if they were civil partners.

(in each case where the member or co-opted member is aware that the other person has the interest).

### What if I remember that I have a Disclosable Pecuniary Interest during the Meeting?.

The Code requires that, at a meeting, where a member or co-opted member has a disclosable interest (of which they are aware) in any matter being considered, they disclose that interest to the meeting. The Council will continue to include an appropriate item on agendas for all meetings, to facilitate this.

Although not explicitly required by the legislation or by the code, it is recommended that in the interests of transparency and for the benefit of all in attendance at the meeting (including members of the public) the nature as well as the existence of the interest is disclosed.

A member or co-opted member who has disclosed a pecuniary interest at a meeting must not participate (or participate further) in any discussion of the matter; and must not participate in any vote or further vote taken; and must withdraw from the room.

Members are asked to continue to pay regard to the following provisions in the code that *“You must serve only the public interest and must never improperly confer an advantage or disadvantage on any person including yourself”* or *“You must not place yourself in situations where your honesty and integrity may be questioned.....”*.

Please seek advice from the Monitoring Officer prior to the meeting should you have any doubt about your approach.

### List of Disclosable Pecuniary Interests:

**Employment** (includes *“any employment, office, trade, profession or vocation carried on for profit or gain”*.), **Sponsorship, Contracts, Land, Licences, Corporate Tenancies, Securities.**

For a full list of Disclosable Pecuniary Interests and further Guidance on this matter please see the Guide to the New Code of Conduct and Register of Interests at Members’ conduct guidelines.

<http://intranet.oxfordshire.gov.uk/wps/wcm/connect/occ/Insite/Elected+members/> or contact Glenn Watson on **07776 997946** or [glenn.watson@oxfordshire.gov.uk](mailto:glenn.watson@oxfordshire.gov.uk) for a hard copy of the document.

**If you have any special requirements (such as a large print version of these papers or special access facilities) please contact the officer named on the front page, but please give as much notice as possible before the meeting.**

# AGENDA

1. **Apologies for Absence and Temporary Appointments**
2. **Declarations of Interest - see guidance note opposite**
3. **Minutes** (Pages 1 - 10)

To approve the minutes of the meeting held on 20 July 2020 (**PN3**) and to receive information arising from them.

## 4. **Petitions and Public Address**

This Planning & Regulation Committee will be held virtually in order to conform with current guidelines regarding social distancing. Normally requests to speak at this public meeting are required by 9 am on the day preceding the published date of the meeting. However, during the current situation and to facilitate these new arrangements we are asking that requests to speak are submitted by no later than 9am four working days before the meeting i.e. 9 am on Tuesday 1<sup>st</sup> September. Requests to speak should be sent to [graham.warrington@oxfordshire.gov.uk](mailto:graham.warrington@oxfordshire.gov.uk) together with a written statement of your presentation to ensure that if the technology fails then your views can still be taken into account. A written copy of your statement can be provided no later than 9 am 2 working days before the meeting (Thursday 3<sup>rd</sup> September).

Where a meeting is held virtually and the addressee is unable to participate remotely their written submission will be accepted.

Written submissions should be no longer than 1 A4 sheet.

## 5. **Chairman's Updates**

## 6. **Serving of the Prohibition Order for the Review of the Mineral Planning Permission (ROMP) at Thrupp Farm and Thrupp Lane, Radley, Oxfordshire** (Pages 11 - 42)

Report by the Assistant Director For Strategic Infrastructure And Planning (**PN6**).

This is a report to bring to Committee the issue of the serving of the Prohibition Order for the Review of the Mineral Planning Permission (ROMP) at Thrupp Farm and Thrupp Farm, Radley which was resolved to progress at the meeting of the Planning & Regulation Committee on 9 September 2019. The report sets out the issue to be considered which is whether the recent submission of a related planning application for a processing plant, conveyor and Bailey bridge for the removal of the mineral from part of the ROMP site and additional information provided with regard to the progression of

the application for the review of mineral conditions on the ROMP planning permissions DD1 and DD2 changes the Committee's previous decision as to whether mineral working from the ROMP has permanently ceased or not and therefore the duty to serve a Prohibition Order or not.

***It is RECOMMENDED that the Planning & Regulation Committee's previous conclusion from its meeting on 9 September 2019 (Minute 39/19) that mineral working on the Radley ROMP site has permanently ceased and that there is a duty to serve a Prohibition Order is not rescinded but that the service of the Prohibition Order is held in abeyance pending:***

- i) the progression and determination of application no. MW.0075/20 for processing plant, a conveyor and a Bailey Bridge for the removal of mineral extracted from part of the ROMP permission areas DD1 and DD2; and***
- ii) H. Tuckwell and Sons Ltd providing an update, accompanied by documentary evidence, on progress with regard to the work on the application and Environmental Statement for the review of conditions for the ROMP permission areas DD1 and DD2 to the meeting of the Planning & Regulation Committee on 8 March 2021.***

- 7. Planning Application to allow the development of an offline River Thames marina basin with fixed and floating pontoon moorings for approximately 280 boats, slipway, secure and public car parking, refuelling and pump-out dock, refuse and recycling area, marina office and café, toilet and shower block and laundry facilities, boat hire building, picnic and barbeque area, open water area, circular footpath, boat workshop, new footbridge and creation of new grazing marsh, grassland, pond, reedbed and wet woodland habitat with a construction phase involving the extraction and processing of sand and gravel, the importation of inert fill and the construction of new site accesses, landscaping and screening bunds -  
White Cross Farm, Reading Road, Cholsey, Oxfordshire -  
Application No. MW.0033/18 (Pages 43 - 100)**

Report by Assistant Director For Strategic Infrastructure And Planning (PN7).

This is a report to bring to committee for determination an application for the extraction of sand and gravel for the creation of a marina on land at Whitecross Farm, Reading Road, Cholsey. The report set outs the issue to be considered in the determination of the application which are the development plan and any other material considerations and concludes that there are a number of reasons why the application is contrary to the development plan and should be refused planning permission.

***Subject to no additional material comments being received by the completion of the consultation period, it is recommended that application no. MW.0033/18 for Planning Application to allow the development of an offline River Thames marina basin with fixed and floating pontoon moorings for approximately 280 boats, slipway, secure and public car parking, refuelling and pump-out dock, refuse and***

*recycling area, marina office and café, toilet and shower block and laundry facilities, boat hire building, picnic and barbeque area, open water area, circular footpath, boat workshop, new footbridge and creation of new grazing marsh, grassland, pond, reedbed and wet woodland habitat with a construction phase involving the extraction and processing of sand and gravel, the importation of inert fill and the construction of new site accesses, landscaping and screening bunds be REFUSED for the following reasons:*

- 1) There is no identified need for a 280 berth marina of which 80% of the moorings would be for permanent moorings. The development is therefore contrary to saved policy R9 of the South Oxfordshire Local Plan 2011, policy CSS1 of the South Oxfordshire Core Strategy 2012 and policy ENV4 of the South Oxfordshire Local Plan 2034.*
- 2) The proposed development would constitute a dramatic land-use change that is both discordant with the landscape character of the area and detracts from the open and undeveloped countryside setting of the River Thames and Chilterns AONB. It is therefore contrary to policies CSEN1 of the South Oxfordshire Core Strategy 2012, C4 and C8 of the Oxfordshire Minerals and Waste Local Plan – Part 1 Core Strategy and C3 of the South Oxfordshire Local Plan 2011.*
- 3) The development would harm the setting of listed buildings and the public benefit of the development is not considered to outweigh that harm. It is therefore contrary to policies CON5 of the South Oxfordshire Local Plan 2011, CSEN3 of the South Oxfordshire Core Strategy 2012 and C9 of the Oxfordshire Minerals and Waste Local Plan – Part 1 Core Strategy and Section 66(1) of the Listed Buildings and Conservation Areas Act 1990.*
- 4) The development is not considered to be a well-designed place and does not accord with policies D1 of the South Oxfordshire Local Plan 2011 or policy CSQ3 of the South Oxfordshire Core Strategy 2012.*
- 5) There would be a loss of Best and Most Versatile agricultural land contrary to policy C6 of the Oxfordshire Minerals and Waste Local Plan – Part 1 Core Strategy.*
- 6) The accessibility of the site for non-vehicular modes is not considered to comply with policies T1 of the South Oxfordshire Local Plan 2011 and TRANS 2 of the South Oxfordshire Local Plan 2034.*
- 7) It has not been demonstrated that the development would not have an unacceptable impact on air quality, pollution and human health contrary to elements of policy EP1 of the South Oxfordshire Local Plan 2011OLP and policy C5 of the OMWCS*
- 8) It has not been demonstrated that the development would not have an unacceptable impact on highway safety nor a severe impact on the road network contrary to policies T1 of the South Oxfordshire Local Plan 2011, CMS1 of the South Oxfordshire Core Strategy 2012 TRANS 2 of the South Oxfordshire Local Plan 2034 and paragraph 109 of the National Planning Policy Framework.*
- 9) It has not been demonstrated that the development would not have an unacceptable impact on groundwater contrary to policies C4 of the Oxfordshire Minerals and Waste Local Plan – Part 1 Core Strategy and policy SP7 of the South Oxfordshire Local Plan 2011.*

***10) It has not been demonstrated that the development would not have an unacceptable impact on the enjoyment of existing recreational users of the river though additional water traffic generation and is contrary to policy R4 of the South Oxfordshire Local Plan 2011.***

## **8. Relevant Development Plan and Other Policies (Pages 101 - 128)**

Paper by the Director for Planning and Place (**PN8**).

The paper sets out policies in relation to Items 6 and 7 and should be regarded as an Annex to each report.

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### **Pre-Meeting Briefing**

There will be a virtual pre-meeting briefing for the Chairman, Deputy Chairman and Opposition Group Spokesman (to be arranged).

## PLANNING & REGULATION COMMITTEE

**MINUTES** of the meeting held on Monday, 20 July 2020 commencing at 2.00 pm and finishing at 3.50 pm

**Present:**

**Voting Members:**

Councillor Jeannette Matelot – in the Chair

Councillor Stefan Gawrysiak (Deputy Chairman)

Councillor Mrs Anda Fitzgerald-O'Connor

Councillor Pete Handley

Councillor Damian Haywood

Councillor Hilary Hibbert-Biles (In place of Councillor Mike Fox-Davies)

Councillor Bob Johnston

Councillor G.A. Reynolds

Councillor Judy Roberts

Councillor Dan Sames

Councillor John Sanders

Councillor Alan Thompson

Councillor Richard Webber

**Officers:**

Whole of meeting G. Warrington and J. Crouch (Law & Governance); R. Wileman and D. Periam (Planning & Place)

Part of meeting

**Agenda Item**

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**Officer Attending**

E. Bolster (Planning & Place) & P. Yoward (Transport Planning)

*The Committee considered the matters, reports and recommendations contained or referred to in the agenda for the meeting, together with a schedule of addenda tabled at the meeting and decided as set out below. Except as insofar as otherwise specified, the reasons for the decisions are contained in the agenda, reports and schedule, copies of which are attached to the signed Minutes.*

**23/20 APOLOGIES FOR ABSENCE AND TEMPORARY APPOINTMENTS**

(Agenda No. 1)

<i>Apology for Absence</i>	<i>Temporary Appointments</i>
Councillor Mike Fox-Davies	Councillor Hilary Hibbert-Biles

**25/20 MINUTES**

(Agenda No. 3)

The minutes of the meeting held on 1 June 2020 were approved.

*21/20 – Serving of the Prohibition Order for the Review of the Mineral Planning Permission (ROMP) at Thrupp farm and Thrupp Lane, Radley*

On the advice of Counsel officers advised that they would be meeting with the operators to establish progress with regard to an application for the review of old mineral permission conditions. The application for the conveyor belt, processing plant and bailey bridge etc to take away mineral that might be extracted from the ROMP area had been validated and was now out for consultation. As part of that process officers had carried out a screening opinion to see if it constituted environmental impact assessment development and therefore required an environmental impact statement and had concluded that due to potential environmental impact with the ROMP area, which was a Schedule 1 Development in its own right an EIS would be required. The applicants had responded that they were in turn seeking a screening direction from the Secretary of State to the effect that it was not environmental impact assessment development and required no statement. It was hoped to report in September.

**26/20 PETITIONS AND PUBLIC ADDRESS**

(Agenda No. 4)

<i>Speaker</i>	<i>Item</i>
David Warr (Kingston Bagpuize PC) Paul Donovan (Resident) Jeremy Flawn (Agent for the Applicant)	) ) 6.Swannbrook Farm – Application ) No. )



**27/20 SWANNYBROOK FARM, KINGSTON BAGPUIZE, ABINGDON, OXFORDSHIRE OX13 5NE**

(Agenda No. 6)

The Committee considered a report (PN6) relating to two interlinked applications. The first considered whether permission should be granted for a screened soil storage extension area to the waste soils operation granted under planning permission MW.0049/11. The second if permission should be granted to vary conditions 5, 10, 13 and 15 in order to regularise current operations on site and allow for aggregate crushing, increase stockpile heights, amend the existing boundary planting and increase HGV movements, contrary to permission MW0049/11. The application had been reported to Committee at the request of the County Councillor due to objections raised by three parish councils and various local residents raising concerns that the request for variation to the requested conditions due to the increased operations and therefore consequent HGV movements would impact adversely on the local highways network and amenity of local residents.

Ms Bolster presented the report and responded to questions from:

Councillor Sanders – reference to green soil inferred that this was a contribution to more secondary aggregate provision by importing rubble from building sites and then screening out anything that was reusable such as soil with rocks sent away to be crushed. Anything remaining would be diverted to landfill. There was no excavation and the applicant was now seeking to crush material on site.

Councillor Roberts – annual site visits had been carried out since 2011. That had resulted in higher stock piles being observed and reported to the applicants. The last occasion had been January and the piles had been reduced. There was evidence to suggest unauthorised crushing had taken place. The right of way would not be affected by these applications.

Councillor Johnston – Mr Periam advised that the applicants had been instructed either to seek to regularise activities on site or enforcement action would be required. A view had to be taken which course of action was best. If the application currently before the Committee was refused then enforcement action would need to be taken.

David Warr (chair of the Kingston Bagpuize and Southmoor planning sub-committee). Reinforcing his council's view about this retrospective application and the series of breaches of conditions over the past few years with regard to the 2011 permission they had serious questions about what had changed since then to persuade the County Council to now recommend approval when in terms of policy and planning law nothing had changed except for an increased target imposed on the County to deal with waste recycling. In the time since the first approval, Kingston Bagpuize and Southmoor had grown from a settlement of some 800 dwellings to what it is today – 2,175 with attendant increases in traffic volumes and environmental impacts upon an expanding community. Within the next few years that would increase by a further 700 dwellings if the Lioncourt development were to proceed. The Parish Council was not convinced by the reporting of traffic flows in and out of the site as it seemed that the County Council had relied on the applicant's figures, which for anyone living here was significantly different from the reality. By evidence of Google Earth historical

images this seemed to have increased exponentially since 2016. An indication of this was the spoil heap which was supposed to be limited to 3m in height but was, by virtue of the applicant's own survey drawing, now 9m in height. While the permission limited movements of the applicant's waste management vehicles it was now clear that there were many other contractors in and out of the site. The Parish Council were aware of the other activities carried out by the applicant on parts of the site under the jurisdiction of the District Council and which were currently being assessed in terms of potential breaches of permissions. Those activities clearly added to the problems identified on the waste reclamation site. The parish council's view was that not enough monitoring or observation had been carried out by the County Council (both Planning and Highways) and had those studies been done the ability to refuse this application would have been that much easier. The serious consequence of allowing this application would be a gross increase in traffic flow along the A415 through Kingston Bagpuize. There was already a dangerous (Highway Authority's view not ours) unattended crossing at the mini roundabout where you took your life into your hands to cross and to amplify that risk with 20 tonne lorries would be irresponsible. The Parish Council were of the opinion that the evidence before this Committee should be reviewed and verified before any approval was considered and believed that had the applicant recognised that further planning permission was required and not flouted conditions we would have been content to discuss with them the impact of their business and might well have come to a different view on this matter but our position at present is that we believe the application should be refused.

Mr Warr then responded to questions from:

Councillor Roberts – the Vale of White Horse DC were in the process of preparing enforcement and were aware of the levels of activity on this site all of which were in breach of the district council's permissions.

Councillor Gawrysiak – Kingston Bagpuize was about a ¼ mile away. However, new development near the cricket green, south of Faringdon Road and Wellington Way meant the built up area was edging closer to this site. Site activity could be heard and there were problems with dust. The parish council were also concerned over the state of Biggin Lane running from A415 to Charney Bassett which was suffering from a combination of heavy traffic from this site and the Amazon distribution centre at Lyford.

Councillor Johnston – the parish council had not carried out any quantitative work but he was aware that the resident at the Longhouse had. Traffic levels were high with a lot of big lorries other than NAP Grab hire such as Hansons using local roads.

Paul Donovan and his family had lived at the Longhouse on Fyfield Wick, some 300m from the entrance to Swannybrook Farm since 2014. Escalation of noise and activity from NAP Grab Hire and damage to the verges outside his home had first prompted him in 2019 to engage in an unsuccessful meeting with Mr Neil Parker and then to raise NAP's planning breaches with Oxfordshire County Council prompting them to investigate and then to encourage the applicant to apply for retrospective planning permissions. Had the council effectively enforced its 2011 permissions we would not be here today. As residents they had not rushed to describe in emotional terms the impact of NAP Grab on our amenity but had commissioned professional reports on

noise, traffic, and planning in order to consider our concerns objectively, as well as examining very closely the council's approach to managing this application. For over six months they had meticulously recorded the levels of traffic to and from the site and acquired a detailed understanding of the company relative to its permissions. Our findings had been largely discredited or ignored by the County Council, while the assertions of the applicant had gained currency as fact, when they were largely fantasy. The officer report completely failed to comprehend the situation that prevailed at Swannybrook Farm and the nearby waste stations run by SCB. It referred to an 'agricultural' yard, but in reality, very little of what occurred at Swannybrook was agriculture with most of the activities relating to car repairs, scaffolders, builders and mobile home trading with NAP's non-conforming activities thrown in for good measure. It seemed that neither District nor County Council knew whether these businesses had the relevant planning permissions nor the extent of their compliance. Following their own representations, the Vale of the White Horse enforcement team had now finally mounted a broader investigation, including the other activities of NAP. That would allow the cumulative impact to be properly assessed. While sympathetic to the County's drive for increased recycling capacity in the context of the Development Plan other factors were worthy of consideration. Data from the Bluestone Planning report, commissioned by the applicant, clearly stated that the applicant himself had supplied the numbers relating to traffic in and out of the site and that had been taken at face value and was, therefore unreliable, as, by implication, were the assumptions relating to projected waste tonnages. Mr Donovan had monitored traffic flows of grab wagons for months and had more than a thousand time-stamped images clearly showing NAP's HGVs and other customers of the NAP waste transfer station accessing or leaving the site from shortly after 6am. The level of trips ranged from 50 to 80 vehicles each weekday, too big a difference from the 28 claimed by the applicant to be credible and far greater than the number in the application. The officer estimate of impact had used mean time between HGV trips but failed to take into account the peaks in very early morning and late afternoon and erroneously asserting that the general low speeds on the road and its 5-metre width did not present an issue. However, the grab lorries were themselves 3.2m wide and could not physically pass each other on the road which also had a 60mph limit which was often exceeded! In 2011, permission had been granted for a seasonal, small-scale soil recycling operation to meet needs of local nurseries which had by neglect and indifference from planning enforcement become a large-scale waste transfer station but there was nothing in the report to support the strategic importance or suitability of this site. It also happily accepted that concrete crushing was now acceptable but had not been in 2011, so why was it acceptable now? That decision seemed to be made using the 2011 acoustic report but no acoustic report had been submitted on this occasion for a fundamental change in use. He asked the Committee to consider two options. His strong preference was for refusal or deferral until officers from both Councils had properly investigated the overall planning status of the site and in accordance with national planning policy. Alternatively, the recommendation to limit the total level of traffic to the waste station to the current 14 in and out on a weekday be agreed but with the addition of a cap of 7 in and out on a Saturday. That should be without concrete crushing and with a real commitment by OCC to rigorously enforce planning conditions. However, if the full application was approved today, then on the basis of a heavily flawed process he would reluctantly reserve the right to embark on the process of judicial review.

He then responded to questions from:

Councillor Johnston – the number of vehicles in and out of the site averaged between 50 – 80 per day.

Councillor Hopley – cameras were mounted on the front gate of his property.

Councillor Sanders – of the vehicles visiting the site some were NAP Grab branded lorries but also other 30 tonne grab lorries who were customers of the waste transfer station. There was some confusion what NAP movements were but figures regarding tonnage in and out could easily be verified through Environment Agency waste transfer tickets but he understood that when requested by enforcement officers these had not been provided. The material issue remained that 50 – 80 vehicles visited this site daily.

Councillor Gawrysiak – in 2019 he had been told that the crusher was only being stored on the site but crushing operations had been heard from his property and also by residents of Rice Farm. Crushing operations at Stonepit Barn could also be heard. Dust was less of a problem. Traffic was, however, very invasive impacting on his property and those at North Cottages. Operating hours were 8am to 6pm but vehicles often left before 6 am. In May a Skanska team had carried out repairs to the road but in doing so had included the verges which had made the road wider so the current width was now incorrect. However, that was still inadequate to cope with the size of vehicles. In 2019 he had spoken to Mr Parker who had stated to him that his business had grown to such an extent that the site was now in an inappropriate location for the level of activity and size of lorries.

Jeremy Flawn for the applicant addressed sequentially the points raised by the other speakers and members of the Committee.

Obstruction of right of way – in 2011 his clients had liaised with OCC and the rights of way officer who were happy that the right of way was not being obstructed by this development. The problem arose as the right of way passed through the centre of Swannybrook Farm and so was in the control of the owner of the Farm and therefore outside his client's control.

Traffic Flows – the traffic numbers had not been made up. His client had hired a traffic consultant who had carried out counts in 3 locations – next to the 2 sites on the haul road, at the southern end of Swannybrook Farm and on Fyfield Wick itself. That data was set out in table 3.1 of the transport report and confirmed 14 vehicles in and 14 out.

Breach of planning permissions – it had been stated that all operations at Swannybrook Farm including his client's other operations were in breach of planning permissions. That was not the case as his client's site had been there over 20 years and so was not controlled by condition. His client's operational yard had nothing to do with these 2 applications. Other operations under the control of his client including bulking mix materials and haulage were completely separate, a point clearly set out in the officer report. That had led to confusion with regard to NAP branded lorries. He had been advised that his client was not receiving visits from other operators who

were entering the site only to collect material. Traffic levels recorded by neighbours had no bearing on these current applications.

Dust, noise and lighting – he had been advised that his client was operating within the terms of conditions.

Traffic information - The site was not predominantly agricultural but was predominantly filled with commercial operations all generating vehicle movements. That had been the history of this site some years ago when home to the pig research centre which had generated 80 vehicle movements prior to its demolition for housing. His clients had supplied tachographic information which was always available. All traffic turned left out of the site towards the A415.

Noise and verge damage – on average 200 HGVs travelled up and down Fyfield Wick. NAP operations counted for around 18% of that volume. Not all of the 50 – 80 vehicles entering/leaving the site were NAP lorries or associated with NAP operations.

Crusher – he had been advised that the crusher was being stored there but had only been used on one occasion. Other noise referred to emanated from other operations.

Traffic Movements and Hours of operation – operational hours were 8am to 6 pm and am on Saturdays. Any lorries leaving before 8am were associated with the applicant's other operations on the site. There had been confusion over HGVs and who they were visiting.

In conclusion his client agreed that the development was in accord with the Development Plan as well as policies within it and the NPPF. It was sustainable and acceptable to the highway authority. The development could be conditioned to meet any concerns relating to dust etc and on that basis, therefore, should be approved.

He then responded to questions from:

Councillor Webber – he confirmed that one of the traffic survey points had been across the entrance to the soil area so had only picked up the vehicles associated with these applications ie 14 in and 14 out. With regard to the rest of Swannybrook Farm the survey point at the entrance had picked up 32 in and 30 out so effectively less than ½ of the vehicles recorded were connected with these current applications.

Councillor Fitzgerald-O'Connor – the surveys had been carried out between 29 August and 4 September inclusive. That had included one weekend day and then been averaged across the 7 days.

Councillor Handley – the Highway Authority had confirmed as stated in the report that there was sufficient width for 2 lorries to pass at the required speed.

Councillor Johnston – he confirmed that if approved the operation would involve crushing. He further advised that it wasn't simply a question of what was acceptable now as opposed to what had been in 2011 as in 2011 his client had not asked for

crushing. That application had been made only for soil recovery. However, they were now finding that as up to 30% of each load could if carefully crushed be recycled for higher specification schemes such as road improvements.

Councillor Gawrysiak – he accepted that there had been breaches of conditions including spoil heaps and crushing but this retrospective application had been submitted at the suggestion of planning officers to regularise the situation.

Councillor Hibbert-Biles – his clients had been operating from Swannybrook Farm for 25 years and he couldn't say specifically why they had breached conditions but he had been assured by them that they would abide by conditions. If not then it would be open to the County Council to take enforcement action. They were aware of local concern and were keen to open a dialogue and work with the community.

Councillor Fitzgerald-O'Connor expressed some sympathy with the views expressed by the Kingston Bagpuize Parish Council and Mr Donovan. The road access was narrow and the number of lorries along this route seemed excessive. She would like to see the application deferred for further investigation with a local liaison group set up. She so moved.

Seconding Councillor Sanders referred to some conflicting evidence which needed to be clarified such as numbers of lorry movements and further work regarding noise and dust.

Mr Periam advised that liaison group could be established but that needed to be in conjunction with approval of the applications. If they were refused then enforcement of the current permission would be required. Other matters on the site would be for the Vale of White Horse District Council. Approval of the recommendation offered control as the planning authority could only enforce conditions that had been approved. He couldn't recommend refusal neither could he see what might be gained by deferral. Movements could be limited to a different number other than 14 in and 14 out and with additional planting he was confident that crushing operations could be carried out without impact. He was not sure what other information could be sought.

Councillor Webber advised that monitoring of traffic on surrounding areas such as Marcham was vital as even 2 or 3 lorries would have a serious impact.

Councillor Roberts wanted some further information back on the vale of White Horse District's findings into operations on the site in order to assess the cumulative effect.

Councillor Hopley pointed out that if the applications were deferred then crushing could not be carried out so, therefore, noise and dust could not be monitored.

Councillor Handley favoured deferral to get further information. This was conceivably the right location and we need to promote recycling but more protection was needed for the local community and, if approved, we needed to be able to support those people.

Summing up Councillor Fitzgerald-O'Connor wished to see further information on noise levels, dust, negotiation with the Vale of White Horse District Council to ascertain what they were doing with regard to this site, confirmation regarding lorry movements as the information presented to the meeting had been very confusing, landscaping (to be agreed in writing), height of stock piles, state and condition of road, width of lorries, clarity of routeing agreement and right of way situation. She accepted that a liaison group could not be pursued unless the application was approved.

Mr Periam advised that the applicant would need to be approached to agree an extended period for determination but could of course appeal on grounds on non-determination.

The Committee noted the receipt and contents of a letter from the Rural Planning Practice written on behalf of Mr and Mrs Donovan and summarising their objection on grounds of Traffic, Trees and Biodiversity, Noise, Dust & Light Pollution and Right of Way. The development significantly impacted on the amenity of properties in Fyfield Wick and did not meet national and local plan policy. The County Council needed to take these issues into account along with other objections received. Failure to enforce 2011 conditions had allowed this operation to grow and this application should now be refused or deferred to allow a full investigation to regularise activities at Swannybrook Farm. In the meantime the limited permitted use of the site by NAP Grab should be properly enforced.

The motion by Councillor Fitzgerald-O'Connor seconded by Councillor Sanders was then put to the Committee and carried by 10 votes to 3.

**RESOLVED:** that Applications MW.0134/19 and MW.0135/19 be deferred to enable further investigation with regard to:

- (1) noise levels,
- (2) dust,
- (3) discussion with the Vale of White Horse District Council enforcement team for their position on the planning status of the rest of Swannybrook Farm ,
- (4) the carrying out of an independent traffic count survey to confirm existing lorry movements from the application sites,
- (5) landscaping scheme details(to be agreed in writing),
- (6) height of stockpiles,
- (7) state and condition of road,
- (8) width of lorries,
- (9) clarity of routeing agreement, and ,
- (10) right of way situation.

**28/20 REVISIONS TO EXISTING ASPHALT PLANT LAYOUT, INCLUDING WIDENING SITE ENTRANCE TO WATERWORKS ROAD (GRIMSBURY GREEN), UPGRADING SITE ACCESS ROAD, PROVISION OF NEW WEIGHBRIDGES, RELOCATION OF ADMINISTRATIVE BUILDINGS AND STAFF PARKING AREA ; PROVISION OF NEW RELOCATED CONCRETE BATCHING PLANT ; PROVISION OF AGGREGATE STORAGE AND UNLOADING FACILITY WITH NEW BOTTOM DISCHARGE UNIT (BDU)**

**RAIL UNLOADING SYSTEM AT ASPHALT PLANT, CONCRETE BATCHING PLANT AND ADJOINING LAND, WATER WORKS ROAD, HENNEF WAY, BANBURY, OX16 3JJ**

(Agenda No. 7)

Application MW.0026/20 had been withdrawn by the Applicant.

..... in the Chair

Date of signing .....



**For: PLANNING & REGULATION COMMITTEE – 7 SEPTEMBER 2020**

**By: ASSISTANT DIRECTOR FOR STRATEGIC INFRASTRUCTURE AND PLANNING**

**Serving of the Prohibition Order for the Review of the Mineral Planning Permission (ROMP) at Thrupp Farm and Thrupp Lane, Radley**

**Division Affected:** Kennington and Radley

**Contact Officer:** David Periam      **Tel:** 07824 545378

**Location:** Land at Thrupp Lane and Thrupp Farm, Radley.

**District Council Area:** Vale of White Horse

## **RECOMMENDATION**

It is **RECOMMENDED** that the Planning & Regulation Committee's previous conclusion from its meeting on 9 September 2019 (Minute 39/19) that mineral working on the Radley ROMP site has permanently ceased and that there is a duty to serve a Prohibition Order is not rescinded but that the service of the Prohibition Order is held in abeyance pending:

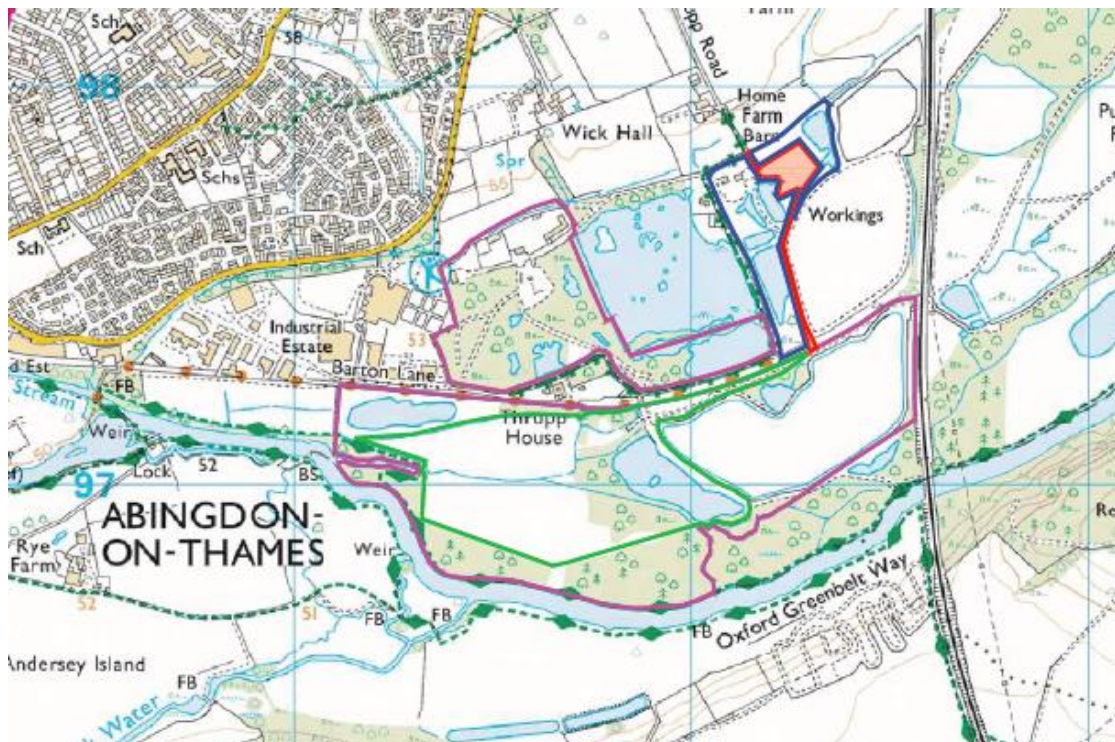
- i) the progression and determination of application no. MW.0075/20 for processing plant, a conveyor and a Bailey Bridge for the removal of mineral extracted from part of the ROMP permission areas DD1 and DD2; and
- ii) H. Tuckwell and Sons Ltd providing an update, accompanied by documentary evidence, on progress with regard to the work on the application and Environmental Statement for the review of conditions for the ROMP permission areas DD1 and DD2 to the meeting of the Planning & Regulation Committee on 8 March 2021.

1. The committee will recall that at its meeting on 9 September 2019, a report was presented with regard to the Review of the Mineral Planning Permissions DD1 and DD2 at Thrupp Farm and Thrupp Lane, Radley (the Radley ROMP site) and whether or not mineral working had permanently ceased. This report is appended as Annex 1. Committee resolved that mineral working had permanently ceased and that accordingly there was a duty on the Mineral Planning Authority to serve a Prohibition Order on the Radley ROMP site.

2. Subsequent to the committee meeting, the agent for the landowner contacted your officers and advised that the landowner, J. Curtis and Sons

Ltd & Sons Ltd, was in active negotiation with a mineral company, H. Tuckwell and Sons Ltd, with regard to them being the contractors for the extraction of the mineral from the Radley ROMP site and that work was actively being undertaken for the submission of a planning application for processing plant and a conveyor to transport the mineral from the ROMP permissions for processing at their yard on Thrupp Lane. This was reported to the Planning & Regulation Committee at its meeting on 9 December 2019 as an update on the minutes of the meeting on 9 September. A further update was given to the Planning & Regulation Committee at its meeting on 27 January under Chairman's Updates that no further substantive information had been received and it was confirmed that the service of the Prohibition Order would proceed. A further update was provided under Chairman's Updates to the meeting of the Planning & Regulation Committee on 9 March and again it was confirmed that no further information had been received.

3. Officers proceeded with drafting the Prohibition Order although this was held up by the need to try to establish the lessee interests in the J. Curtis and Sons Ltd's Yard industrial area of the site. The Covid-19 lockdown then came into effect shortly afterwards and officers were instructed to work from home and all site visits were suspended amid concerns that officers might either contract or pass on the virus during the service of notices.
4. A planning application was received from H. Tuckwell and Sons Ltd for processing plant, a conveyor and a Bailey Bridge to be used in association with the extraction of mineral from part of the area covered by the Radley ROMP site shown outlined in green on the extract from the submitted application Site Location Plan below.



Copyright H. Tuckwell and Sons Ltd 2020.

5. This application has been validated, advertised and sent out to consultation. A Screening Opinion was formed which concluded that the application is EIA development i.e. an Environmental Impact Assessment would need to be carried out and an Environmental Statement submitted in support of the application. The applicant has subsequently sought a Screening Direction from the Secretary of State which would supersede the Screening Opinion formed by the Council and so, could conclude that the application is not EIA development. At the time of writing this report, the Screening Direction had not been made. As part of this application, the applicant has proposed that should planning permission be granted it be conditioned to provide five years for implementation in order to tie-in with the prospective re-commencement of extraction from the Radley ROMP site.
6. A report was prepared to the meeting of the Planning & Regulation Committee on 1 June 2020 advising of the receipt of this application and providing consideration of its relevance to the Council's previous decision that mineral working from the ROMP permission areas DD1 and DD2 had permanently ceased and recommending that the committee review its previous resolution. Between the committee report being published and the date of the committee meeting, further information was received via the applicant's agent which was a summary written statement (Annex 2) referring to a lengthy Counsel's opinion which was also supplied albeit on a confidential basis. That opinion had raised various points on which officers considered advice needed to be obtained from the Council's own Counsel before officers could reasonably advise the committee with regard to the information contained therein. Given the late receipt of the information, it had not been possible to obtain further Counsel's opinion on behalf of the Council prior to the committee meeting and therefore the committee deferred consideration of the matter to its next committee meeting on 20 July 2020. If members were minded to do so then officers would not progress service of the Prohibition Order pending the outcome of members' consideration of the item at that committee meeting.
7. No report was presented to Committee on 20 July 2020 as Counsel's advice to officers had been that further discussions should first be held with the applicant with regard to their intentions for the site and there had not been sufficient time for these to take place and produce a report to the committee meeting.
8. A meeting was held with H. Tuckwell and Sons Ltd and their agent on 12 August 2020. The programme for the submission of the application for the review of conditions for the ROMP permissions DD1 and DD2 as advised further to that meeting is as follows:
  - Autumn 2020: Piezometers installed and a long term hydrological sampling and monitoring programme will start.
  - Consultancy costs for ROMP / EIA established.

- Winter 2020 – Winter 2021: EIA investigations for ROMP including ecological, noise, hydrological, landscape and visibility surveys.
  - Winter 2021 to Spring 2022: ROMP Application and Environmental Statement prepared.
  - Spring 2022: Pre-submission consultation held for the ROMP Application, with the general public, Parish Council and other relevant stakeholders.
  - ROMP Application submitted.
9. At the meeting it was also advised that H. Tuckwell and Sons Ltd had an agreement with the landowner, J. Curtis and Sons Ltd, to work the ROMP permission mineral and so to progress the application for the Review of the conditions on the ROMP permission areas DD1 and DD2. It was advised that this agreement did not extend to the part of the ROMP permissions area known as The J. Curtis and Sons Ltd's Yard where a number of former mineral working associated buildings exist which have for a number of years been occupied by small businesses subject to temporary planning permission from the Vale of White Horse District Council. The District Council refused application for further temporary planning permission for these uses in 2019 and this is now the subject of appeal to the Secretary of State. It is understood that the District Council's decision to refuse permission took into account the resolution of this committee that mineral working had permanently ceased. Nonetheless it is confirmed that this area will need to be included in the application for the review of conditions and the accompanying Environmental Statement.
10. It was advised at the meeting that the ROMP area would be worked following H. Tuckwell & Sons Ltd existing mineral extraction being completed at Sutton Wick which under the two present planning permissions (MW.0098/18 and MW.0099/18) is required to cease by 1 March 2022 with restoration by 1 March 2025 and by 31 December 2027 with restoration by 31 December 2028 although it is possible that all extraction could be completed earlier. Further areas for extraction at Sutton Wick were being put forward as part of the Oxfordshire Minerals and Waste Local Plan Part 2 Site Allocations (OMWLP) plan process and at the meeting your officer asked if planning applications for these extension sites were then applied for and permitted, regardless of whether or not they were included in the adopted plan, would this then delay the extraction of the ROMP permission further?
11. In response it was advised that it is proposed to exhaust the mineral reserves at Sutton Wick before commencing mineral extraction at the Radley ROMP site: H.Tuckwell and Sons Ltd need to ensure an uninterrupted supply of mineral is available for the maintenance of their business. The current mineral reserves at Sutton Wick are insufficient to maintain this supply, should it be up to 5 years before mineral extraction commences at the Radley ROMP site. As a result, four areas at Sutton Wick have been identified which contain commercially viable mineral reserves that can be worked within acceptable environmental constraints. It is proposed to submit a planning application for the first of these areas in

the autumn of 2020. Planning applications for the other areas will follow starting in approximately 2021. The precise submission dates will be based on the market conditions at that time and the progress with the ROMP review of conditions application. Should H. Tuckwell and Sons Ltd be able to commence working the mineral from the Radley ROMP site sooner, it may be that the other areas identified at Sutton Wick will not be required and production will shift to the Radley ROMP site. This will be based on a commercial decision made at that time.

12. Comments have also been received from Radley Parish Council (Annex 3).

### **Discussion**

13. The decision that mineral working had permanently ceased in ROMP permission areas DD1 and DD2 which led then to the duty to serve the Prohibition Order was made at the meeting of this committee on 9 September last year. At that time, the committee did not have before it any new information with regard to the intentions of the applicant/landowner actively progressing any proposals to work the remaining mineral in the ROMP permission areas other than it was intended to follow on from the existing workings of H. Tuckwell and Sons Ltd at Sutton Wick. The situation now is materially different as the application for the conveyor and related development has been submitted and is out for consultation and will come before this committee for determination in due course subject to the Secretary of State's Screening Direction. As set out above further information has now been provided with regard to the applicant's programme for the submission of the review of mineral conditions application for the ROMP permissions and its view on the service of a Prohibition Order. The position of Radley Parish Council in the matter has also now been provided as set out above.
14. There is also an ongoing appeal against the refusal of planning permission for the temporary uses in the J. Curtis and Sons Ltd's yard area although this is a matter for the determination of the Secretary of State and is not considered to be material as to determining whether mineral working has permanently ceased.
15. The additional information summarised in paragraph 12 above would need to be taken into account by the Secretary of State in deciding whether or not to confirm the Prohibition Order if it were to now be served further to the committee's resolution of 9 September 2019. This is because the Secretary of State will have to take into account everything that is before them at the time they assess whether or not working has permanently ceased and this will take into account information that wasn't before the Council at the time the Council made that decision.
16. In order to protect the Council's position at any appeal, it is considered that any material consideration that has now come to the Council's notice is taken into account and weighed in the balance as to whether mineral working has permanently ceased prior to issuing a Prohibition Order.

Therefore the Council must review its previous decision that mineral working had permanently ceased from the ROMP permission areas DD1 and DD2 in the light of the evidence now before it.

17. Whilst the consideration of the conveyor and related development application is at an early stage and no view can be taken at this time on the merits of the application and whether planning permission for it should be approved or refused, it is material to the Council's assessment of whether or not mineral working pursuant to the ROMP permissions has permanently ceased. When the previous Prohibition Order was served in 2012, there was at that time a planning permission in place for very similar development to that now proposed in this new application. That application expired without being implemented and so at the time that the report was written to the Planning and Regulation Committee on 9 September 2019, it was considered that the absence of any such extant permission weighed in favour of the conclusion that the mineral working had permanently ceased (please see paragraph 15 of Annex 1).
18. Although the 2012 Prohibition Order was quashed for other reasons, in her report, the planning inspector appointed by the Secretary of State did give consideration as to whether or not she was of the view that mineral working had permanently ceased. The relevant section of her report is as follows:

*"Whilst the PPG advises that there are unlikely to be many cases in which, after two years' suspension, the MPA could not be considered to be acting rationally in assuming permanent cessation, this does not mean there can be no cases of this kind. Therefore, despite the two years' suspension of permissions, it needs to be considered whether the working of minerals at Thrupp Farm is likely to resume.*

*Although the Thrupp Farm mineral has not been worked since the Enforcement Notice in 1995, once the enforcement issue was resolved, JCSL (J. Curtis and Sons Ltd) consistently made clear that it would resume work at Thrupp Farm, after the mineral reserves at Sutton Wick were worked out. The arrangement for the remaining reserves (Area F) to be worked by HTSL and processed at HTSL's Thrupp Lane plant demonstrates an intention to work Thrupp Farm. HTSL (H. Tuckwell and Sons Ltd) obtained planning permission in 2012 for this development and, in consideration, forwent its claim to a CLEUD and demolished existing plant on its site. HTSL has a reasonable expectation that it will be allowed to work the estimated 0.85 to 1 million tonnes of remaining reserves. A PO would put this in doubt.*

*Whilst Mr John J. Curtis and Sons Ltd made a Statutory Declaration in 2006 suggesting that work had been completed in 1990, I accept that this was a reference to the minerals dug to supply the Tarmac concrete plant and not a reference to all reserves within the ROMP site having been worked out. If there were no viable remaining reserves worthy of working, HTSL would not have gone to the expense and trouble of obtaining the 2012 planning permission.*

*Therefore, for the reasons given, I conclude that the winning/working/depositing of minerals at the Thrupp Farm ROMP site has not permanently ceased. Consequently, for the purposes of considering whether to confirm the PO, the tests have not been met and the PO should not be confirmed.”*

19. In the light of the previous inspector’s view and the weight she attached to the then extant permission for the conveyor and processing plant, it does seem that, if the Council were to proceed with the Prohibition Order prior to the determination of the current application and it were to be appealed, then the Council could find itself in a similar position again at a Public Inquiry. A further planning inspector may similarly consider a grant of planning permission further to this new application would be a material consideration that would weigh against supporting the Council’s position that mineral working had permanently ceased. In such circumstances, and in light of the previous inspector’s view, it is your officer’s assessment that any planning permission that may be granted pursuant to this new planning application would be a material consideration in its assessment.
  
20. However, the new planning application only references the extraction of mineral from part of the Radley ROMP site; it does not provide any support of the intention to further work mineral from the rest of the site. No case is being put forward in the new application with regard to the working of mineral from the rest of the Radley ROMP site and its restoration including the J. Curtis and Sons Ltd’s Yard area. Therefore members may wish to consider whether or not the submission of this new application means that the previous conclusion that mineral working has permanently ceased needs to be reconsidered once the application has been determined by the County Council.
  
21. The situation with regard to the submission of the ROMP application for the review of conditions on permissions DD1 and DD2 and the Environmental Statement required to accompany it is that a programme has now been provided for this work to be carried out commencing in the coming autumn with a view to the operator being in a position to make the submission post-Spring 2022, although no specific date for the submission has been provided in the programme. Such a programme was not before the Council when it determined that mineral working had permanently ceased at its meeting on 9<sup>th</sup> September 2019. It has also been advised that the intention would be for the mineral under the ROMP permissions to be worked once mineral extraction had ceased at H. Tuckwell and Sons Ltd’s current mineral extraction areas at Sutton Wick, the current latest permitted date there for the cessation of extraction being 31 December 2027. If further planning applications were to be made and approved for further workings at that location, a commercial decision would be made as to whether or not the other areas identified at Sutton Wick will be required and production moving to the Radley ROMP site.
  
22. The Written Statement setting out the operator’s Counsel’s Opinion attached at Annex 2 in summary is as follows:

- i) That the Council's decision on whether mineral working has permanently ceased should be made on an evidential basis;
  - ii) that the ROMP legislation providing for the service of a Prohibition Order is designed to prevent mineral working occurring without modern conditions being in place which would not be the case here;
  - iii) that the submission of the ROMP application and Environmental Statement with the related costs to all parties should not be carried out too early prior to re-commencement of mineral working otherwise the information in the Environmental Statement would become out of date and have to be re-done;
  - iv) that the position with regard to the working of the ROMP permissions has been consistently one that it would follow on from the cessation of mineral working at Sutton Wick;
  - v) that the Council has attached too much weight in its decision to the representations of local residents including that further mineral working would not be viable when there are up to 1 million tonnes of remaining reserves;
  - vi) the application made for the conveyor and associated development, the work on the ROMP application and the submissions to the OMWLP process (including that the Tuckwell's Yard at Thrupp Lane should be designated as Safeguarded Mineral Infrastructure partly in order to process the mineral from the ROMP permissions area) all need to be properly considered before any decision is made;
  - vii) Criticisms are made of the officers' advice to the committee in the report of 1 June 2020 on any potential costs award and that the use of the conveyor would not be the only possible mechanism for the removal of mineral from the ROMP permissions area.
23. The ROMP permissions DD1 and DD2 are in suspension and so it is true that no further mineral working could be carried out if and until such time as a ROMP application for the review of conditions has been made and approved. This would be the same legal position for any ROMP permission which was in suspension.
24. It is correct that the evidence base for the Environmental Statement would in part be time-sensitive, for example, species surveys will only be valid for a relatively short time period as creatures will potentially move into areas that they weren't previously present in and can do so over relatively short time periods. It is fair comment therefore that carrying out this work too far in advance of the re-commencement of mineral working would be abortive work that would need to be re-commissioned and some weight should be attached to this.
25. The programme now provided by the applicant for the ROMP application and the confirmation of the intention to work the mineral following-on from the cessation of the Sutton Wick workings subject to any further permissions being granted at that site and a commercial decision being



made as to whether to then move to work the Radley ROMP site, are material considerations and so evidence that should be taken into account in any decision made with regard to whether mineral working has permanently ceased. It should be noted though that whilst dates have been provided for the work leading up to the submission of the ROMP application, no specific date has been set out in the programme for the actual submission other than the programme indicates it will follow on from pre-submission consultation in the spring of 2022. The Council cannot gainsay what has been put forward. Likewise, the position put forward on the re-commencement of mineral working subject to permission being granted to the ROMP application and the cessation of the permitted workings at Sutton Wick.

26. Representations with regard to the safeguarding of the existing Tuckwell's Yard and further working areas at Sutton Wick have been made to the Council as part of the OMWLP process, however this remains at an early stage and at this time there is no certainty that any new sites put forward would or would not be included in the Plan.
27. Representations made by third parties including from the local community are material to the consideration of whether mineral working has ceased and it is a matter for this committee as to what weight to attach to them in the balance taking into account the representations made by the applicant/landowners and any other material considerations. It is officers' understanding that there are remaining mineral reserves of around 1 million tonnes within the ROMP permission areas DD1 and DD2.
28. The position with regard to the current application for the conveyor and related development has been set out above. However, for clarity, this is only one proposed mechanism for the removal of the extracted mineral and the working of the mineral from the ROMP permission areas is not dependent on permission being granted to this application and its implementation.
29. The committee should note that in so far as the site owner is concerned, a Prohibition Order is an analogous order to a Compulsory Purchase Order and so costs do follow 'success', unless there are exceptional reasons for not awarding costs. It is also the case that an award may be reduced if the objector has acted unreasonably and caused unnecessary expense in the proceedings. At present the owner/operator is cooperating with the Council in providing additional information, which is not behaviour that can be characterised as unreasonable.
30. The comments of Radley Parish Council attached at Annex 3 are summarised as follows:
  - i) Minerals extraction has ceased. That has been so for about 20 years.
  - ii) The issue is whether it is 'likely' to 'resume to a substantial extent'.

- iii) The operators have failed to make an application for renewed extraction together with an Environmental Statement, and there is no evidence of an acceptable one being 'on the way'.
  - iv) JCSL own the area of potential extraction. They have had and continue to have a commercial incentive to promise they will extract but not actually to do so.
  - v) The credibility of evidence as to future extraction must be judged against their past record of not acting on their stated intentions.
  - vi) They have steadily put back the prospective date for completion of extraction. What was once 2002 has, bit by bit, slid to 2042.
  - vii) This record provides compelling grounds for concluding that 'resumption [of extraction] to any substantial extent at the site is unlikely'.
  - viii) Counter evidence is not provided by the Tuckwell's processing application nor by the other sources cited by the operators' counsel.
  - ix) On the basis of the available evidence OCC remain under a duty to issue a prohibition order.
31. It is true that no mineral working has been carried out for many years and that little information had been provided post the previous public inquiry with regard to any work being carried out on the ROMP application for the review of conditions and the previous permission for the conveyor and related development was allowed to lapse. The national Planning Practice Guidance is that there are unlikely to be many cases in which, after 2 years' suspension, the mineral planning authority would not be acting rationally in assuming that working had permanently ceased. The previous lack of activity with regard to the submission of the ROMP application for the review of conditions must though clearly be considered against any evidence that mineral working has not permanently ceased. This does include that evidence now provided and set out above that the application has now been submitted for the conveyor and related development and that there remains an intention on behalf of the applicant/landowners to bring forward the ROMP application for the review of conditions in accordance with the programme provided and for working to then re-commence following the cessation of mineral working at Sutton Wick. It would seem unlikely that the costs involved in bringing forward the application for the conveyor and related development and the ROMP application with the associated Environmental Statement would be incurred if there were no serious intention to carry out substantial further mineral working. The landowners are of course entitled to seek to lawfully maximise any benefit from the land.

### **Conclusion**

32. It is considered that there is evidence before the Council which leads to a need to review the committee resolution of 9 September 2019 that mineral working has permanently ceased. It is considered that the key elements are:

- i) The submission of the new planning application for processing plant, a conveyor and a Bailey Bridge to take the mineral extracted from part of the Radley ROMP site to the H. Tuckwell and Sons yard off Thrupp Lane;
  - ii) The programme of works provided for the submission of the application for the review of conditions on the Radley ROMP site and accompanying Environmental Statement along with the confirmation that it is intended that the mineral working would recommence on completion of the mineral workings at Sutton Wick subject to a further commercial decision being made;
33. The outcome of the new planning application for the conveyor and related development is at this time unknown and no assumption can at this time be made as to what this may be as the committee cannot prejudice its determination of the application. The timing of it being brought forward for determination will also vary depending in part on whether the Secretary of State concludes in the Screening Direction that the development is EIA development.
34. At this time, the information provided with regard to the work on the review of conditions application is limited, being the information set out at Annex 2 and summarised above and the programme of works for putting together the application and associated Environmental Statement and the mineral working at the Radley ROMP site following on from that at Sutton Wick. It is considered that the representations made on the OMWLP at the stage the plan process is at carry limited weight in the consideration of whether mineral working has permanently ceased from the ROMP permissions.
35. Against this must be set that there has been no submission of the review of conditions application to date and no documentary evidence provided in support of the programme that has been set out and the link to the workings at Sutton Wick. The Parish Council is of the opinion that little weight should be attached to the information now provided for the review of conditions for the ROMP permissions application or for the application now made for the conveyor and related development, and that the Council should remain of the opinion that mineral working has permanently ceased and so that the service of the Prohibition Order should proceed.
36. Nonetheless, there is more information before the Council than there was in September 2019 and in the absence of any clear evidence to the contrary, it has to be taken in good faith. This might be considered to be new evidence that there is actual intent to work the mineral at least within the part of the Radley ROMP site cited in support of the conveyor and related development application and shown in green on the submitted application Site Location Plan.
37. The purpose of the ROMP procedures is not to prevent the working of mineral for which planning permission has been granted historically, but that if it is worked that it is subject to modern conditions. Whilst certainty

with regard to the future of the land which has not now been worked for mineral for many years is an important consideration the Council does now have evidence that supports the argument that mineral working could be recommenced at the site and that work on bringing forward the application for modern conditions is now programmed.

38. The officer advice is that the Council should not at this time rescind its previous position that mineral working has permanently ceased and that therefore it is under a duty to serve the Prohibition Order. However, pending the progression and determination of application no. MW.0075/20 for the conveyor and related development and to H. Tuckwell and Sons Ltd providing an update, accompanied by documentary evidence, on progress with regard to the work on the application and Environmental Statement for the review of conditions for the ROMP permission areas DD1 and DD2 for consideration by this committee at its meeting on 8 March 2021, the Council hold the service of the Prohibition Order in abeyance and review the position further at that committee meeting.

RACHEL WILEMAN

Assistant Director for Strategic Infrastructure and Planning

August 2020

**Planning Report**

**For: PLANNING AND REGULATION COMMITTEE – 9 SEPTEMBER 2019**

**By: DIRECTOR FOR PLANNING AND PLACE**

**Re - Serving of the Prohibition Order for the Review of the Mineral Planning Permission (ROMP) at Thrupp Farm and Thrupp Farm, Radley**

**Division Affected:** Kennington and Radley

**Contact Officer:** David Periam      **Tel:** 07824 545378

**Location:** Land at Thrupp Lane and Thrupp Farm, Radley.

**District Council Area:** Vale of White Horse

**Recommendation:** **Reserve the review of two deemed determined ROMP permissions.**

**Location (see site plan Annex 1)**

1. The site is on the eastern outskirts of Abingdon, approximately 1km (0.6miles) south west of Radley village but within Radley Parish.

**Site and Setting**

2. The area is within the Oxford Green Belt. It is within an area of historic gravel extraction with open countryside beyond. The gravel extraction had been carried out by two companies: JS Curtis and Sons Ltd (Curtis), and H Tuckwell and Sons Ltd (Tuckwell) on two separate sites.
3. On the west it is bounded by the White Horse Leisure Centre and the Abingdon Science Park. On the eastern side, the site is bounded by the Oxford to Didcot Railway Line. The River Thames runs along the southern edge of the site. There is a Wetland Centre on part of the northern edge of the site; the rest is bounded by open countryside.
4. The area is accessed by two roads. Thrupp Lane is the current access to two concrete batching plants and other operations on the two former gravel extraction sites. The other access is via Barton Lane to the west, but this is not currently used. A Byway Open to All Traffic (BOAT) links Barton Lane and Thrupp Lane.

5. The nearest housing is a small group of houses called Thrupp Cottages. These sit alongside the BOAT and are surrounded on all sides by the area that is the subject of this report.

### **Background**

6. There is provision in law for Mineral Planning Authorities to periodically review old mineral permissions (ROMPs) to see whether the conditions attached to the permissions provide adequate environmental control over the development such that they continue to operate to continuously high working and environmental standards. The power to review mineral permissions is discretionary but can be carried out at any time the Mineral Planning Authority may consider necessary provided the first review is at least 15 years after the date of the permission.
7. There are currently two ROMP sites at Radley. Both have conditions granted by deemed determination in 2000 and will be referred to as DD1 (Thrupp Lane) and DD2 (Thrupp Farm) for ease of reference. The area covered by DD1 can be seen on the attached Plan 1, and DD2 can be seen on Plan 2. Plan 3 shows the two ROMP areas and the areas where the two ROMP sites overlap. In order to interpret the site and understand the history of it, Plan 4 divides the land covered by both ROMP sites into 10 areas. Permission DD1 relates to areas 3,4,5,9 and 10; and permission DD2 relates to areas 1, 2, 5, 6, 7, 8, 9 and 10. There is an overlap between the two which relates to areas 5, 9 and 10 only. Area 5 is the only area which hasn't been worked and so is the area from which sand and gravel could still be extracted if a ROMP review permission were in place.
8. A formal notice of review for the whole area covered by DD1 and DD2 was served on 9 October 2015 giving until 31 October 2016 for the submission of a ROMP application. The development is Schedule 1 development further to the provisions of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 and so any application would also require to be accompanied by an Environmental Statement.
9. No ROMP application was received by that date and so the site entered into automatic suspension on 1 November 2016. A site in suspension cannot resume minerals development until such time as the relevant ROMP application and accompanying Environmental Statement if needed to accompany it has been submitted. No such application was received within the two years period following that date. It is now therefore the case, that should the Mineral Planning Authority consider that that mineral working on the site has permanently ceased, it will be under a duty to serve a Prohibition Order. It is considered by officers that the assessment as to whether mineral working on the site has permanently ceased should be considered when it appears to the Mineral Planning Authority that

minerals development has not occurred to any substantial extent for at least two years and in its view is unlikely to resume to any substantial extent. It may then conclude that it has permanently ceased.

10. The County Council previously served a Prohibition Order in 2012 on DD1 which was appealed and considered by an Inspector appointed on behalf of the Secretary of State at a Public Inquiry in 2014. The inspector did not uphold it after it was determined that there was a deemed permission from 2000 concluding that the County Council therefore had no power to make the Prohibition Order.

11. There are two positions open to the mineral planning authority:

- That mineral working at the site has permanently ceased and that therefore the duty to serve a Prohibition Order has arisen;
- That mineral working at the site has not permanently ceased and that therefore the duty to serve a Prohibition Order has not arisen

The decision as to whether mineral working on the site has permanently ceased is a matter of judgment based on the evidence before the Committee. Considerations of development plan policy, including the contribution that could be made through the permitted reserves to the Council's landbank of sand and gravel and the impacts of any associated traffic or other impacts on the amenity of local residents, are not relevant to the decision. Any Prohibition Order served requires subsequent confirmation by the Secretary of State.

### **Subsequent Permissions**

#### **Area 1:**

- Two permissions have been granted since July 2000, both by the District Council. The first is permission for temporary use of the buildings on site. This would not affect the need for a review nor the long term restoration of the site. The second is a Certificate of Lawful Use for a concrete batching plant. This would affect the long term restoration and aftercare of the site. There are current undetermined applications before the District Council to extend the time periods for the temporary uses.

#### **Area 2:**

- A permission was submitted prior to the deemed decision, but it was determined after the date of the deemed decision. This allowed the use of the western part of the area as a contractors area for the filling of Lake H (Area 8).

#### **Area 3:**

- Part of the site is subject to a condition for a Section 73 application submitted on 12th February 1999 and approved on

5th February 2002. This allowed the use of the south western part of the area as a storage area of restoration material for the filling of Lake H (Area 8).

- Planning permission was granted in January 2003 for the continuation of sand and gravel extraction up to 2007. This was submitted and permitted after the deemed decision.
- Planning permissions were granted in May 2003 and January 2007 for the use of part of the site for ash disposal. A section 73 application was granted in August 2014 which allowed a change from agriculture to conservation restoration.
- Planning permission was granted in July 2012 for the use of the plant site on part of Area 3, to process sand and gravel from part of the ROMP area DD2 (Areas 5,6 and 7) by using a conveyor route through areas 8 and 9. This permission has now lapsed.

**Area 4:**

- Planning permissions were granted in May 2003 and January 2007 for the use of part of the site for ash disposal.

**Areas 8 and 9:**

- In May 2002 a Section 73 planning permission was granted for a variation of a scheme submitted in February 1999, prior to the deemed determination of the conditions and granted in February 2002, after the deemed determination of the conditions.
- In October 2001 details pursuant to conditions 5, 13 and 15 to SUT/RAD/5948, a permission granted in February 1982, well before the deemed determination in 2000 were discharged.
- A section 73 application was granted in August 2014 which allowed a change from agriculture to conservation restoration. This permission has been implemented and the site is being restored to nature conservation.

A fuller site history of planning permissions granted is set out at Annex 2.

**Discussion**

12. As set out above, the key consideration for the County Council as Minerals Planning Authority is whether the minerals development permitted by the ROMP permissions has permanently ceased. It is therefore necessary to weigh the evidence available both for and against this. The national Planning Practice Guidance in paragraph states:



*There are unlikely to be many cases in which, after 2 years' suspension, the mineral planning authority would not be acting rationally in assuming that working had permanently ceased.*

*Paragraph: 210 Reference ID: 27-210-20140306*

13. At the Public Inquiry in 2014, the appellant stated that it was intended to recommence mineral working. The inspector took the view that this was good evidence in support of the case that the minerals development had not permanently ceased at that time in area DD1. At that time there was also the extant unimplemented permission in Area 3 for the plant site for the processing of the mineral from Areas 5, 6 and 7 should it be worked. This permission was not implemented by the permitted commencement date of July 2017 and so has now lapsed.
14. In exchanges of correspondence with the interested parties/landowners, they have consistently maintained their position that they do intend at some point to recommence mineral working which it has also been stated would be after the cessation of other permitted mineral working at Sutton Wick. The two current permissions at Sutton Wick require mineral working to cease on 1 March 2022 (the CAMAS land) and 31 December 2027.
15. It is now five years since the Public Inquiry closed. No mineral working was carried out in the area the subject of the ROMP review before the site went into automatic suspension in November 2016. There has been no submission of an application for a review of the conditions, the permission for the plant site which would have been available to process the mineral has lapsed and no application has been made for any alternative. The Council has no other evidence of there being any intention to recommence the minerals development beyond the consistent statements of the intention to recommence following the cessation of mineral working at Sutton Wick. In my view, this stated position is inconsistent with the apparent reluctance to engage and submit a review of the ROMP permissions for determination such that, if it were intended to recommence the working of mineral, it was ready to go whenever the workings at Sutton Wick, which does not hold extensive remaining reserves, had ceased.
16. The national Planning Practice Guidance seems clear and straightforward that it is reasonable to assume after two years suspension that mineral working has permanently ceased. No mineral working has occurred at the ROMP site and it is now two years and ten months since the site went into suspension. Although the interested parties/landowners have maintained a consistent position of the intention to resume working at the cessation of the Sutton Wick mineral extraction sites, other than exchanges of correspondence, they have not taken what seems the obvious opportunity presented to them by the County Council and submitted an application for the review of the ROMP site conditions with an accompanying Environmental Statement.

It is not unreasonable for the County Council as Minerals Planning Authority to take the view that this is contrary to the interested parties/landowners' expressed intentions and provides evidence of a different intention.

### **Conclusion**

17. It is concluded that, on the balance of evidence, the minerals development has permanently ceased and that the duty to serve a Prohibition Order has arisen. The service of a Prohibition Order and its subsequent confirmation by the Secretary of State would provide certainty as to the possibility of mineral working resuming at the ROMP site. However, it would not prevent any subsequent planning applications being made in the normal way for the working of the mineral reserves.
18. The officer view is that it is considered that whilst parts of the site have been worked out, parts restored and parts contain unworked reserves, it would be consistent and for the avoidance of any doubt to serve a Prohibition Order over the whole ROMP site.
19. The interested parties/landowners will have a right of appeal against the service of a Prohibition Order and it is anticipated that if this right is exercised it would lead to a further Public Inquiry at which the Council would have to give evidence and most likely would choose to instruct Counsel to represent it. There would therefore be costs to the Council in doing so and it is also possible that, if it were found that the Council had acted unreasonably such as to have led the appellants to incur costs, costs could be awarded against the Council, as was the case following the 2014 Public Inquiry. However, it is not considered that the Council has to date acted unreasonably in seeking the review of the permissions deemed to have been granted in 2000 and that this should be a reason not to proceed to consider this report and any other additional evidence that may be reported to the committee meeting orally, and so consider whether or not, mineral development has permanently ceased.

### **RECOMMENDATION**

20. It is **RECOMMENDED** that it be determined that mineral working on the site has permanently ceased and that accordingly there is a duty on the Mineral Planning Authority to serve a Prohibition Order of the mineral permissions covering areas DD1 (Plan 1) and DD2 (Plan 2).

**SUSAN HALLIWELL**  
Director for Planning and Place

**August 2019**

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**PROHIBITION ORDER FOR THE REVIEW OF OLD MINERAL PLANNING PERMISSION  
THRUPP FARM AND THRUPP LANE**

**SUMMARY OF COUNSEL'S OPINION**

1. The ROMP process is designed to prevent active sites from operating without modern conditions. There is no danger of Thrupp Farm being operated without modern conditions which safeguard the environment. There is no need or purpose for a Prohibition Order in this case.
2. The PPG test for issuing a Prohibition Order states that: *"There are unlikely to be many cases in which, after 2 years suspension, the mineral planning authority would not be acting rationally in assuming that working had permanently ceased"*. The word "rational" is taken from public law (judicial review) terminology. It does not mean that the MPA should assume that working has ceased. They must look at the evidence, even after two years. This is what the Inspector said, very clearly, in 2014 (Recommendation 4.38 and 4.39). The Secretary of State, looking at the evidence, agreed with her. The evidence has only got stronger since 2014.
3. The Inspector at the Inquiry in 2014 reached two conclusions. One was procedural, that the ROMPs had been determined in July 2000 by default. But the other conclusion was a judgment on whether mineral extraction at the site was likely to resume, or whether it had permanently ceased. She found that it was likely to resume. The evidence upon which she based that judgment is the same today, and there is up to date evidence to confirm it.
4. There is no purpose to be served in conducting a ROMP too early, or the Environmental Statement that goes with it. A ROMP review costs around £50,000 for the landowner to complete. It also represents a significant cost in time and Officer effort to the Council. There has never been any point in the companies spending high costs on ROMP reviews and particularly an ES when the likely date of reopening the site was still many years away, so that the environmental information would be very out of date at the time of reopening and the company would have to prepare a further updated ES with the associated additional cost.
5. Curtis and Tuckwell have consistently maintained their position that they do intend to recommence mineral working at Thrupp Farm after the cessation of the permitted mineral working at Sutton Wick. The timetable is clear, and the reason for waiting to do the ROMP at Thrupp Farm is clear and justifiable.
6. The Council has been swayed by representations from local residents. The same representations were made to the Inspector - that the land should be restored to an environmental habitat, and that further extraction on the ROMP area was not viable, in the opinion of the residents. The Inspector rejected those arguments as being irrelevant, or not based on evidence. Those same arguments cannot be given more weight at this time. They are still incorrect. Mr Periam, the Council's Officer has confirmed the 0.850 to 1.0 million tonnes of recoverable mineral reserve at the site in the Report dated September 2019.

7. There are three powerful strands of new evidence, which only confirm the conclusions of Inspector Ord, which have not been considered by the Committee to date:

- The 2020 planning application for the conveyer 27 April 2020
- The 2020 planning application for the ROMP
- Submissions to the Mineral Plan.

The Committee must consider all three new strands of evidence, which have been set out in some detail on behalf of the companies.

8. The Committee has been misled to date as to the position on costs in a Prohibition Order Inquiry. The Council was forced to pay three full costs awards in the Inquiry in 2014 for getting things wrong. Costs in a PO Inquiry are analogous to a Compulsory Purchase Order challenge, and they follow the event automatically. The only relevance of unreasonableness is if the objector behaves unreasonably, whereby the Council's automatic costs might be discounted. The award of costs against the Council is not dependent upon any "unreasonable behaviour" on their part, which is what the Committee have been told in the Report of September 2019. This needs correcting, so that the Committee understands the full consequences of confirming a PO.

9. The two companies have asked repeatedly for a discussion with the Council before any decision is made to serve a PO. This opportunity has not been offered. The agents of the companies have both expressed their concerns in writing that the Council seem to be determined to serve a PO and perpetuate the problem without any consideration of alternative ways to find a solution. The National Planning Policy Framework requires Local Planning Authorities to be positive and proactive, and to seek solutions rather than problems.

10. The latest Report dated May 2020 does suggest that the Committee should revisit their decision to serve the PO while the latest plant application is being validated and until it has been determined. There is a suggestion, however that the ROMP can only feasibly be worked if the mineral is conveyed to and processed in the Tuckwell site. The Officer suggests that only part of the ROMP mineral would be processed at Tuckwell's site and that there is still doubt over the intention to extract the rest. This is a factual inaccuracy, which would require correction before the Report is placed before the Committee. The Officers should obtain the correct evidence from the landowners and operators before the Report is put before Committee, and a failure to do so would be to mislead them.

11. It is also important to reiterate that the latest Report only deals with one out of the three most recent strands of relevant new evidence, as highlighted above. It remains silent on the progress of the ROMP application and timetable, and it does not mention the submissions to the Waste Plan. These are matters that the Committee should also understand and take into consideration.

**Sarah Clover**  
**Kings Chambers**  
**26 May 2020**

# **DD1 and DD2 minerals planning permissions, prohibition order. Statement by Radley Parish Council.**

## **Introduction**

DD1 and DD2 are two overlapping sites in Thrupp, Radley for which there are old minerals permissions. The operators are JCSL and Tuckwells. In 2015 OCC set in hand a Review of Old Minerals Permissions for these sites, hereafter referred to as the ROMP sites. The first step of the ROMP process should be the submission by the operators of an application and an Environmental Statement. This did not happen within the statutory deadline of 12 months with the consequence that the permissions were automatically suspended in November 2016.

After nothing further had happened OCC's Planning and Regulation Committee (P&RC) decided on 9 September 2019 that mineral extraction was unlikely to resume and that the council was therefore under a legal duty to issue a prohibition order. This would rescind the existing permissions.

At their 1 June 2020 meeting, the P&RC were advised by officers that there was new evidence which might be relevant to their decision to proceed with the prohibition order:

- a counsel's opinion obtained by the operators;
- a planning application by Tuckwells to process gravel from the ROMP area.

The committee resolved to consider this new evidence at their July meeting. In the event they did not do so, but it appears that consideration might be given instead at their next meeting, which is on 7 September.

RPC plan to give oral evidence at that meeting. We are submitting this statement in advance, so that it can address the issues more fully and can be taken into account by officers in preparing their advice.

The statement is in three sections, dealing in turn with:

- the need for all papers relevant to the P&RC decision to be made publicly available unless there is good reason to the contrary
- the importance of OCC reaching and implementing their decision in a timely way so as to avoid continuing uncertainty and blight.
- the evidence, including historical evidence which has a bearing on current intentions, as to whether the statutory tests for prohibition have been met.

On the basis of the evidence currently available RPC believe that the statutory tests have been met, that OCC remain under a legal duty to make a prohibition order, and that they should do so as soon as possible for confirmation by the Secretary of State.

## **Availability of relevant evidence**

The officers' report for the 1 June meeting referred to:

- representations from JCSL that new arrangements were being actively negotiated with Tuckwells for them to extract minerals at Nyatt;
- a planning application that had been received from Tuckwells for the processing of minerals to be extracted from Nyatt;
- a Counsel's opinion obtained by the operators arguing that there was no legal duty to proceed with a prohibition order.

The first of these has not been made available, nor have any related representations from the operators that the P&RC should review its decision to proceed with the prohibition order. The second has now been made available and the subsequent validated version of the application is on the OCC website. The third, Counsel's opinion, has not been made available on the argument that one of the exemptions under the Environmental Information Regulations (EIR) applies, but a summary has been provided.

The summary Counsel's opinion cites three 'powerful pieces of evidence' which are claimed to show that the operators do intend to proceed with extraction. These are:

- the application by Tuckwell's for the processing plant;
- 'the 2020 planning application for the ROMP';
- 'submissions to the minerals plan'

The first is already available, as noted above. It is not clear what the second might be, but it is certainly not available. The third has not been made available.

Overall, the publicly available evidence is very thin, lacking most of the material which we are told might be relevant to the P&RC's consideration of the issues. RPC asks that all is made available or – if for any reason that is not possible – for it to be fully summarised in the papers for the Committee's decision.

## **The need for a decision to provide clarity**

The ROMP site lies wholly within the Radley Lakes area as defined in the 2018 Radley Neighbourhood Plan. This area is exceptional for the potential it provides for natural life, healthy exercise, scenic beauty, peace and tranquillity so close to a large urban population.

Consequent to the Neighbourhood Plan a masterplan is being prepared for the future of the Lakes area so its potential can be realised – whilst also respecting other remaining operational uses and permissions. A draft of the masterplan has been published for consultation with stakeholders and is at <http://www.radleyvillage.org.uk/radley-lakes-masterplan-report-12-june-2020/> . The proposals have been supported in the great majority of responses.

Implementation of the masterplan requires agreements with the various landowners, so that their own objectives and those of the masterplan can be reconciled. There



are eight landowners in the Lakes area. All except one have readily entered into dialogue, enabling good progress to be made. The exception is JCSL, whose land includes Nyatt – which contains the ROMP area’s unexploited gravel reserves.

RPC have invited JCSL six times<sup>1</sup> to discuss their Radley Lakes strategy, on a non-committal basis as they would like, so that common ground can be explored. On all occasions they have refused, citing their commercial interests (which we acknowledge) and a necessary polarity between those interests and the wider vision for the area (which we do not accept to be the case). That being so it has not been possible to reach any agreement with them about how the masterplan might make progress on their land. The result is blight for an area of huge community potential and also for the nearby residents.

The uncertainty about a prohibition order has undoubtedly contributed to that blight. It is particularly important therefore that the legal position in relation to the Order is resolved, so as to open up progress with the masterplan.

RPC fully recognise that the P&RC’s decision whether or not to proceed with the prohibition order must be based on specific legal grounds and that the potential benefits of the masterplan are irrelevant to those grounds. What we ask is that, if – as we believe to be so - the legal grounds are established, the P&RC should proceed in a timely way and not be put off by any obfuscations or threats as to costs which might divert them from their statutory duty.

## **The evidence as to whether the prohibition order should proceed**

### **i) The legal tests and the issues arising**

The County Council are under a statutory duty to make a prohibition order if

- a site has been suspended for two years for failure to provide an Environmental Statement or other relevant information, and;
- it appears to the council that minerals development has occurred but has permanently ceased.

The council may assume that minerals development has ‘permanently ceased’ only when:

- no minerals development has occurred to any substantial extent at the site for at least 2 years, and;
- it appears to the council, on the evidence available to them at the time when they make the order, that resumption to any substantial extent at the site is unlikely.

The wording of the last bullet point is important. The Council’s decision needs to be based on likelihood but not on certainty.

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<sup>1</sup> in the context first of the Neighbourhood Plan and then of the masterplan

All of the above is statute. Additionally, Government guidance provides that:

- there are unlikely to be many cases in which, after 2 years' suspension, the mineral planning authority would not be acting rationally in assuming that working had permanently ceased.

In their decision of 9 September 2019 the P&RC decided that these tests had been met and that they were therefore under a duty to issue a prohibition order. On 1 June 2020 the P&RC resolved to consider whether this position might be changed by:

- The Counsel's opinion
- Tuckwells planning application for a processing plant.

These two new factors are addressed in turn below, following which there is a review of the relevant evidence and then RPC's conclusions reached from that evidence.

## ii) **Counsel's opinion<sup>2</sup>**

The main arguments advanced by counsel are set out below in italics, followed by RPC's comment.

*OCC's advice to the P&RC gave excessive weight to the guidance that a prohibition order should normally be made if an Environmental Statement has not been submitted within two years. This does not remove the need to look critically at the other evidence*

It was quite correct for OCC's advice to the Committee to refer to this guidance, which creates a presumption towards a prohibition order being made in the absence of an Environmental Statement. There is also much other relevant evidence that the statutory tests for a prohibition order have been met - see (iv) below.

*The other evidence is that minerals extraction has not ceased and that is the view that the Secretary of State would take*

RPC disagrees. Again, see (iv) below.

*OCC have been swayed by arguments from local residents about considerations that are irrelevant.*

This is untrue. The officer advice to the P&RC stressed that their decisions must be based on the statutory tests. It did not refer to any irrelevant factors or to views from local residents. The representation made at the meeting by RPC were based solely on relevant factors, not on the desirable uses of the site. The RPC speaker at the

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<sup>2</sup> RPC requested but was refused the full counsel's opinion. This section is based on the summary that has been provided

meeting stressed to the committee that wider issues cannot be taken into account.

*OCC have failed to meet with the minerals operators to understand the evidence about their intentions*

It is understood that a meeting is now planned. It should also be noted that OCC have not met with RPC and that JCSL has repeatedly refused to do so.

*If OCC make an order and it is not confirmed by the Secretary of State, OCC might have to pay costs*

That might be so, but it is hardly an argument for making the wrong decision. If OCC believe that the statutory tests are met they are under a legal duty to make a prohibition order. There is no discretion.

### **iii) The Tuckwells planning application**

In 2014 the Secretary of State made a decision in relation to an earlier prohibition order that would have applied to part of the ROMP area (DD2). Shortly before (in 2012) Tuckwells had been granted planning permission for a plant to process gravel extracted from the ROMP area. Although the decision on the order was based on other factors the Inspector's report said that this planning permission was evidence of a genuine intention to extract minerals.

Tuckwells have now (April 2020) made an application for a similar processing plant. It has been suggested that if OCC proceed with a prohibition order an Inspector might similarly regard this as evidence of a genuine intent to extract and not confirm the order.

In RPC's view this is a curious suggestion. The 2012 planning permission was not in the event acted on and the permission lapsed without an ounce of gravel having been extracted. In retrospect the Inspector got it wrong. The lesson of 2014 is surely that a planning permission to process gravel cannot be regarded as credible evidence that minerals extraction will follow, especially in the absence of a ROMP application and Environmental Statement.

If the recent (2020) Tuckwell's application for processing was driven by a genuine concern to be in a position to process minerals from the ROMP area, it is difficult to understand why it has been made at this particular time, while permission to extract gravel from the area remains suspended, no detailed plans for its resumption are in place and no Environmental Statement has been prepared or submitted. It is also notable that the application is lacking in detail with several errors and inconsistencies and has not been preceded by any consultation with local interests. It appears to

RPC that the application is more a device to influence decisions on the prohibition order than a genuine attempt to prepare for resumed extraction.<sup>3</sup>

It is moreover JCSL not Tuckwells that own the land on which extraction would take place. Although the officer's paper to the 1 June meeting states that JCSL and Tuckwells are in 'active negotiation' for the latter to be 'contractors' for the extraction it does not say that an agreement has been reached and in particular does not say that Tuckwells would be able to activate extraction without the consent of JCSL, on whose commercial interests see (iv) below.

There is moreover a new factor. At the end of May 2020, in the context of the Vale Local Plan 2041, Arnold White Estates put forward a major development proposal in Radley for 600 new homes, an energy park and a country park. The energy park is fundamental to the carbon neutral credentials of the proposal. It would be on the Tuckwells site and would require the cessation of present and proposed minerals activities there. RPC do not support the AWE proposal and there is no evidence that Tuckwells have agreed to it, but if it begins to make progress through the Local Plan process there will inevitably be commercial pressure on Tuckwells to make their land available to AWE. If that happened, it is difficult to see how minerals processing and hence extraction could go ahead.

In summary there are several reasons why the Tuckwells application for processing does not show that minerals extraction is likely to resume.

#### **iv) The evidence that extraction has ceased and is unlikely to resume**

The current planning permissions for the ROMP area date to 1954 (sic). This was only one year after the Coronation; food rationing was only just coming to an end; Len Hutton was still captaining the England cricket team; Stanley Matthews had just won the Cup Final for Stoke City.

Nearly 65 years later the gravel in Nyatt remains unextracted. No gravel in the ROMP area has in fact been extracted since about 2000<sup>4</sup>. So there can be no doubt that extraction has 'ceased'.

The issue is whether 'resumption to any substantial extent is unlikely'. That requires the evidence about the owners and operator's intentions to be critically reviewed.

In their 2015 report which set in hand the current ROMP process, officers said

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<sup>3</sup> Despite these misgivings about the reasons for the application RPC recognise that it needs to be addressed on its merits and submitted comments on 13 August.

<sup>4</sup> Extraction by JCSL ceased sooner, in about 1995

In her report, the Inspector considered that the fact the applicant said they were going to work the site was sufficient evidence that the site will be worked. However, OCC officers are not entirely in agreement with this assessment and believe that the applicant's actions are as relevant to assessing whether they intend to work the site as any statements they make in this regard. Insofar as time limits are missed or permissions are allowed to expire, then where these are contrary to the applicant's expressed intentions then they may provide evidence of a different intention.

RPC believe that this approach to the evidence is entirely right and that to understand current intentions on extraction it is necessary to look back at past actions and inactions. In particular it is necessary to look at the relationship between stated intentions to extract minerals and the continuation of non-mineral uses at the JCSL industrial yard.

This yard falls within the ROMP area. Buildings in the yard were originally constructed, it is said, to service mineral extraction, and are subject to a condition requiring their removal once no longer needed for that purpose (i.e. once mineral extraction has ceased).

From the 1970s onwards, buildings in the yard started to be used for a variety of light industrial purposes unconnected with minerals, sometimes with temporary permissions and sometimes unauthorised. The yard is in Green Belt and has very poor road access, so it is highly unlikely that these uses would have been permitted if it was not for the prospect that the yard might later be needed for minerals purposes.

In 1992, there was an appeal by JCSL against enforcement notices issued by VWHDC in respect of these non-mineral uses. The Inspector decided that the uses could continue while mineral extraction was still taking place. He also decided that a ten-year period (i.e. until **2002**) would probably be sufficient to complete the extraction.

And so it might have been, had JCSL not decided soon after 1992 (and certainly by 1995) to relocate their mineral extraction operation at Radley entirely, to another JCSL quarry at Sutton Wick. The reasons for ceasing extraction at Radley are not wholly clear but can perhaps be inferred from what followed.

In the ensuing years JCSL have continued to assert that they will extract the gravel at Radley but, bit by bit, have put back the stated timing of completion and used this to justify extension of the non-minerals uses in their yard.

In 2003, at which time extraction had not restarted, they said to the VWHDC that they needed until **2023** to complete it.

In 2011 a start had still not been made and they said they needed until **2026**.

It was also in 2011, that Tuckwells made their application to process gravel extracted from the area. The application said that JCSL would apply for modern planning

conditions for the extraction site by September 2012, that these would be agreed in two years and that extraction would follow. Again no extraction happened

The new 2020 planning application for processing does not explain this delay other than to say that applying for modern planning conditions took longer than expected. However, it does say that it will be up to 5 years before gravel at Nyatt starts to be extracted and that completion may take a further 16 years.

Potentially this means completion of extraction in **2042**. This is a full 40 years after the date the Inspector allowed for in 1992.

The key point is that JCSL have had a commercial incentive to keep the possibility of future extraction alive indefinitely, but not actually to undertake the extraction - since completion of the extraction would remove the case for any further temporary non-minerals permissions.

The link between minerals extraction (or rather the failure to extract minerals) and the industrial yard is still apparent today.

In December 2019 the Vale DC refused permission for continuation of the temporary uses at the JCSL yard. In June 2020 JCSL appealed against this decision, arguing inter alia

- Notwithstanding previous suggestions that mineral extraction related to the appeal site would not recommence, an application for plant in conjunction with mineral extraction has been submitted to allow mineral extraction to recommence, as has always been the intention;
- The basis of the committee decision in refusing this application was the serving of a Prohibition Order which is flawed, both in terms of whether such an order could be served, but also now with the decision to review the decision to serve an order;
- Given that mineral extraction will continue, the very special circumstances required for development in the Green Belt are met;

It does not take too much reading between the lines to detect a strategy by JCSL that links three planning processes currently in train. The application for a processing plant looks to be a device designed to derail OCC's prohibition order. The derailing of the prohibition order looks to be a device designed to overturn VWHDC's refusal of continued permissions for non-minerals uses on their industrial site.

Given all these factors, especially the long record of promises on extraction not being followed by action, there is compelling evidence – to quote the wording in the statutory test - that 'resumption [of extraction] to any substantial extent at the site is unlikely'.

The P&RC would need powerful evidence to the contrary if it was not to proceed with a prohibition order. As shown in (iii) above such evidence is not provided by the 2020 application for processing.

Counsel's opinion cites two further pieces of evidence.

The first is that a 'planning application for the ROMP' is on the way. Unless this was a quick application for form's sake – like the one rejected by OCC in 2012 - this would be a major exercise, requiring surveys and a well-researched Environmental Statement: an exercise which in the same opinion Counsel say that the applicant is not prepared to undertake. It must therefore be questioned whether this evidence exists.

The second is that representations have been made in the context of the Minerals and Waste Local Plan (MWLP). RPC have not seen these representations but would be surprised if they had a major bearing on intentions to extract. It is possible that the operators argue that the minerals in Nyatt would help OCC meet the extraction tonnages required by the MWLP. Any such representations would be irrelevant as a matter of law to the decision which the P&RC must now reach on the prohibition order.

#### **v) Conclusions on the evidence**

In summary RPC believes that the evidence shows the following.

- Minerals extraction has ceased. That has been so for about 20 years.
- The issue is whether it is 'likely' to 'resume to a substantial extent'.
- The operators have failed to make an application for renewed extraction together with an Environmental Statement, and there is no evidence of an acceptable one being 'on the way'.
- JCSL own the area of potential extraction. They have had and continue to have a commercial incentive to promise they will extract but not actually to do so.
- The credibility of evidence as to future extraction must be judged against their past record of not acting on their stated intentions.
- They have steadily put back the prospective date for completion of extraction. What was once 2002 has, bit by bit, slid to 2042.
- This record provides compelling grounds for concluding that 'resumption [of extraction] to any substantial extent at the site is unlikely'.
- Counter evidence is not provided by the Tuckwell's processing application nor by the other sources cited by the operators' counsel.
- On the basis of the available evidence OCC remain under a duty to issue a prohibition order.

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**For: PLANNING & REGULATION COMMITTEE – 7 SEPTEMBER 2020**

**By: ASSISTANT DIRECTOR FOR STRATEGIC INFRASTRUCTURE AND PLANNING**

**Development Proposed:**

**Planning Application to allow the development of an offline River Thames marina basin with fixed and floating pontoon moorings for approximately 280 boats, slipway, secure and public car parking, refuelling and pump-out dock, refuse and recycling area, marina office and café, toilet and shower block and laundry facilities, boat hire building, picnic and barbeque area, open water area, circular footpath, boat workshop, new footbridge and creation of new grazing marsh, grassland, pond, reedbed and wet woodland habitat with a construction phase involving the extraction and processing of sand and gravel, the importation of inert fill and the construction of new site accesses, landscaping and screening bunds.**

**Division Affected:** Cholsey and Wallingford South

**Contact Officer:** Catherine Kelham **Tel:** 07824 545378

**Location:** White Cross Farm, Reading Road, Cholsey, Oxfordshire

**OCC Application No:** MW.0033/18

**SODC Application No:** P18/S1641/CM

**District Council Area:** South Oxfordshire District Council

**Applicant:** London Rock Ltd

**Application Received:** 9 May 2018

**Consultation Period:** 24 May 2018 - 15 June 2018  
23 January 2020 – 23 February 2020  
6 August 2020 – 8 September 2020

**Contents**

Part 1- Facts and Background  
Part 2 – Other Viewpoints  
Part 3 – Relevant Planning Documents  
Part 4 – Assessment and Conclusions

## RECOMMENDATION

Subject to no additional material comments being received by the completion of the consultation period, it is recommended that application no. MW.0033/18 for Planning Application to allow the development of an offline River Thames marina basin with fixed and floating pontoon moorings for approximately 280 boats, slipway, secure and public car parking, refuelling and pump-out dock, refuse and recycling area, marina office and café, toilet and shower block and laundry facilities, boat hire building, picnic and barbeque area, open water area, circular footpath, boat workshop, new footbridge and creation of new grazing marsh, grassland, pond, reedbed and wet woodland habitat with a construction phase involving the extraction and processing of sand and gravel, the importation of inert fill and the construction of new site accesses, landscaping and screening bunds be **REFUSED** for the following reasons:

- 1) There is no identified need for a 280 berth marina of which 80% of the moorings would be for permanent moorings. The development is therefore contrary to saved policy R9 of the South Oxfordshire Local Plan 2011, policy CSS1 of the South Oxfordshire Core Strategy 2012 and policy ENV4 of the South Oxfordshire Local Plan 2034.
- 2) The proposed development would constitute a dramatic land-use change that is both discordant with the landscape character of the area and detracts from the open and undeveloped countryside setting of the River Thames and Chilterns AONB. It is therefore contrary to policies CSEN1 of the South Oxfordshire Core Strategy 2012, C4 and C8 of the Oxfordshire Minerals and Waste Local Plan – Part 1 Core Strategy and C3 of the South Oxfordshire Local Plan 2011.
- 3) The development would harm the setting of listed buildings and the public benefit of the development is not considered to outweigh that harm. It is therefore contrary to policies CON5 of the South Oxfordshire Local Plan 2011, CSEN3 of the South Oxfordshire Core Strategy 2012 and C9 of the Oxfordshire Minerals and Waste Local Plan – Part 1 Core Strategy and Section 66(1) of the Listed Buildings and Conservation Areas Act 1990.
- 4) The development is not considered to be a well-designed place and does not accord with policies D1 of the South Oxfordshire Local Plan 2011 or policy CSQ3 of the South Oxfordshire Core Strategy 2012.
- 5) There would be a loss of Best and Most Versatile agricultural land contrary to policy C6 of the Oxfordshire Minerals and Waste Local Plan – Part 1 Core Strategy.
- 6) The accessibility of the site for non-vehicular modes is not considered to comply with policies T1 of the South Oxfordshire Local Plan 2011 and TRANS 2 of the South Oxfordshire Local Plan 2034.
- 7) It has not been demonstrated that the development would not have an unacceptable impact on air quality, pollution and human health contrary to elements of policy EP1 of the South Oxfordshire Local Plan 2011OLP and policy C5 of the OMWCS
- 8) It has not been demonstrated that the development would not have an unacceptable impact on highway safety nor a severe impact on the road network

**contrary to policies T1 of the South Oxfordshire Local Plan 2011, CMS1 of the South Oxfordshire Core Strategy 2012 TRANS 2 of the South Oxfordshire Local Plan 2034 and paragraph 109 of the National Planning Policy Framework.**

- 9) It has not been demonstrated that the development would not have an unacceptable impact on groundwater contrary to policies C4 of the Oxfordshire Minerals and Waste Local Plan – Part 1 Core Strategy and policy SP7 of the South Oxfordshire Local Plan 2011.**
- 10) It has not been demonstrated that the development would not have an unacceptable impact on the enjoyment of existing recreational users of the river though additional water traffic generation and is contrary to policy R4 of the South Oxfordshire Local Plan 2011.**

## **PART 1- FACTS AND BACKGROUND**

### **Location (see Site Plan Annex 1)**

1. The application site is located approximately 1.5km to the south of Wallingford town centre within the South Oxfordshire District in the south east part of Oxfordshire County. It is approximately 20km south east of Oxford and approximately 18km northwest of Reading.

### **Site and Setting (see Plans Annex 2)**

2. The application site covers an area of 19 hectares. It is bounded by the River Thames to the east, Nosworthy Way (A4130) to the north and Reading Road (A329) to the west. It lies in a rural area beyond the boundary of Wallingford town and within the terrace farmlands landscape character area. This is a flat open, intensively farmed landscape overlying river gravel terraces.
3. The site itself is used as grazing land and there is a derelict barn in the central west section. It is not considered to be Best and Most Versatile (BMV) Agricultural Land
4. The majority of the site lies within flood zones 2 and 3. A drainage ditch runs north-south through the site and a second drainage ditch in the north-eastern part of the site discharges into the River Thames.
5. The site is not within either the Chilterns AONB or the North Wessex Downs, though the Chilterns AONB abuts the site as it incorporates the River Thames which runs along the eastern boundary of the application site. The North Wessex Downs AONB is approximately 1.6km to the west and 2.3 km to the south.
6. On the opposite riverbank to the application is Mongewell Park, part of the former Carmel College. There are three Grade II (Former Church of St John the Baptist, Jewish Synagogue at former Carmel College and Amphitheatre at former Carmel College) and one Grade II\* (Julius Gottlieb Gallery and Boathouse at former Carmel College) listed buildings within the estate grounds. To the west of the site on Reading Road is a Grade II listed milestone.
7. Along the eastern edge of application site (alongside the River Thames) is part of the Thames Path National Trail that runs from Kemble in Gloucestershire to the Thames Barrier in South East London.
8. The river itself in this area is around 40 metres wide in this location and used by boaters including those associated with the University of Oxford, Wallingford and Oxford Brookes University Rowing Clubs. There is a measured 2km course for rowing that starts to the north of the application site upstream of the Winterbrook Bridge (A4130 Wallingford bypass) and continues past the application site towards Goring Loch.
9. There are no sites of Special Scientific Interest within 2.5km of the site.
10. The eastern part of the site falls within the Thames Wallingford to Goring Conservation Target Area (CTA)
11. The site is not within the Green Belt.

12. The closest residential property is Winward House, approximately 80 metres south of the application site. Elizabeth House, a day nursery and preschool is approximately 60 metres west of the application on the opposite of Reading Road (A329). There is also a solar farm between Elizabeth House and Nosworthy Road (A4130). Planning permission has also been granted for residential development in the grounds of the former Mongwell Park on the opposite bank.
13. The site is approximately 3km south west of RAF Benson.
14. Planning permission was granted in 2014 by South Oxfordshire District Council for the redevelopment of the former Carmel College site to provide 166 residential dwellings (C3) and other elements (Application reference: P11/W2357)
15. To the west of the site, beyond the solar farm development, planning permission has been granted for mineral extraction at New Barn Farm.

### **Planning History**

16. There is no recent planning history on the site.
17. Several planning applications were made on Land at White Cross Farm in the 1970s and 1980s. These include:
  - P85/W0373 - Construction of fish farm – no decision issued
  - P77/W0423 - Erection of stock proof fences around and dividing the land as necessary to enable animals to be kept – permitted 19.01.1978
  - P77/W0190/E - Use for general dealing in incl. buying and dealing in hay, straw, tractors, JCB's etc, general agricultural machinery, trailers, buildings, government surplus and scrap, caravans and lorries, hire of farm equipment, farm contract work and repairs to machinery – Withdrawn 13.09.1978
  - SO/W/421/77 - The winning and working of minerals and spoil generally for the construction of an agricultural fish farm – refused 08.03.1978
  - P77/W0169 - Use for fish production for food – withdrawn 11.07.1977
  - P72/R4998 - Site for boat mooring and mushroom cultivation sheds – refused 01.03.1973

### **Details of Proposed Development**

#### **Overview**

18. The proposed development seeks to create a 280 berth marina and associated amenity buildings, infrastructure and landscaping. This would involve mineral extraction and the importation of inert clay material to create an engineered basin adjacent to the existing river and on land operational development. The basin would have a permanently open connection to the River Thames.

#### **Mineral Extraction**

19. It is proposed to extract around 550,000 tonnes (340,000m<sup>3</sup>) of River Terrace Sand and Gravel reserves and around 180,000 m<sup>3</sup> of soils and overburden alluvial clay from the site. The proposed extraction area would measure 15.5 ha.
20. It is anticipated the sand and gravel deposits are between 2 to 4 metres thick. The site

would be dewatered as necessary to work the materials in a 'dry state'. It is proposed that extracted water would be pumped through settlement lagoons and discharged off-site into the River Thames (subject to a permit from the Environment Agency).

21. Mineral extraction would take place in five phases over a period of four years with an output of around 140,000 tonnes per annum. Material would be excavated from a single face using excavators and transported across the site in dumper trucks. It would be washed and screened on site.
22. A number of building, plant and other structures associated with the mineral working are proposed. This includes office, welfare facilities, workshop, weighbridge, silt lagoon, wheel wash and processing plant (including a silt thickener plant. These would be temporary and on site for the duration of the mineral working. They would be located in the northwest part (Phase A- Plant Area) of the development site close to Nosworthy Way (A4130) and Reading Road (A4329). Parking for eight HGVs would also be provided within the plant area.
23. The officers, welfare facilities and workshop are proposed to be 'portakabin' type buildings.
24. To facilitate the mineral extraction it is proposed to provide a new site entrance off Reading Road (A4329) and a new exit off the site on to Nosworthy Way (A4130). Vehicles would turn left into and left out of the site.
25. Internal haul roads would be constructed of imported hard-core materials. The plant area would be constructed on an apron of re-in forced concrete. The site entrance would be surfaced with asphalt for 30 metres. A ramp would be required to raise the exit road to the level of Nosworthy Way (A4130). This would be constructed using compacted granular full and surfaced with road planings until 30 metres from the site exit. The last 30 metres would be level with Nosworthy Way and surfaced with asphalt.
26. No workings are proposed to take place within a 30 metres margin of the River Thames.
27. There would be an estimated maximum of 50 HGVs in and 50 HGVs out of the site each day during the mineral extraction and backfilling operations.
28. The proposed hours of operation for the mineral extraction are 7am-6pm Mondays to Fridays and 7am-1pm on Saturdays with no working on Sunday or Bank/Public holidays.
29. It is proposed to provide external lighting around the site offices, plant and workshop area. It is proposed that low level lighting around the offices would remain on during the hours of darkness.
30. Approxi mately ten persons are anticipated to be employed at the site during the mineral extraction works.

Marina Construction

31. To create the marina basin, following mineral extraction the site would be partially backfilled and sculpted to form the landform proposed. This would be akin to 'rolling restoration' type works as the basin liner construction and backfilling is proposed to progress behind the mineral extraction. Inert clay material would be imported to the site for lining purposes
32. Topsoil  
and subsoil not required for the creation of a marina scheme would be exported from the site.
33. The marina basin would be around 7.9 hectares in area (including the areas where reedbed planting is proposed to be created).
34. A small outflow would be created in the southern part of the marina basin to allow flood water to leave the site downstream of the marina entrance.
35. Following the extraction of material it is anticipated that to complete the marina infrastructure and landscaping works an additional year will be required (bringing the total construction phase time to 5 years).
36. At the completion of construction of the marina basin, the exit on to the A4130 (Nosworthy Way) would be closed and removed.

Marina Operation

37. The  
marina would contain five floating pontoons designed to cater for varying size of water craft including narrow boats and larger river cruisers. The pontoons would be fixed to steel pipes installed into the base of the marina.
38. Of the 280 berths provided, up to 20% would be for visitors. The remaining berths (upwards of 224) would be leisure moorings (i.e. permanent moorings for boats whilst not in use). No residential moorings (i.e. permanent moorings for boats whilst in use) are proposed. A dedicated mooring would be provided within the main marina area with level access to allow wheelchair users to easily access a boat moored in this location.
39. Access between the River Thames and marina would be located approximately 150 metres south of the Winterbrook Bridge (A4130 Wallingford Bypass - Nosworthy Way) in the north-eastern part of the development area via a 10 metre wide channel.
40. Vehicular access to the marina would be via a new T-junction from the Reading road (A4329) (approximately 100 metres south of the junction with Nosworthy way (A4130)) in the northwest section of the site.
41. Several new buildings are proposed as part of the marina development. Indicative dimensions and form have been submitted as part of the application. The applicant has stated that detailed dimensions and designs of the buildings would be submitted for approval prior to the construction commencing.
42. The main marina building would be located in the western part of the site, close to the site entrance. Indicative dimensions suggest it would be 50 metres in length and 22.5 metres in width with a hipped pitched roof (eaves height 3.5 metres and ridge height of 6.5 metres). On the front (water facing) east elevation an outdoor patio measuring 8 metres by 26 metres would be provided. This building would contain a marina office, café/restaurant area, toilets, showers, laundry facilities, a shop and storage areas.

43. In the north part of the marina, a slipway, refuse collection area and out of water work space for up to two boats and a workshop building are proposed. A service dock area with refuelling and pump-out facilities would be also be provided in this area. Indicative dimensions indicate the workshop building would measure around 24 metres by 24.5 metres with a gable roof (ridge height approximately 10 metres).
44. The southern part of the development would be designed for the hire of non-motorised watercraft and open to the public. This area would be separated from the boat moorings by a landscaped berm. A Watercraft Hire Centre building and Facilities building is proposed as well as a beach for water access. Indicative dimensions indicate the Hire Centre building would measure 6 metres by 11 metres with an eaves height of 3.5 metres and ridge height of 5.5 metres. Indicative dimensions indicate the facilities building would be 8 metres in length and 4 metres in with an eaves height of 3 metres and ridge height of 5 metres. Both buildings are indicated to have pitched roofs.
45. Separate car parking for berth holders and visitors would be provided. For berth holders there would be 130 spaces (i.e. one car parking space for every two berths). There would be a further 90 spaces for visitors and the public. The total number of car parking spaces would be 220 and include spaces for disabled visitors close to the facilities and moorings.
46. Several landscaped/habitat areas are proposed. This includes a pond and area of wet woodland measuring approximately 0.3 hectare in the southwest of the site, an area of grassland measuring approximately 1.6 hectares in the south east of the site, reed bed planting around the north boundary, east boundary and northwest corner and a total of approximately 3 hectares of floodplain grazing split between the northern edge of the marina, in the northeast corner of the site and the 30 metres buffer strip between the marina basin and River Thames.
47. Low level external lighting around the facilities building, access walkways, moorings and pontoons is proposed. This would remain on during the hours of darkness.
48. Eight people would be permanently employed at the marina during the majority of the year.
49. The areas accessible by the public would be separated from areas accessible by boat owners by landscape, fencing and hedges.
50. A barrier would be installed on the main access road within the marina to restrict access to the boat owner area. CCTV surveillance cameras would also be installed on the site.

#### Footpaths

51. A circular footpath, making use of the Thames Path National Trail along the river, would be provided around the site.
52. Where the marina entrance crosses the Thames Path National Trail, a new foot bridge would be provided. This would have a minimum width of two metres and be 170 metres in length to accommodate a gentle slope (1v:20h) so to be accessible for all users (in accordance with the Equalities Act requirements). At its maximum height, the bridge would be 5.1 metres about the mean River Thames water level.
53. The footbridge would be constructed using a series of piled steel legs to support a steel deck. The sides of the bridge would be constructed using open steel barriers 1.8 metres in height.



## Environmental Impact Assessment

54. The application is supported by an Environmental Impact Assessment (EIA) and an Environmental Statement (ES) was submitted with the application. This covers the range of potential environmental impacts of the proposal. A summary of the findings can be found in Annex 3.
55. Further information was submitted pursuant to the Environmental Statement and has been consulted on and assessed as part of determining this application.

## PART 2 – OTHER VIEWPOINTS

56. There were three periods of public consultation.
57. The full text of the consultation responses can be seen on the e-planning website<sup>1</sup>, using the reference MW.0033/18. These are also summarised in Annex 4 to this report.
58. The application is being reported to this Committee as it is EIA development. It has also received objections from members of the public and consultees.
59. Twenty-five representations from members of the public were received. Fourteen of these object to the proposed development, eight are in support and the remaining three are considered to be of neutral stance. The points raised are summarised below. The points raised are covered in Annex 5.

## PART 3 – RELEVANT PLANNING DOCUMENTS

60. In accordance with Section 70 of the Town and Country Planning Act 1990, planning applications must be decided in accordance with the Development Plan unless material considerations indicate otherwise.

### Development Plan Documents

The Development Plan for this area comprises:

- Oxfordshire Minerals and Waste Local Plan Part 1: Core Strategy (OMWCS)
  - Saved Policies of the Oxfordshire Minerals and Waste Local Plan 1996 (OMWLP)
  - South Oxfordshire Core Strategy adopted December 2012 (SOCS)
  - Saved Policies of the South Oxfordshire Local Plan 2011 (SOLP)
61. The **Oxfordshire Minerals and Waste Local Plan Part 1: Core Strategy** (OMWCS) was adopted in September 2017 and covers the period to 2031. The Core Strategy sets out the strategic and core policies for minerals and waste development, including a suite of development management policies.
  62. The **Oxfordshire Minerals and Waste Local Plan 1996** (OMWLP) was adopted in July 1996 and covered the period to 2006. Some policies of the OMWLP were replaced following adoption of the OMWCS in 2017 but 16 policies continue to be saved. They are due to be replaced on the adoption of Oxfordshire Minerals and Waste Local Plan Part 2: Site Allocations. The saved policies are site-related

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<sup>1</sup>Click here to view application [MW.0033/18](#)

policies and none of them apply to the area proposed in this planning application. Therefore, they are not relevant to the determination of this planning application.

63. Some policies of the **South Oxfordshire Local Plan 2011** (SOLP) were saved following the adoption of SOCS in 2012. A number were also unsaved in 2008 following direction from the Secretary of State and the publication of the first NPPF.

#### Emerging Plans

64. Work on the **Oxfordshire Minerals and Waste Local Plan Part 2: Site Allocations** (OMWSA) is progressing. This plan will allocate sites required to provide the additional capacity for minerals supply and waste management as set out in the adopted core strategy. The Regulation 18 Preferred Options consultation closed on 4th April. Subject to the outcome of this consultation, it is anticipated that the final draft Plan will be submitted later in 2020. It will then be subject to an examination in public before adoption. Although work has commenced on OMWSA, it is at a relatively early stage and the weight that can be given to the emerging plan in decision making is very limited.
65. The **South Oxfordshire Local Plan 2034** (SOLP2034) was submitted to the Secretary of State on Friday 29 March 2019 for independent examination. On 9<sup>th</sup> October 2019, the Secretary of State exercised his power under Section 21A of the Planning and Compulsory Purchase Act 2004 and directed the Council (temporary direction) not to take any steps in connection with the adoption of the emerging Local Plan 2034 while he considers and decides on the next steps. Following discussions between South Oxfordshire District Council representatives and officials from the Ministry of Housing Communities and Local Government (MHCLG), the Secretary of State sent a [letter to Cllr Sue Cooper](#), Leader of South Oxfordshire District Council, on 3 March in which he stated he is using government powers in Section 27 of the Planning and Compulsory Purchase Act 2004 and directing the council to progress the plan through examination to be adopted by December 2020 and for senior council officers to report monthly to MHCLG officials on progress of the plan. An updated draft schedule of proposed modifications to the Plan was made on 6<sup>th</sup> July 2020 and the Examination in Public Hearing commenced on 14<sup>th</sup> July 2020. In summary, as the South Oxfordshire Local Plan 2034 has not yet completed independent examination, been found sound or adopted, it is currently considered to carry limited weight.

#### Other Policy Documents

66. The **National Planning Policy Framework** (NPPF) was first published in 2012 and revised in July 2018 with minor further revisions made in February 2019. This is a material consideration in taking planning decisions. Relevant sections include those on facilitating the sustainable use of minerals, meeting the challenge of climate change, flooding and coastal change, conserving and enhancing the natural environment.
67. The **National Planning Policy Guidance** (NPPG) contains specific advice on matters including flood risk, minerals, conserving and enhancing the historic environment, determining a planning application and natural environment.
68. There is no neighbourhood plan affecting the site area.

#### Relevant Development Plan Policies

69. The OMWCS most relevant to this development are:

- M2 – Provision for working aggregate minerals
- M3 – Principal locations for working aggregate minerals
- M8 - Safeguarding mineral resources
- C1 – Sustainable development
- C2 – Climate Change
- C3 – Flooding
- C4 – Water environment
- C5 – Local environment, amenity and economy
- C6 – Agricultural land and soils
- C7 – Biodiversity and Geodiversity
- C8 – Landscape
- C9 – Historic environment and archaeology
- C10 – Transport
- C11 – Rights of way

70. The SOLP saved policies most relevant to this development are:

- G2 – Protection and enhancement of the environment
- G4 – Development in the countryside and on the edge of settlements
- C3 – The River Thames and its valley
- C6 - Biodiversity conservations
- C9 – Landscape features
- CON5 – The setting of listed buildings
- EP1 – Prevention of Polluting emissions
- EP2 – Noise and Vibrations
- EP3 – Light Pollution
- EP6 - Surface water protection
- EP7 - Ground water protection
- D1 - Good design and local distinctiveness
- D2 - Vehicle and bicycle parking
- D7 – Access for all
- R4 - Recreation in the Countryside
- R8 - Public Rights of Way
- R9 – River Thames
- E5 – General employment policies
- TSM1 - General approach to tourism
- TSM2 - Tourist attractions and facilities
- T1 – Transport requirements for new development
- T2 – Parking and Circulation space provision

71. The SOCS policies most relevant to this development are:

- CS1 - Sustainable Development
- CSS1 – The Overall Strategy
- CSM1 - Transport
- CSEN1 - Landscape
- CSEN3 – Historic Environment
- CSQ2 – Sustainable Design and Construction
- CSQ3 - Design
- CSG1 – Green Infrastructure
- CSB1 – Conservation and improvement of Biodiversity

- CSEM1 – Supporting a Successful and Thriving Economy
- CSR2 – Employment in Rural Areas

Relevant Emerging Plan Policies

72. The emerging SOLP2034 draft policies most relevant to this development are:
- EMP11 – Development in the Countryside and Rural Areas
  - EMP12 – Tourism
  - TRANS2 – Promoting Sustainable transport and Accessibility
  - INF4 – Water Resources
  - ENV1 – Landscape and Countryside
  - ENV3 - Biodiversity – Non- Designated Sites, Habitats and Species
  - ENV4 - Water Courses
  - ENV5 – Green Infrastructure in New Developments
  - ENB6 - Historic Environment
  - ENV7 – Listed Buildings
  - ENV12 – Pollution - impact of development on Human Health, the Natural Environment and/or Local amenity
  - EP4 - Flood Risk
  - DES 1 – Delivering High Quality Development
  - DES2 – Enhancing Local Character
  - DES8 – Efficient Use of Resources
  - CF3 – New Open Space, Sport and Recreation Facilities

**PART 4 – ASSESSMENT AND CONCLUSIONS**

73. The NPPF sets out a presumption in favour of sustainable development (paragraph 10), which is supported by policy C1 of the OMWCS and Core Policy 1 of the VLP1. This means taking a positive approach to development and approving an application which accords with the development plan without delay, unless material considerations indicate otherwise.
74. All planning applications must be determined in accordance with the Development Plan, unless material considerations indicate otherwise, in accordance with the Town and Country Planning Act 1990. The key planning policies are set out above and discussed below in accordance with the key planning issues.
75. The key planning issues are:
- |  |           |
|--|-----------|
| •  | Principle |
| • of the development                                 |           |
| •  | Mineral   |
| • Extraction   |           |
| •  | Location  |
| • – Landscape and Development along the River Thames |           |
| •  | Econom    |
| • y and Tourism                                      |           |
| •  | Recreati  |
| • on   |           |
| •  | Transpor  |
| • t  |           |
| •  | Design    |
| •  | Water     |
| • Resources  |           |

- Environment
  - ity
  - and Air Quality
- Historic  
Biodivers  
Amenity

#### Principle of the development

76. Policy CSS1 of the SOCS sets the overall strategy for the principles of development in South Oxfordshire. Outside of towns, villages and other major developments it directs that proposals for any change will need to relate to very specific needs, such as those for the agricultural industry or enhancement of the environment.
77. The principle of the proposed development is to create a marina containing 280 berths. For clarity, a berth is considered to be a designated location for mooring a vessel where the loading of people and cargo can be facilitated. 'Mooring a vessel' is to attach it to something on land or to the surface under the water to keep it in place. Following from this, 'moorings' are places where a boat may be moored (i.e. attached to a fixed point). It may consist of a buoy or mooring stage for example. 'Mooring stages' are taken to be the physical infrastructure linked to the land or to the surface under the water to facilitate keeping a boat in place and enable access for people and good from the shore. This would for example include timber staging, posts, quay headings and pontoons.
78. Policy R9 of the SOLP stipulates that in considering proposals for recreational development associated with the River Thames and its valley, the overriding aim will be to preserve the river environment and landscape. To this end part (i) of policy R9 of the SOLP states new permanent moorings or new hire bases will not be permitted. There is no differentiation between 'on-river' or 'off-river' or between leisure and residential moorings in this part of the policy. The main aim of the development, the creation of a marina containing 280 berths (or designated locations for mooring) of which over 80% would be permanent moorings, is therefore not considered supported in principle by the Development Plan.
79. The supporting text of the SOLP, paragraph 5.102 states that *"The District Council is anxious to reduce the number of permanent moorings on the river as they lead to congestion and reduce the visual amenity of the river for both walkers on the river bank and other users of the river. The Council considers that such moorings are best located off the river either in side channels or in purpose-built facilities such as the marina in a former gravel pit east of Caversham"* This aim is seen in Policy R9 part (ii) and in this part of the policy, there is specification of on-river (as opposed to off-river) moorings. It is agreed the proposed development is not for 'on-river' moorings and that the proposal is for purpose-built facilities which first specifically requires the extraction of sand and gravel as opposed to being located within an existing former gravel pit. The proposed development does not propose to re-locate existing moorings. It is however accepted that by giving boaters a choice and ability to moor within a marina people may not choose to permanently moor on the river.
80. The applicant has stated there is a need for additional moorings on the River Thames and that due to the presence of the Green Belt and AONB this is the only part of the River Thames that could be developed for a marina facility between Oxford and Reading. Information has been provided to demonstrate that the

inland South-East region has the second highest number of available marina berths, that the South East is the registered home of 23% of boats in the UK, and that it contains 19% of inland moorings.

81. The British Marine industry data which supplies the figure does not appear to differentiate between inshore and coastal boats in providing the statistic on where they are registered. As such the statistics of the proportion of boats registered in the South East do not appear to be comparable to the proportion of inland moorings in the South East. It should also be acknowledged that if the figures were comparable, the difference of four percentage points does not equate to a demonstrable need for 280 moorings, of which over 80% would be leisure berths (i.e. permanent moorings for the boat while not in use).
82. Information provided as part of the application states there are already existing marina facilities at Osney and Abingdon. These are believed to contain around 40 and 115 leisure berths respectively. There are also permanent off-river moorings at Purely Garden Moorings between Pangbourne and Reading, permanent moorings at Nag's Head Island (Abingdon) and seasonal moorings at Benson. It is recognised that in summer some of these mooring places can reach capacity and so some sites run waiting lists of users.
83. Part (iii) of policy R9 of the SOLP does support temporary and overnight moorings for visitors in suitable locations. The proposed development would provide up to 56 visitor berths (assumed to be for short term/overnight use). This is a low proportion (up to 20%) of the total number of moorings that would be provided (280) but still a sizable quantity. In the area between Reading and Oxford, short stay visitor moorings are already available at Wallingford, Iffley Loch, Sandford Loch, Culham, Benson and Goring and amongst other locations. Overall, the specific need for this number of visitor moorings is not known but it is accepted that there may be a desire for some additional summer moorings in this part of the River Thames. There is some in-principle support for the temporary and overnight mooring element of the proposed development provided it is demonstrated that these moorings are in a suitable location, where no environmental damage is caused and where proper access and other facilities are available.
84. The need for a mooring along this part of the Thames identified by the applicant has also not been identified in the emerging SOLP2034. Furthermore, draft policy ENV4 states that outside settlements, proposals for mooring stages will not be permitted. Again, there is no differentiation within the policy between 'on-river' or 'off-river' mooring stages or whether they are mooring stages for temporary, leisure or residential moorings. The proposed development is approximately 1.5km to the south of Wallingford town, outside the built-up area of the settlement and would provide floating infrastructure to facilitate moorings. As such, the proposed development is not considered to be supported in principle in the emerging SOLP2034.
85. In conclusion, a very specific need for a 280-berth marina in this location has not been demonstrated. The development is beyond Wallingford Town and is not an allocated major developed site. It is therefore considered contrary to policy CSS1 of the SOCS.
86. In relation to water-sports activities, policy R9 of the SOLP encourages that these are developed through existing sites and premises rather than the creation of new ones. It further states that planning permission may be given for new facilities for water-sports, where it can be satisfactorily demonstrated that existing facilities

would not meet the need and that there would not, as a result of the development, be insurmountable conflicts between river users, or significantly increased congestion. The proposed development does include space for water-sports ancillary to the moorings. It has not been demonstrated that existing facilities would not meet this need but letters of support from potential users, including the Boys Brigade Rowing Club, suggest there are limited sites which would meet their needs. It is recognised that if development was acceptable in principle and the criteria of Policy R9 of the SOLP was met, the creation of an area for water sports could have wider community benefit and so may weigh in favour of the development.

### Mineral extraction

87. The site is in a Mineral Safeguarding Area for sharp sand and gravel as identified under policy M8 of the OMWCS and within Mineral Strategic Resource Area 5 (Thames & Lower Thames Valleys – Standlake to Yarnton) as identified under Policy M3 of the OMWCS. Mineral deposits are finite resources and can only be worked where they exist in the ground.
88. It is acknowledged that the marina could be viewed as the restoration of a mineral extraction site. Indeed, concern has been raised by members of the public, Wallingford Town Council and Cholsey Parish Council in that the mineral working would not be restored to a marina. The applicant has however been clear that the development as described is for the creation of the marina and a mineral working. They do not consider the marina should be considered in terms of restoring a mineral working to its former or alternative uses. Nevertheless, should planning permission be granted, the minerals planning authority would seek to impose restoration and aftercare conditions in accordance with policy M10 of the OMWCS.
89. Policy M8 of the OMWCS seeks to prevent development that would hinder the possible future working of mineral on a site unless the mineral will be extracted prior to the development taking place. There is no option to create a marina in the proposed location without the extraction of minerals due to the underlying site substrate. Nevertheless, on the basis that the proposed marina would otherwise hinder the possible future working of mineral on the site, the extraction of the mineral prior to the development of a permanent marina is supported in policy.
90. The applicant has suggested that the Council is consistently failing to meet its own adopted supply provision for sharp sand and gravel. On this basis they suggest that further sites are needed and greater weight should be given to the ability of the proposed development to contribute to Oxfordshire's land bank. The OMWCS policy M2 provides for 1.015mtpa of sharp sand and gravel for the whole 18 year plan period. The annual sales data shows that 0.796mt sharp sand and gravel were sold in 2018. In comparison, the three year sales average is 0.717 mt and the ten years sales average is 0.592 mt. These suggest that the demand for sharp sand and gravel is slowly increasing. As in paragraphs 1.10 and 1.11 of the latest available Local Aggregates Assessment (2018), total permitted reserves of sharp sand and gravel in Oxfordshire at the end of 2018 were 12.925 mt. This equates to a 12.3 year sharp sand and gravel land bank at the time of writing. Overall, there is no need for further sharp sand and gravel at this point in time and on this basis it is not agreed that great weight should be given to the ability of the proposed development to contribute to Oxfordshire's land bank. It must though be recognised that a landbank in excess of the minimum does not preclude the

development of additional mineral workings where these are in accordance with the development plan.

91. It is also acknowledged that as in paragraph 4.19 of the OMWLP, around 5 million tonnes of additional reserves need to be provided before 2031. These are to be allocated in the Oxfordshire Minerals and Waste Local Plan: Part 2 (Site Allocations) in accordance with policies M3 and M4 of the OMWLP. The proposed site has not been put forward by the Council as a preferred area for mineral extraction in the emerging Oxfordshire Minerals and Waste Local Plan: Part 2 (Site Allocations). This plan however is at an early stage, has not been subject to examination in public and has yet to be adopted. At the time of writing it is considered to carry limited weight.
92. Overall, should the marina be acceptable in principle then the extraction of mineral extraction as a subsidiary element would be acceptable in principle. It would contribute as a windfall development to the Oxfordshire land bank. Given there is a 12.3-year sharp sand and gravel land bank at the time of writing, the need for the aggregate is not however considered a material consideration that weighs heavily in the balance of assessing the acceptability of a marina in this location.

#### Location (Landscape and Development along the River Thames)

93. The application site lies between the North Wessex Downs AONB and the Chilterns AONB. The Chilterns AONB is closer and encompasses the River Thames running adjacent to the proposed development.
94. The AONB is provided with statutory protection by section 85(1) of the Countryside and Rights of Way Act 2000. Paragraph 172 of the NPPF requires that great weight should be given to conserving and enhancing landscape and scenic beauty. It further continues to say that the scale and extent of development within these designated areas should be limited and planning permission refused for major development other than in exceptional circumstances where it can be demonstrated that the development is in the public interest. The proposed development is not within the AONB and as such, the requirement to establish whether exceptional circumstances exist is not considered to apply. The impact of the proposed development in the landscape and on the setting of the AONB remains a material consideration.
95. The River Thames is recognised as an attractive and important environmental asset of the district within the development plan. In the SOCS, the River Thames is identified as a key environmental asset of the district while the Thames Valley is noted for its unspoilt peace and tranquillity while the River Thames and its banks are recognised for supporting leisure activities. The SOLP similarly supports that the River Thames and its valley constitute one of the most attractive features of the landscape of southern England with the section of the river between Reading and Oxford particularly noted for its special visual and environmental qualities which are, for the most part, unspoilt. It further states that one of the main features of the river valley is its peace and tranquillity and it is essential that this is preserved
96. Policy CSEN1 of the SOCS seeks to protect the district's distinct landscape characters and key features against inappropriate development and where possible enhance them. It states that the landscapes and waterscapes of the River Thames corridor will be maintained and where possible enhanced as will the setting and heritage of the river for its overall amenity and recreation use.



Similarly, Policy C3 of the SOLP states the distinctive character of the River Thames and its valley and the settlements on its banks will be maintained and, where appropriate, enhanced. It further states that any form of development which detracts from its special character will not be permitted.

97. Other relevant development plan policies pertaining to landscape include: policy G2 of the SOLP which seeks to protect the district's countryside, settlements and environmental resources from adverse development; policy G4 of the SOLP which states that the need to protect the countryside for its own sake is an important consideration when assessing proposals for development; policy C9 of the SOLP which as part of protecting the district's landscape features, states that any development that would cause the loss of landscape features important to the local scene will not be permitted; policy C4 of the OMWCS which requires that where minerals development are proposed along the River Thames landscape, nature conservation or amenity value are adequately protected from unacceptable adverse impacts; and policy C8 of the OMWCS which requires amongst other elements that proposals for mineral development demonstrate that they respect and where possible enhance local landscape character.
98. The emerging SOLP2034 similarly states that the valley and tributaries of the River Thames are highly attractive features of the landscape and its special visual and environmental qualities are for the most part unspoilt. Draft policy ENV1 of the SOLP2034 seeks to protect South Oxfordshire's landscape, countryside and rural areas against harmful development. The policy states that development will only be permitted where it protects and, where possible enhances, feature that contribute to the nature and quality of South Oxfordshire's valued landscapes, including the landscapes, waterscapes, cultural heritage and user enjoyment of the River Thames, its tributaries and flood plains. In addition, draft policy ENV4 of the SOLP2034, amongst other elements, requires that development of land that contains or is adjacent to a watercourse must protect and where possible, enhance the function and setting of the watercourse and its biodiversity.
99. Taken together, the development plan and specific policies outlined above are considered to place a landscape value beyond that of generic countryside on the location of the application and protect the setting of the River Thames.
100. There are major concerns with the nature and scale of the development from a landscape perspective. The OCC Landscape advisor disagrees with the conclusions of the LVIA due to a combination of an underestimation of the sensitivities of the landscape and an underestimation of the magnitude of the impacts. The landscape advisor also considers that insufficient consideration has been given by the applicant to the site's role in the setting to the AONB and to users of the River Thames. The South Oxfordshire Landscape advisor similarly raises concern and considers the application would cause unacceptable harm to the Chilterns AONB and believes the LVIA gives insufficient weight to role of the site in providing a setting for both the Chilterns and North Wessex Downs AONB, the special character of the river Thames and river Thames Valley, and the role of the site as countryside between Wallingford and Cholsey. In addition, representation from the Chilterns Conservation Board set out an objection to the development stating that that the setting of the AONB is negatively affected and disagreeing with the conclusions of the LVIA in this regard.

101. Several specific elements from the landscaping proposals, such as the depth of landscape planting, suitability of the evergreen species and width of the floodplain grazing marsh, have also been raised by consultees.
102. Concern about the development impacting the character and tranquillity of the area has been raised by SODC planning officer and Chilterns Conservation Board, and it is agreed this is a point of concern. The application site is part of the Thames River Valley area which, as above, is recognised for its tranquillity within the Development Plan.
103. The NPPG provides guidance on what factors are relevant if seeking to identify areas of tranquillity. It states that *to justify an area being protected for its tranquillity, it is likely to be relatively undisturbed by noise from human sources that undermine the intrinsic character of the area. It may, for example, provide a sense of peace and quiet or a positive soundscape where natural sounds such as birdsong or flowing water are more prominent than background noise, e.g. from transport.* On this basis, tranquillity is not considered to be solely about proximity to roads, power stations and railway lines. It includes positive factors including sense of peace, quiet and calm, positive features in the landscape and links to nature.
104. It is considered that the presence of a marina would reduce the current level of tranquillity by increasing human presence in the area, increasing the perception of urbanisation through the introduction of hard surfaces, vehicles, structures and large engineering works, and reducing the perceived naturalness of the landscape. This is considered to be an adverse impact on existing recreational users of the Thames Path and users of the river. Unlike the mineral extraction period, this change to the tranquillity of the area would be a permanent change to the character of the area.
105. In summary, the proposed development would constitute a dramatic land-use change that is both discordant with the landscape character of the area and detracts from the open and undeveloped countryside setting of the River Thames and Chilterns AONB. It is considered to be contrary to the development plan and specifically policies CSEN1 of the SOCS, C4 and C8 of the OMWCS, and C3 of the SOLP.

#### Economy and Tourism

106. Taken together policies CSEM1 and CSR2 of the SOCS and policies TSM1 and TSM2 of the SOLP seek to support the prosperity of South Oxfordshire's rural economy and tourist industry where proposals are of a scale and type appropriate to their location. Likewise, draft policy EMP11 of the SOLP2034 provides support for sustainable rural tourism and leisure developments that benefit businesses, communities and visitors in rural areas and which respect the character of the countryside and specifically in relation to tourism, draft policy EMP12 of the SOLP2034 provides support to development which supports economic growth in rural areas provided it conserves and enhances the landscape countryside and rural areas.
107. Policy E5 of the SOLP seeks to prevent proposals for business which conflict with the policies to protect the countryside, conflict with the policies to protect the built environment, are of a scale and type of development inappropriate to the proposed site and its surrounding; have inadequate access; are not in locations accessible by public transport in accordance with policy T2; and/or cause

problems as a result of noise, smell, dust or loss of privacy. These aspects are considered in other sections of this report.

108. The economic benefit of the proposed development has been questioned by Wallingford Town Council and Cholsey Parish Council. They note that a large proportion of berths would be leisure moorings where boats are kept while not in use. As such they consider it questionable whether those storing their boat in this location would shop locally on arrival to the marina or bring provisions with them. Once the boat has left the marina it would travel up or down river to other areas thereby diluting the economic benefit to the local area. They also consider the economic benefits must be balanced against potential negative impacts, namely harm to the Thames Path.
109. As in the comments from the SODC Economic Development Officer, it is agreed that leisure boating and marina based boats can contribute to the UK Economy. It also agreed that if there are two people per mooring using the facility for approximately 100 days in the year when running at 80% occupancy (224 berths) and an average daily spend per person of £32, there is potential to generate approximately £1.4 million for the Oxfordshire and local economy.
110. Overall, while the accuracy of the numeric value of the proposed development to the Oxfordshire and local economy is questioned, it is considered the proposed development would have an economic benefit and this weights in support of the proposed development. The relevant development plan policies are however caveated by requirements be of a type and scale suitable to their location. As set out above, there are major concerns in this regard and as such, it is not considered that the development is in accordance with policies CSEM1 and CSR2 of the SOCS and policies TSM1 and TSM2 of the SOLP.

### Recreation

111. In regard to rights of way, policy C11 of the OMWCS requires that the integrity and amenity value of the rights of way network shall be maintained and, if possible, retained in situ in safe and useable condition. Policy R8 of the SOLP similarly seeks to retain and protect the existing public rights of way network.
112. The proposed development would maintain the route of the Thames Path National Trail along the river. The Countryside Access Strategy & Development Officer has advised that any impacts of visual amenity, dust and noise on the Thames Path National Trail during the mineral extraction can be reduced by maintaining effective natural vegetation. This may be secured via condition. He further considers that as no excavation would happen in a wide corridor around the Thames Path National Trail the path's integrity would be maintained.
113. The development would provide new opportunity for public recreation and outdoor sport. An area in the southern part of the site has been allocated for the hire of non-motorised water uses as a facility for use by the public. The route of the Thames Path National Trail would be maintained and a new footpath around the north, west and eastern perimeters of the site to connect to the Thames Path National Trail would be provided. Where the marina entrance would cross the Thames Path National Trail, a new accessible for all footbridge would be provided. In addition to the procession of the footbridge, it is recommended that the developer carry out improvements to the Thames Path National Trail through the site, such as bank repairs works, as it forms an integral part of the site's perimeter path network. These elements may be secured via condition.

114. Concern has been raised about disruption to the Thames Path National Trail when the footbridge was put in place and it has been highlighted that a temporary diversion that ensures minimum disruption to users of the trail would be required. It has been commented that if the new footbridge could be constructed and installed before the marina river entrance is constructed then the level and duration of disturbance on users of the National Trail would be significantly reduced. Should planning permission be granted, in order to minimise disturbance, it is recommended a plan for the work and measures to minimise disturbance to users of the Thames Path National Trail are sought via condition.
115. Subject to the conditions outlined above, the proposed development is considered to be in accordance with policy R8 of the SOLP and policy C11 of the OMWCS.
116. Policy R4 of the SOLP supports proposals for outdoor sport in the countryside provided that the proposals would not detract from the rural character and landscape of the area, particularly in the AONBs; would not adversely affect the amenities of residents in the vicinity or spoil the enjoyment of other users of the countryside, particularly by noise, but also by smell, traffic generation or any other disturbance; and would not adversely affect sites of archaeological, historical or natural conservation importance. Similarly, draft policy CF3 of the SOLP2034 seeks to encourage and support proposals for sport and recreation facilities where they are in accordance with other planning policies and Sport England Guidance. Policy R9 of the SOLP is also considered to be of relevance and has been discussed in paragraph 86 above.
117. Sport England raise no objection to the development but do express disappointment that the community water area has reduced in size as the application has progressed. The Boys Brigade Rowing Club and Wallingford Accessible Boat Club have identified the site as a facility that they may wish to use, and elements of the site have been designed with the latter in mind. Some suggestions have been made by British Canoeing and British Rowing in regard to public use of the rowing launch and ease of the public to launch their own boats which would bring wider public benefit to the facility and these may be further investigated should the principle be considered acceptable.
118. There are already outdoor sports taking place on the River Thames in this area and there is concern about the impact of river traffic associated with the proposed marina may have on them. The Oxford University Rowing Club and Oxford Brookes University Rowing have provided comments to the application setting out the volume of rowing eights that may be using the river already at peak times and raised serious safety concerns regarding access to and from the river. A number of representations have similarly raised concern about the safety of boats exiting the marina. In summary, boats should travel on the right-hand side of the river and pass other boats left-to-left. This is the opposite to cars on roads. With the marina entrance on the right-hand bank when travelling downstream there is a concern that boats exiting the marina may have their visibility impeded by the footbridge and not be able to see or avoid rowing eights which are already low on the water and travel down river at speed, especially when travelling along the measured course in the area.
119. Sport England have also likewise commented that interaction between boats leaving the proposed marina and that using the river for sport, such as rowers and canoers needs careful consideration and management, including potentially installing signage to minimise the likelihood of collision with larger boats. It is accepted that in any location boats must keep a look out and the hazards of

exiting or entering the main river and avoiding other boats is not a novel issue in relation to this proposed marina.

120. The health and safety issues and risk of accidents is a concern in cumulation with the existing high use of the river for rowing in this location, the upstream bend to the river, existing bridge for Nosworthy Way (A4130) and proposed footbridge all of which potentially impede visibility for those exiting the river, and the large size of the proposed marina.
121. If there is sufficient visibility, signage warning those leaving the marina of the rowers travelling at speed close to the water level and the need to be vigilant would be helpful and may be secured via condition. If there is insufficient visibility, this is unlikely to help avoid accidents and would harm the existing recreational use of the area. Additional land take to create visibility splays may overcome the health and safety issue but these would lead to a reduction in habitat along the River corridor and would therefore require further evaluation from an ecological perspective. The OCC Ecologist has advised that additional habitat loss along the River corridor, either for access or accommodating a bigger bridge, would pose a likely unacceptable loss.
122. In summary, the proposed development would provide new opportunities for outdoor sport and some existing groups have shown support for the facilities that would be provided. Should planning permission be granted it is recommended this is subject to a guarantee of community use. There are however large concerns over conflict with those already using the river for outdoor sport and the safety of the marina entrance/exit. It has not been demonstrated that the development would not have an unacceptable impact on the enjoyment of existing recreational users of the river though additional water traffic generation and this is contrary to policy R4 of the SOLP 2011.

### Transport

123. Through the SOCS and policy CMS1, there is an aim to work with OCC and others in regard to transport and, amongst other elements, to ensure the impact of development on the road network is adequately mitigated, support measures which promote a modal shift to public transport, walking and cycling, support active travel and cater for the needs of all users. Paragraph 109 of the NPPF states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
124. Policy T1 of the SOLP requires that proposals will, amongst other elements as appropriate be required to provide for a safe and convenient access to the highway network; provide safe and convenient routes for cyclists and pedestrians; be accessible by public transport and have a safe walking route to nearby bus stops or new bus stops and appropriate infrastructure should be provided; and be served by an adequate road network which can accommodate traffic without creating traffic hazards or damage to the environment. Draft policy TRANS2 of the SOLP2034 makes similar provision. Policy T2 of the SOLP requires development to make provision for reducing the need for vehicle parking where appropriate and provide turning and circulation space, cycle parking, vehicle parking and parking for people with disabilities. Likewise, policy D2 of the SOLP requires adequate, safe and secure access for vehicles and cycles. It further requires that vehicle parking should be provided in a discreet and sensitive manner.

125. Policy C10 of the OMWCS requires minerals and waste development to make provision for safe and suitable access to the advisory lorry routes shown on the Oxfordshire Lorry Route Maps in ways that maintain and, if possible, lead to improvements in the safety of all road users including pedestrians; the efficiency and quality of the road network; and residential and environmental amenity, including air quality. Where minerals are to be transported by road it requires that road distances to the areas of demand are minimised.
126. During the mineral extraction phase, it is proposed that vehicles would access the proposed development via a new site entrance off Reading Road (A4329) and egress via a new exit off the site on to Nosworthy Way (A4130). They would turn left into and left out of the site. There would be an estimated maximum of 50 HGVs in and 50 HGVs out of the site each day during the extraction of minerals from the site. The A4130 near Wallingford is recognised as a route for local access only on the Oxfordshire Lorry Route Map but connects to the A43, a designed through route for lorry movements, to the west of Didcott. The possibility of exporting mineral from the site along the River Thames has not been explored despite it lying adjacent to the site. Given the concerns over the conflict with rowers using this stretch of the River Thames it is questionable whether moving material by barge would be suitable in this location.
127. The marina would provide 280 berths, up to 20% would be for visitors. The remaining berths (upwards of 224) would be leisure moorings (i.e. permanent moorings for boats whilst not in use). It is unlikely that those using the visitor berths would arrive at the site by means other than water. The occupiers of the remaining berths (upwards of 224) plus day visitors would however need to access the site via land. It should be noted that no residential moorings (i.e. permanent moorings for boats whilst in use) are proposed. A number of public representations raise concern about traffic associated with the development both during the mineral extraction phase and while operating as a marina.
128. Modelling of the traffic and junctions has been undertaken by the applicant and this has been reviewed by the OCC Transport team. Concern has been raised as to whether the data in the Transport Assessment is up-to-date, capacity of nearby junctions, accessibility and upgrading of the footway and lack of information over the vehicle movements associated with use of the marina during the week. An objection has been raised due to the access arrangements. Concern has been raised by Cholsey Parish Council and Wallingford Town Council over the increase in traffic in the area, especially in cumulation with the 70-bed care home to the north of the site. The OCC Transport Team have advised the issues potentially have 'severe' consequence for the proposed development's influence on the highway network. Further information has been submitted by the applicant but at the time of writing, no updated comments have been provided. A verbal update will be provided to committee if available.
129. When a marina, both access and egress would be via a new T-junction from the Reading road (A4329) in the northwest section of the site. The marina would be easily accessible by car. Around 220 parking spaces would be provided with 130 allocated for the long-term berths and 90 allocated to visitor moorings, the public and visitors to the marina. This is a large amount of car parking, requiring without circulation space or landscaping an area of over 2,500 square metres. In providing one space for every two berths there is an assumption that not all berth holders would be using the facility at the same time and/or that a substantial proportion would access the site by means other than private motor vehicle. An

overspill of berth holders' car parking into the public and visitor car parking area could displace those people from the facility.

130. It is agreed the site is less easily accessible by non-private vehicle. By foot, Wallingford is 20-30 minutes journey either alongside Reading Road or on the Thames Path while Cholsey is about a 30-minute journey alongside roads. There are no cycle routes that pass the site though the area is relatively flat. No designated parking is provided on the site for cyclists, but should the development be considered acceptable in principle, this may be secured via condition. A determined person could reach the site by public transport - The closest bus stops are approximately 500 metres from the site entrance but reaching these bus stops would require use of an informal crossing/pedestrian refuge across the A4130 (Nosworthy Way) with narrow footways only available on the north side of Reading road by the entrance to the marina. The bus stops provide services to both Wallingford and Cholsey. The railway line at Cholsey connects to London and Didcot with peak time commuter services to Reading and Oxford and a heritage railway connection to Wallingford.
131. At the time of determination there remain several substantial concerns relating to transport and accessibility. Accessibility of the site for non-vehicular modes is also concerning at the present time and the development is also not considered to comply with policy T1 of the SOLP or draft policy TRANS2 of the SOLP2034.

### Design

132. In accordance with the National Design Guide, a well-designed place is based on a sound understanding of the features of the site and the surrounding context; integrated into their surroundings; influenced by and influencing their context positively; and responsive to local history and cultural heritage. A place's character is not separate from its other attributes but a combination of them all as they have developed through time. It includes the current uses, how the place works, the patterns of movement, what the spaces are like and how they are enclosed, how adaptable and resilient the place is, how efficient it is in its use of resources, and what it looks like.
133. Policy D1 of the SOLP requires that the principles of good design and the protection and reinforcement of local distinctiveness are taken into account in all new development. Amongst other elements, this comprises respecting the character of the existing landscape, providing for a choice of routes and transport modes to, from and within the development and providing good quality site and building design and appropriate materials. Policy CSQ3 of the SOCS supports places that are of a high quality and inclusive design. This includes responding positively to and respecting the character of the site and its surroundings, particularly the historic significance and heritage values of the historic environment, enhancing local distinctiveness and ensuring that new development is of a scale, type and density appropriate to the site and its setting. It also includes providing links to green infrastructure, ensuring high levels of accessibility and ease of use by all modes of transport, and being adaptable to changing requirements.
134. There is a requirement through the development plan for inclusive design. Policy D7 of the SOLP requires that proposals for new buildings to which the public have access include in their design and external layout appropriate measures to ensure adequate access for those with impaired mobility, hearing or sight. It further requires that the safety and access requirements of those with impairments

should also be taken into account in the design and layout of new roads, parking areas, footways, pedestrian routes, cycle ways, traffic management measures and pedestrian priority areas.

135. In regard to sustainable design and construction, policy CSQ2 of the SOCS states that proposals for new development of this scale (>1000 m<sup>2</sup> of non-residential floor space) will be acceptable where 20% of energy demand is secured from decentralised (on or near site) and renewable or local carbon energy sources (including the use of Combined Heat and Power where appropriate), where this would be viable and where the proposed development will achieve at least BREEAM 'Excellent' standard.
136. The SOLP2034 also contains several policies relevant to the proposed development including DES1 which seeks to deliver high quality design which reflects positively the features that make up the character of the area, DES2 which seeks to ensure new development enhances local character and DES8 which seeks to minimise waste and maximise energy and water efficiency.
137. Viewing the proposed development in isolation from its surroundings, it seems that consideration has been given to the layout and accessibility for users of the marina. The pontoons are floating allowing them to rise and fall with water level in the river, minimising inconvenience for boaters occupying berths long term. The area for the hire of non-motorised craft is located at the opposite site to the marina entrance and re-fuelling area to minimise conflict between these user groups. The footpath around the site linked to the public right of way is welcomed, as is retaining the route of the River Thames Footpath.
138. Measures have been taken to facilitate inclusive access to the development. Provision has been made for a dedicated slipway and mooring location to allow wheelchair users to roll on and off the boat onto pontoon walkways. This accessible area would be located near to the accessible parking spaces further aiding accessibility. The facilities building is all one level and pathways will provide easy access for all users across the site, with the footbridge over the River Thames at a slope to be accessible for all users. This is in accordance with policy D7 of the SOLP.
139. Layout and inclusive access are however just two parts of design. In addition, there are less satisfactory layout elements once a marginally wider context is considered. The site caters primarily for those arriving at the site by car and yet those arriving at the site by road would be greeted by a car park, refuse and recycling area and rear façade of the facilities with some landscaping. This is not considered to be an attractive gateway to the River Thames and Chilterns AONB beyond.
140. There are also concerns about the resilience of some elements of the proposed landscaping in the marina design. For example the OCC Landscape advisor has highlighted the proposed floodplain grazing marsh between the Thames Path and marina is narrow and will come under pressure from users of the Thames Path, recreational users of the marina/ circular path, users of the boat house who carry their boats across this stretch of grassland and transient boaters/kayakers who might want to stop.
141. It has already been set out in earlier sections of this report that the proposed development is not well suited to the character of the area and that its scale is out



of context within its surroundings. The extent to which it is facilitating ease of movement along the river is unclear as serious concerns have been raised regarding conflict with other users of the river.

142. It is not possible to comment further on the appearance, details and materials of the built form including hard surfacing and boundary treatment as it is proposed that detailed dimensions and designs would be agreed via condition should the proposed development gain planning permission. Nevertheless, these would have a significant impact on the attractiveness and appearance of the development. As the development is not considered to be acceptable in principle, these have not been sought from the applicant. For the same reason, no information has been sought from the applicant in regard to achieving BREEM 'Excellent' Standard, decentralised and renewable energy as required through policy CSQ2 of the SOCS. Should the development be found acceptable in principle, these matters would require further consideration.
143. In summary, it is accepted that the proposed development is broadly fit for purpose as a marina. It is not however considered to be integrated into its surroundings or sympathetically designed for this specific location. Beyond the retention of the River Thames footpath, the design does not appear to have been influenced by its context. Overall, and for these reasons, it is not considered to be a well-designed place. Taken holistically, the development cannot be said to be in accordance with policies D1 of the SOLP, policy CSQ3 of the SOCS or the energy requirements of policy CSQ2 of the SOCS.

#### Water Resources

144. Policy C3 of the OMWCS states that minerals and waste development will, wherever possible, take place in areas with the lowest probability of flood risk. Where development takes place in an area of identified flood risk, it states this should only be where alternative locations have been discounted and where a flood risk assessment is able to demonstrate that the risk of flooding is not increased from any other source. In addition, the opportunity should be taken to increase flood storage capacity in the flood plain where possible, particularly through the restoration of sand and gravel workings.
145. Policy CSQ2 of the SOCS requirements all developments to implements SuDs where appropriate and to incorporate measures that address issues of adaptation to climate change taking account of best practice. These include resilience to increasing temperatures and heavy rainfall events and the need for water conservation and storage. Policy EP6 of the SOLP similarly supports the use of sustainable drainage principles designed into the development layout. Within the SOLP2034, draft policy EP4 requires that the risk and impact of flooding are minimised and that flood risk is not increased elsewhere as a result of development and supports the use of sustainable drainage systems while draft policy INF4 requires that all proposals must demonstrate there is or will be adequate water supply, surface water, foul drainage and sewerage treatment capacity to serve the whole development.
146. Paragraph 170 of the National Planning Policy Framework states that the planning system should contribute to and enhance the natural and local environment by preventing both new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of water pollution. Policy C4 of the OMWCS further requires that proposals for minerals and waste development need to demonstrate there would be no

unacceptable adverse impact to the water environment. In relation to ground water, Policy SP7 of the SOLP states that development that may have an adverse effect upon groundwater resources will not be permitted unless effective preventative measures are taken to ensure that the quality and quantity of these resources are maintained.

147. The site is in part of the flood plain and between the application being submitted and determined, further flood modelling for the River Thames has been carried out. The results of this modelling increase the flood risk for the site. Both marinas and mineral extraction developments are however water compatible as set out in paragraph 066 Reference ID: 7-066-20140306 of the Planning Practice Guidance. Adaptation to flooding measures have been taken in the marina using floating pontoons to work with rising and falling water level. Following the comments of the SODC Flooding and Drainage Officer it is recommended that the finished floor levels of non-water compatible buildings (such as the main marina building) are raised and flood avoidance/ resistant/ resilience measures are incorporated into its design (e.g. installing services above the predicted flood level and appropriate use of materials). This may be secured via conditions should planning permission be granted.
148. Some concern has been raised by the SODC Flooding and Drainage officer about silt being washed into the River Thames from the extraction and washing process in the mineral extraction phase. It is recommended a plan for the management of this is provided to reduce the risk of silt entering the water course. It is also recommended that prior to each phase further details of surface water drainage are provided. These again may be secured via condition should planning permission be granted.
149. The development would utilise the mains sewerage network for foul water when operational as a marina. No objection has been raised by the network provider (Thames Water) to this. Concerns have been raised about the water demand from the development and it is requested the developer work with Thames Water to resolve this matter.
150. When a marina, the site would utilise elements such as permeable paving, ditches, ponds and wetlands to store the runoff waters. This utilisation of sustainable drainage is in accordance with policies EP6 of the SOLP and CSQ2 of the SOCS. To ensure that the system provides adequate filtering to prevent polluted surface waters from entering the River Thames, it is recommended that the details of a surface water drainage scheme and provision for its on-going maintenance are secured via condition. The surface water run off mobilising pollutants is considered to most acute in the workshop and car parking areas.
151. Within the marina itself, there is a risk of fuel and oil spillages from boats entering the water. The concentration of boats in the area make this of greater concern. It is however noted that the proposed development includes a fuel-pump out dock as well as refuse and re-cycling areas.
152. The Environment Agency have in their objection to the development raised concerns about the marina construction causing pollution or unnecessary impacts to the water environment, particularly relating to the clay barrier and concrete/sheet piling for the marina entrance. The applicant disputes this, stating that the EA require borehole monitoring to assess the pre and post development levels of the groundwater, comment that an EA permit would be sought for the imported fill and state their awareness of new groundwater abstraction regulations

which in their view is supported by the Hydrological Impact Assessment. At the time of writing, no updated comments have been provided from the Environment Agency. A verbal update will be provided to committee if available.

153. When determining applications, Planning Authorities are obliged to concern themselves with implementing the planning strategy in the Development Plan and not with the control of processes, such as permitting, which are a matter for the Environment Agency and pollution control authorities. Planning Authorities must also work on the assumption that the relevant pollution control regime will be properly applied and enforced. It is not clear at the time of writing whether and with the information available the above concerns are a permitting matter. This would need to be established before planning permission was granted.
154. Aside from this last matter, subject to conditions as outlined above, the proposed development is considered to be broadly compliant with policies C3 and C4 of the OMWCS, CSQ2 of the SOCS, EP6 of the SOLP and draft policies EP4 and INF4 of the SOLP2034.

### Historic Environment

155. OMWCS Policy C9 states that proposals for minerals and waste development will not be permitted unless it can be demonstrated that they, or associated activities, will not have an unacceptable adverse impact on the historic environment. Policy CSEN3 of the SOCS seeks to protect the district's designated heritage assets including listed buildings and their settings. In regard to non-designated heritage assets, it states that proposals will be considered taking into account the scale of any harm or loss and the significance of the heritage asset. In addition, Policy CON5 of the SOLP states that proposes for development which would adversely affect the setting of a listed building will be refused.
156. In the emerging SOLP2034, policy ENV6 similarly seeks to protect, conserve and enhance the District's historic environment (including historic buildings and structures, Conservation Areas, landscapes and archaeology) while policy ENV7 focuses on listed buildings. It requires that where development proposals affecting the significance of a listed building or its setting will lead to substantial harm to or total loss of significance they will only be supported where it is justified that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss.
157. Section 66(1) of the Listed Buildings and Conservation Areas Act 1990 states that in considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.
158. Paragraph 190 of the NPPF requires decision makers to avoid or minimise the impact of proposed development on the conservation of a heritage asset. This may, for example, be achieved by conditions which screen the development so to minimise the impact of the setting of the listed buildings. Paragraph 193 of the NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the assets, the greater the amount of weight). The same paragraph states that this great weight should be applied irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

159. There are no designated heritage assets on the site but the site is in close proximity to a number of listed buildings; specifically White Cross House and the former Carmel College site on the opposite bank of the River Thames which contains a number of listed buildings and structures including the grade II\* Gottlieb Gallery and Boathouse and the grade II ruin of the Church of St John the Baptist.
160. Historic England do not consider the proposals minimise conflict with the conservation of nearby historic assets as required by paragraph 190 of the NPPF and advise the landscaping on the riverbank could be improved to mitigate impacts. The SODC Conservation Officer has raised similar concerns on the application. Both advise that consideration is given to paragraphs 193, 194 and 196 (formerly paragraph 132 and 134) of the NPPF and Section 66(1) of the Listed Buildings and Conservation Areas Act 1990. Given the reference to paragraph 196 of the NPPF, it is concluded that the proposed development would result in 'less than substantial harm' which must be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.
161. In regard to minimising the impact of the proposed development on heritage assets as supported by paragraph 190 of the NPPF, Historic England has suggested landscaping along the western bank of the river between the development site and heritage assets may help mitigate harm from the proposals. It has already been established that the proposed development is in a sensitive landscape. As such, and mindful that it is not guaranteed the landscaping would mitigate harm, it is not considered appropriate in this instance for such a scheme to be secured by condition.
162. The PPG, paragraph 020 Reference ID: 18a-020-20190723, provides information on what is meant by 'public benefits' and states they could be anything that delivers economic, social or environmental objectives, should flow from the proposed development and should be of a nature or scale to be of benefit to the public at large but do not have to be visible or accessible to them.
163. As set out in earlier sections of this report, there a land bank in excess of the minimum for sharp sand and gravel and supply exceeds demand. As the main purpose of the development is for a marina, aggregates from the site would contribute as a windfall development. It is not meeting an identified need and it is not considered that the aggregate extraction in this location would be of benefit to the wider public.
164. The marina itself would deliver some public benefit. It would provide permanent employment for around eight people, contribute to the Oxfordshire Economy and would contain areas accessible to the wider public including those less able bodied. These public benefits are not the drivers of the development and are considered to be relatively minimal compared to the scale of the scheme and nature as a commercial enterprise. On balance, it is not considered they would out-weigh the less than substantial harm.
165. Due to the impact of the proposed development on the setting of two listed assets, the proposed development is not considered to accord with policy CSEN3 of the SOCS or Policy C9 of the OMWCS. In accordance with policy CON5 of the SOLP, it is advised that planning permission is refused.
166. The mineral extraction element of the development would result in total disturbance of the land to remove the aggregate. The OCC Archaeologist has

highlighted the site is located in an area of considerable archaeological interest. Information submitted as part of the application has identified a number of archaeological features in the northern part of the site, thought to be of Mesolithic/Bronze age and later prehistoric to Roman. These features would be impacted and archaeological work would therefore be required should planning permission be granted. These may be secured via a pre-commencement condition. From an archaeology perspective, the proposed development is considered to accord with policy C9 of the OMWCSC and Policy CSEN3 of the SOCS.

### Biodiversity

167. Avoiding a loss of biodiversity and maximising opportunities for biodiversity net gain in development is supported through policies CSB1 of the SOCS, policy C6 of the SOLP and Draft policy ENV3 of the SOLP2034. Where there is any significant loss in biodiversity as part of a proposed development, policy C6 of the SOLP requires the creation and maintenance of new landscape features, habitats, habitat links and wildlife corridors of appropriate scale and kind will be required to ensure there is no net loss in biodiversity resources. In the OMWCS, Policy C7 provides the basis for considering whether the impact of minerals or waste development in terms of biodiversity is acceptable or capable of satisfactory mitigation. The creation of priority habitat through the restoration of mineral working sites can also play a role in adaptation to climate change and is supported through policy C2 of the OMWCS.
168. Policy CSG1 of the SOCS states a net gain in green infrastructure, including biodiversity will be sought through developer works, developer contributions and the target use of other funding. It requires that new developments must demonstrate that they have taken into account the relationship of the proposed development to existing green infrastructure. Draft Policy ENV5 of the SOLP2034 relates to Green Infrastructure. Amongst other elements, it similarly seeks to protect, conserve and enhance this, ensure appropriate provision in new development and avoid its loss or other negative impacts.
169. Much of the site's current biodiversity value is associated with the grassland and marsh areas. Some of this would be lost as a result of the development and loss of the floodplain grazing marsh, a habitat of importance, is a concern highlighted by the Ecology Officer and Natural England. The proposed development would lead to a net-gain of three biodiversity units. This has been demonstrated using a biodiversity impact calculator metric accepted by the Ecology Officer. Much of the site's biodiversity gain comes from the creation of open water habitat (standing water – mesotrophic) and Natural England have expressed some concern of use of the biodiversity metric given the design and nature of the open water habitat as it is a marina.
170. There is a wider argument about the applicability of biodiversity accounting metrics and whether it is suitable for one habitat to be substituted for another. This is predominantly beyond the scope of this application and while the planning authority accepts the position of Natural England, notes the position of the OCC Ecologist that the development has been designed foremost as a marina rather than for biodiversity, it equally accepts that the metric used is valid and demonstrates there would be a net-gain in biodiversity.
171. The establishment of additional biodiversity benefits, for example through the use of planting of known benefit to wildlife such as pollinators, artificial roost features

and long-term ecological management of areas closed off to the public, are recommended. Should the development be considered acceptable a number of biodiversity related conditions as detailed by the Ecologist in her comments are recommended.

172. The majority of trees around the boundary of the site would be retained. Some concerns have been raised in relation to tree T53. This is located close to the riverbank in the north east part of the site and on the edge of the extraction zone. The proposed development would see it located on the area of floodplain grazing marsh between the marina basin and river. The tree is possibly a rare Black Poplar and has high landscape and ecological value due to its size, isolated position within open grassland, and observed use by a kite and buzzard. The extraction works would have a major impact on this tree likely leading to its loss. Further works are recommended to establish whether this tree can be retained in the submitted Arboricultural report and the need for clarification on this matter has been highlighted by the Tree Officer and Ecology Officer. Should the committee resolve to grant planning permission, it is recommended this matter is resolved prior to the issuing of any consent.

#### Amenity and Air Quality

173. Policy EP1 of the SOLP seeks to prevent polluting emissions which would have an adverse effect on people and other living organisms, the atmosphere, the land and water resources unless effective mitigation measures are implemented. This is similarly seen in draft policy ENV12 of the SOLP2034. In relation to noise, policy EP2 of the SOLP states that development which would have an adverse effect on existing or proposed occupiers will not be permitted unless effective mitigation measures are implemented.
174. Policy C5 of the OMWCS requires that proposals for minerals and waste development demonstrate they will not have an unacceptable adverse impact on the local environment, human health and safety, residential amenity and other sensitive receptors and the local economy including from noise, dust, litter and mud on the road.
175. Concerns have been raised by members of the public in regard to dust, air quality and pollution.
176. The information submitted as part of the application focuses on dust and particulate matter. The OCC Public Health Officer has raised concerns that dust from the development would negatively impact local residents and would be greater than estimated in the Air Quality Assessment and considers further information is necessary. There is also an AQMA for nitrogen dioxide level in the centre of Wallingford and the impact of the mineral extraction phase and marina operation (including the traffic generation and manoeuvring of boats) on this need to be considered. At the present time, the proposed development is not considered to comply with policy EP1 of the SOLP or policy C5 of the OMWCS in relation to dust, particulate matter or air quality.
177. A noise assessment was submitted to accompany the development. This focuses on the mineral extraction phase. It recommends establishing a noise limit of 54 dB(A) LAeq,1h (free field) for three nearby properties and 55 dB(A) LAeq,1h (free field) for seven others for the duration of mineral extraction. This limit of 55 dB(A) LAeq,1h (free field) is the maximum limit recommended in the PPG and is considered acceptable. This would exclude temporary noise operations, such as soil stripping which again is in accordance with the PPG. A number of other noise

reduction measures are recommended including exhaust silencers, minimising drop height of materials, hours of operation and perimeter bunding. It is agreed these may be secured via conditions should planning permission be granted. Subject to these conditions, the proposed development is considered to accord with policy EP2 of the SOLP and the noise elements of policy C5 of the OMWCS.

178. Due to the scale of the development with provision for day visitors with picnics and barbecues, and proximity to water, should planning permission be granted it is recommended a scheme for managing litter at the site be secured via condition in the interest of local amenity and avoiding harm to aquatic creatures.
179. With regard to lighting, policy EP3 of the SOLP states that proposals for new floodlighting and other external lighting that would have an adverse effect on neighbouring residents, the rural character of the countryside or biodiversity will not be permitted, unless effective mitigation measures will be implemented. During the mineral extraction phase, it is proposed to provide external lighting around the site offices, plant and workshop area. When operational as a marina, low level external lighting around the facilities building, access walkways, moorings and pontoons is proposed. This would remain on during the hours of darkness.
180. A number of aspects, such as the character and tranquillity of the area are also relevant to lighting and have already been raised in the location section and there are further considerations in relation to biodiversity. The nearest residential property is approximately 80 metres to the south of the site, away from the facilities building, access walkways and pontoons. There is potential to mitigate the impact of lighting through lighting design and the landscaping scheme and reinforced boundary planting during the mineral extraction phase and marina development. With this mind, it is not considered the lighting would cause great harm to local residents in their dwellings.

#### Agricultural Land

181. Paragraph 170 (b) of the NPPF requires that planning decision recognise the economic and other benefits of the best and most versatile (BMV) agricultural land as part of conserving and enhancing the natural environment. Policy C6 of the OMWCS requires that proposals for minerals and waste development demonstrate they take into account the presence of any BMV agricultural land. It continues to state that significant development leading to the permanent loss of best and most versatile agricultural land will only be permitted where it can be shown that there is a need for the development which cannot reasonably be met using lower grade land and where all options for reinstatement without loss of quality have been considered taking into account other relevant considerations.
182. The proposed development would cover an area of approximately 19 hectares and would include around 9.3 hectares of BMV agricultural land; namely Grades 1, 2 and 3a. It is proposed to export the BMV soils for sale. In the view of Natural England, this method does not enable the land to retain its longer-term capability and so does not meet the requirements of sustainable mineral development.
183. As set out above, there is no aggregate need supporting the development and no specific need for a marina of 280 berths in this location. BMV agricultural land loss is not a factor included in the alternative site search. The proposed development is therefore not considered to be in accordance with policy C6 of the OMWCS.

184. Should the development be found acceptable in principle and needed in this location then the loss of BMV land would likely be outweighed. In this instance, and should planning permission be granted, it is recommended that soil handling conditions are imposed in accordance with Defra's Good Practice Guide for Handling Soils to avoid compaction and harm to the resource.

#### Other Matters

185. Much concern has been raised in representations that a marina may not be created once the sand and gravel was extracted and an empty basin would instead be left in the landscape. Responsibility for the restoration and aftercare of mineral sites, including financial responsibility, lies with the minerals operator and, in the case of default, with the landowner
186. It would be possible through the use of phasing conditions to move the development towards the creation of a marina. Various elements, for example the accesses, may also be conditioned where they are necessary to make the development acceptable to ensure they are implemented.
187. In accordance with paragraph 205 of the NPPF bonds or other financial guarantees to underpin planning conditions should only be sought in exceptional circumstances. The Planning Practice Guidance contains further information on this and suggests exceptional circumstances may exist where there are not justifiable reasons to refuse the development, but a novel approach is to be used or where there is reliable evidence of the likelihood of either financial or technical failure.
188. The application is recommended for refusal. If the committee were minded to grant planning permission, it is recommended that further consideration is given to this matter, additional information sought from the applicant, and legal advice sought.
189. Concern has also been raised in relation to bird strike. The application and supporting documents have been assessed in relation to this and the MOD has no safeguarding concerns subject to a number of minor amendments to the monitoring scheme and a legally based Bird Strike Management Plan. Should the committee be minded to support the application it is recommended that the first element is resolved prior to planning permission being granted. The second element may be secured via condition or legal agreement.

#### Conclusion

190. All planning applications must be determined in accordance with the Development Plan, unless material considerations indicate otherwise, in accordance with the Town and Country Planning Act 1990. The NPPF sets out a presumption in favour of sustainable development (paragraph 10), which is supported by policy C1 of the OMCWS and Core Policy 1 of the VLP1. This means taking a positive approach to development and approving an application which accords with the development plan without delay, unless material considerations indicate otherwise.
191. It is not considered a very specific need for a 280-berth marina in this location has been demonstrated. It is therefore considered contrary to policy CSS1 of the SOCS.
192. Due to its purpose, scale, location and the existing character of the location, the development is contrary to the Development Plan as a whole and specifically



policies CSEN1 of the SOCS, C4 and C8 of the OMWCS, and R9 and C3 of the SOLP. The need for the marina and economic benefit (in relation to tourism, recreation and mineral extraction) have been considered but are not considered sufficient to outweigh the lack of in-principle support. Aside from the lack of in-principle support there are concerns over the acceptability of details of the proposed development.

193. The development would harm the setting of listed buildings and the public benefit of the development is not considered to outweigh that harm. It is therefore contrary to policy CSEN3 of the SOCS, Policy C9 of the OMWCS and Section 66(1) of the Listed Buildings and Conservation Areas Act 1990. Planning permission should be refused in accordance with policy CON5 of the SOLP.
194. The development is not considered to be a well-designed place. It is not integrated into its surroundings or sympathetically designed for this specific location. Beyond the retention of the River Thames footpath, the design does not appear to have been influenced by its context. Taken holistically, the development cannot be said to be in accordance with policies D1 of the SOLP or policy CSQ3 of the SOCS. Accessibility of the site for non-vehicular modes is also concerning and the development is not considered to comply with policy T1 of the SOLP.
195. The loss of BMV agricultural land without it being shown that there is a need for the development which cannot reasonably be met using lower grade land and without all options for reinstatement without loss of quality having been considered is contrary to policy C6 of the OMWCS.
196. Unresolved matters relating to air quality and human health result in the proposed development being contrary to air quality, pollution and human health elements of policy EP1 of the SOLP and policy C5 of the OMWCS.
197. Furthermore, there are unresolved issues and outstanding objections relating to water resources, access/egress by vehicle on to the public highway, and conflict between boats entering/exiting the marina and those already using the river for rowing and paddling. The development may have a severe impact on highway safety, impact ground water and have an unacceptable impact on existing recreational users of the river.
198. In summary, the development is on balance considered contrary to the development plan. Material considerations do not indicate that planning permission should be granted. It is recommended that planning permission is refused.

RACHEL WILEMAN

ASSISTANT DIRECTOR FOR STRATEGIC INFRASTRUCTURE AND PLANNING

August 2020

### **Compliance with National Planning Policy Framework**

In accordance with paragraph 38 of the NPPF Oxfordshire County Council takes a positive and creative approach and to this end seeks to work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the

area. We seek to approve applications for sustainable development where possible. We work with applicants in a positive and creative manner by:

- offering a pre-application advice service, as was the case with this application;
- updating applicants and agents of issues that have arisen in the processing of their application, for example in this case the Flood Risk Assessment following a change to the Thames Model; and
- agreeing to extensions of times so that further information to overcome some points of objection may be submitted and reviewed.

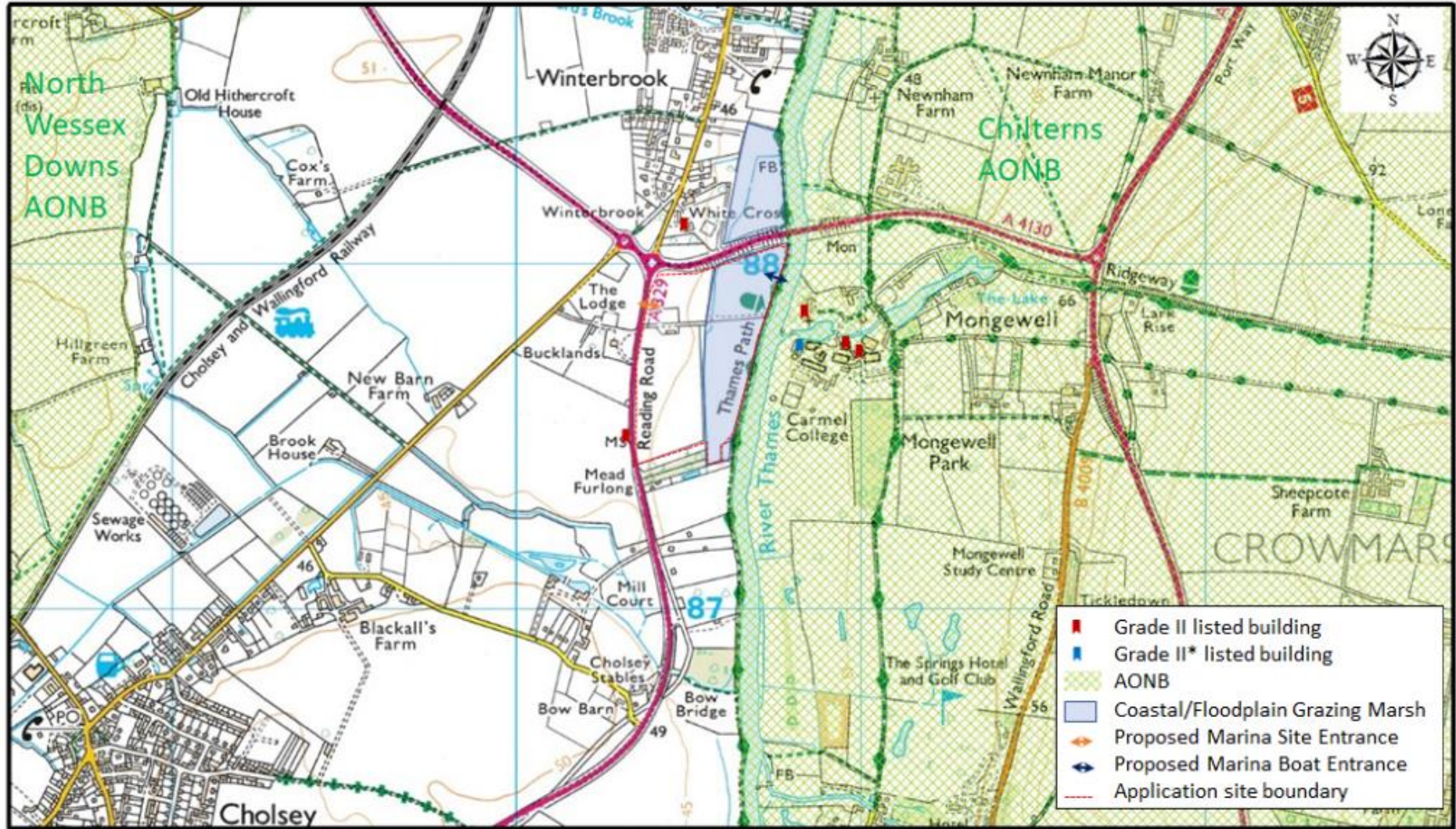
**Annex 1 – Location Plan**

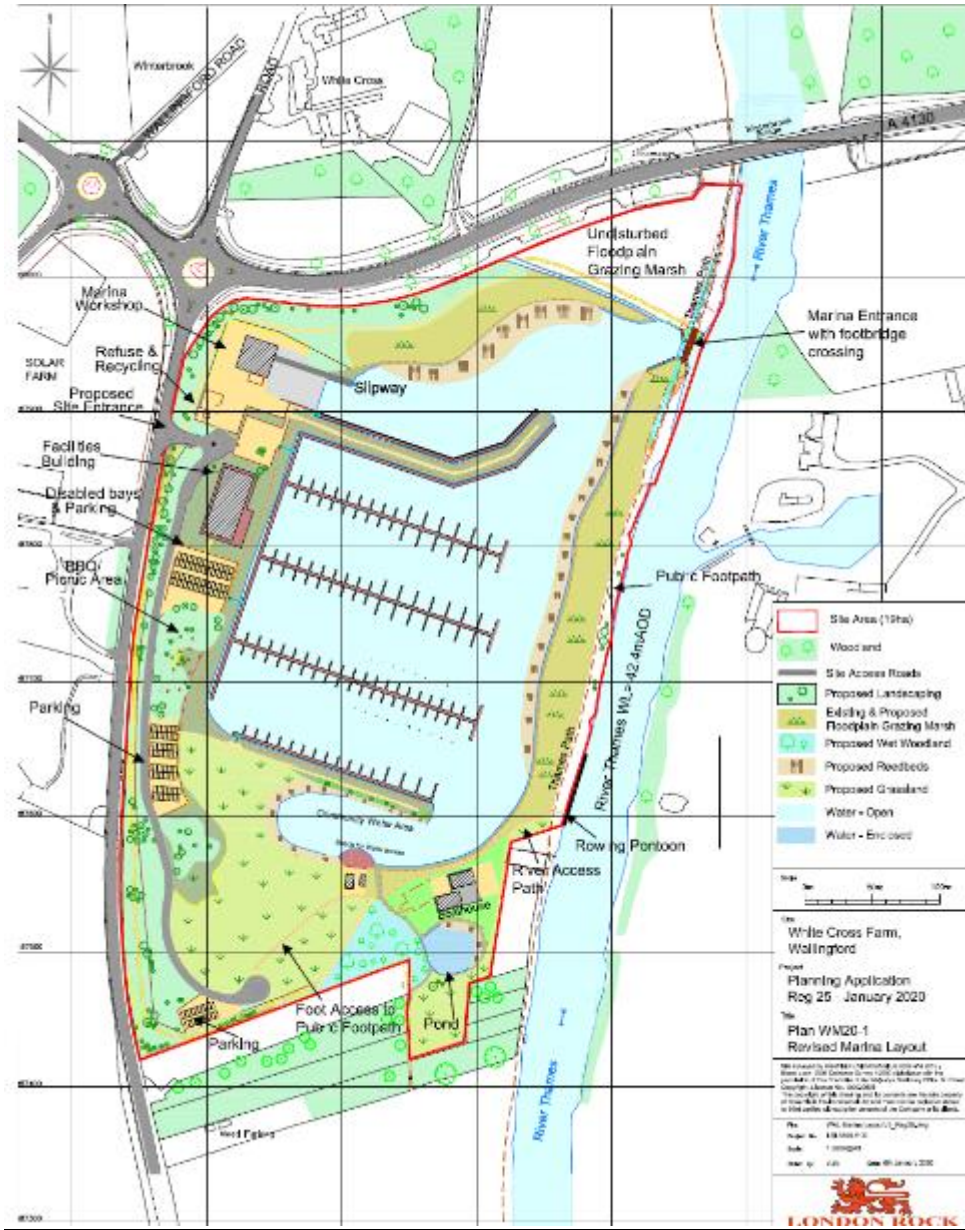


Plan 1: Site Location outlined in red



**Annex 2 – Site and Setting Plans**





### **Annex 3 - Environmental Statement**

1. An  
Environment Statement consisting of eighteen chapters was submitted as part of the planning application.
2. Chapter  
one is the introduction and sets out background to the planning application.
3. Chapter  
two contains the legislative background of the Environmental Impact Assessment and summarises the screening and scoping processes that took place regarding this development. It provides information on the significance criteria (non-significant impact – impacts not detectable, minor significant impact – impacts within accepted standards/limits, and major significant impact – impacts exceed acceptable standards/limits) and determining where mitigation measures would avoid, reduce or remedy any adverse effects.
4. Chapter  
three provides information on the existing site and its environment. It states the application are comprises mainly agricultural land that has been used for arable and livestock grazing purposes. The chapter also covers the topography of the site, flood zones, cultural heritage and archaeology, public rights of way, statutory and non-statuary sites with protective legislation nearby.
5. Chapter  
four summarises the proposed development.
6. Chapter  
five considers the alternatives – do nothing, alternative methods, alternative sites and alternative forms of development. Under the ‘do nothing’ scenario it is stated that the land would remain as agricultural land and occasional grazing for cattle. With ‘alternative methods’ it is stated that the marina basin could be excavated and constructed over a very short period, but this would remove time for processing and sale of the aggregates and may require excavated material to be deposited as inert landfill. In regard for ‘alternative sites’ it is stated that it is known that the Wallingford/River Thames area needs new facilities and that local marinas within 20km upstream and downstream are at full capacity. It summarises that a land search was undertaken with several requirements (river frontage, access directly onto local and national highway network, proximity to villages/ towns with accessible services and facilities, not being located within an environmental or historical statutory designation) and the site at White Cross Farm was identified. No information on whether any or sites were identified is provided but is stated that to the north the towns of Abingdon and Oxford already have existing marina facilities. Regarding ‘Alternative Forms of Development’ it is stated that the construction of a marina and mineral extraction are water compatible activates.
7. Chapter  
six focuses on surface water and flood risk impacts. It concludes that Sand and

gravel extraction is deemed a Water Compatible Development, and the restoration to a boating marina and range of nature conservation is also deemed water compatible and that the FRA modelling, undertaken in 2017, shows a small reduction in water level during the mineral extraction and the removal of material from the flood plain during the operational period will create additional flood storage. It also states that during the marina operations the assessment shows a reduction in water levels upstream of the site and a minor increase in water levels in the south-western corner of the site but these are small and so considered insignificant if assessed against accuracy of the modelling. The assessment concludes there will be no significant impact on surface water of flood risk and proposed no additional mitigation measures above those included in the design of the scheme.

8. Chapter  
seven focuses on hydrology. The potential impacts of the proposed construction phase and the proposed long-term operational marina on the local groundwater environment have been modelled and assessed, which confirms that there will be no significant impacts on the local hydrogeological regime. It is proposed that groundwater levels will be monitored within boreholes around the construction phase due to the de-watering operations and that a water management scheme is prepared prior to commencement of the de-watering operations which the monitoring can be against.
9. Chapter  
eight provides information on highways and traffic impacts based on 352 berths and was undertaken in 2017. The assessment concludes that traffic movement for the operational period have been forecast based on guidance in a Canals and Rivers Trust document and TRICS assessment. It is indicated the increase traffic would be in the remit of 60-110 vehicles per hour two way (additional 1-2 additional vehicles every two minutes in each direction). Against background flows on Reading Road this would be an increase of 10-15% during the weekend and around 60% of the average weekday flows. It is considered that the proposals would have no significant impact on the current highway network. It is also concluded that sufficient parking is provided as part of the development.
10. Chapter  
nine provides information on noise. At ten noise sensitive locations predictions were made of the worst-case noise levels during normal operation and it is considered the proposed operations would not exceed the background rate by more than 10dB(A) and would also not exceed 55dB. It is concluded that is considered that the noise levels from the proposed operations will have no significant impact, and that noise levels will not rise above "noticeable" levels at the residential properties and other areas of concern within the vicinity of the site due to the very high background noise levels recorded and the proposed mitigation measures.
11. Chapter  
ten considers air quality, focusing on dust and particulate matter. It is predicted that there will be no decrease in air quality due to the proposed quarry due to the prevailing wind direction and the on-site dust management systems.
12. Chapter  
eleven provides information on the Landscape and Visual Amenity. the sensitivity of the landscape resources for both landscape characters to the proposed marina



development has been assessed as 'medium'. The overall magnitude of effect of the proposals has been assessed as low during the operational period and may have potential benefits post restoration. The assessment concludes that with appropriate mitigation measures there will be no significant impact on the landscape character or visual amenity as a result of the marina development. Several recommendations to assimilate the construction phase and marina development in the existing landscape are made, including progressive extraction, placement of screening bunds around the plant area, ensuring the buildings/structures are appropriately coloured/clad to blend in and 30 metres stand off to the River to maintain existing landscape.

13. Chapter twelve focuses on soils and agriculture. Around 50.6% (9.87 hectares) is limited to Grade 3b and 4 due to the regular frequency of flooding that covers the low-lying area adjacent to the River Thames. Around 48.1% (9.13 hectares) is classified as Grade 2 or 3a Best and Most Versatile (BMV). A minor area of the site was not surveyed due to the presence of the barn and hardstanding base. It is proposed the BMV soils could be sold to avoid wastage and enhance other agricultural development. It is also stated that the land is generally poor quality with only one field viable for agricultural crops and therefore alternative development is beneficial.
14. Chapter thirteen focuses on RAF Benson and aerodrome safety. The chapter states that the marina restoration concept, habitat management and mitigation measures have been designed with the aim of mitigating any potential bird strike hazard while enhancing opportunities for leisure, touring and areas for nature conservation and that lagoons during the mineral will be designed to be deep and steep sided to prevent marginal growth. A bird management plan has been prepared to address the mitigation and management of habitats on the site to prevent the risk of any bird strike incidents.
15. Chapter 14 considers geology and geotechnical impacts. It concludes that slope design is appropriate for the proposed development and as slopes will be backfilled within a few weeks of excavation there is reduction in potential for face failure during operation of the marina. The Factor of Safety for the designated slopes confirms that the proposed workings and marina design will have no significant impact on the geological environment.
16. Chapter 15 considers ecology and conservation impacts. Species specific surveys were carried out in 2015 and 2016. It was concluded that proposed development will have a minor significant impact on the local ecology. The mitigation measures proposed will ensure that there will be no impact on any identified protected species and it is considered that the operations will not have an impact on any designated ecological site near the operations. To reduce the potential impact to flora and fauna mitigation measures are proposed, including maintain appropriate margins to the River Thames, installation of bird boxes, mitigation and protection measures for reptiles and grass snakes.
17. Chapter 16 considers the cultural heritage and archaeology impacts. Regarding cultural

heritage it concludes that that the proposed development and marina restoration scheme are likely to result in no significant impact upon the heritage assets within the Wallingford area. In regard to archaeology it concludes that will no significant impact from the proposals on any features of archaeological interest but that soil stripping would be completed in phases and in consultation with OCC.

18. Chapter seventeen considers cumulative and combined effects. It states that no direct or indirect cumulative impacts in respect of the water environment, transport or highways, noise or landscape and visual have been identified.

19. Chapter eighteen concludes the Environmental Statement.

20. Further information was submitted as part of the planning application and additional 'Regulation 25' consultation was carried out. The additional information pertaining to the Environmental Statement includes:

- A review of the Environmental Statement (15<sup>th</sup> January 2020) containing information on surface water and flood risk, hydrogeology, landscape and visual amenity, soils and agriculture, ecology and conservation. The report concluded that following an examination of each area of potential impact that may have changed following the creation of a revised marina layout plant, the proposed scheme would still have no significant adverse effects on designated landscapes, designated areas of ecological or archaeological interest or other aspects of the local environment. It also states there would be an overall Biodiversity Net Gain compared to the existing/ current site conditions.
- An Ecological Appraisal (December 2019) to provide an update to the ecological assessment and surveys undertaken by Pleydell Smithyman in 2016. It confirms that with no significant changes in ecological status, the conclusions and recommendations of the 2016 study are appropriate and robust.
- A Highways Technical Note (29<sup>th</sup> June 2020) which reviewed the data used in the original assessment and responded to the comments of the OCC Transport Team.
- Flood Risk Assessment Report (13<sup>th</sup> July 2020) which concludes that the impact of the restoration phase of the mineral workings to flood risk at the site and adjacent land will be negligible.

## **Annex 4 – Consultation Responses Summary**

### **Local Member, Councillor Gray**

No comments received

### **Wallingford Town Council**

#### *Further Comments (August 2020)*

Wallingford Town Council maintain their objection to the application. If the application is granted a robust financial provision such as an escrow account must be made as a condition of planning consent and that this should be in place prior to commencement. The scheme from sand/gravel extraction to an Offline River Thames Marina Basin must be completed within 5 years of commencement.

#### *Initial Comments (June 2018)*

Joint response with Cholsey Parish Council

The councils object to the development due to the wide range of negative impacts arising from the proposed extraction and the restoration to a marina are not outweighed by its benefits and therefore the development is unacceptable. These include:

- Impact on Ecology and loss of biodiversity associated with loss/disruption of Biodiversity Action Plan Priority Habitats, concentration of human disturbance disturbing the wildlife, fish mortality from low oxygen level during summer in the marina and disturbance of non-target species by the bird management plan
- Impact on users of the Thames Path and Rowers
- Bird Strike and risk of this impact on the operation of RAF Benson
- Impact on Air Quality, especially Nitrogen Dioxide levels from vehicle on the downwind Wallingford AQMA and diesel powered boats
- Visual Impact on the setting of the Chilterns and North Wessex Downs AONB, the setting of Cholsey and Wallingford, the River Thames National Trail and the listed buildings at Cartmel College
- Traffic, particularly in cumulation with the nearby 70 bed care home
- Negative impact on Economy and Tourism as those using the marina are unlikely to shop of use local pub/restaurant as they would take their boat elsewhere, impact on RAF Benson, creation of few jobs, devaluing of Thames River Path
- Viability of marina creation leading to no site restoration

### **Crowmarsh Parish Council**

No comments received

### **Cholsey Parish Council**

Joint response with Wallingford Town Council, see above

## South Oxfordshire District Council

### *Further Comments (August 2020)*

The Council maintains its objection to the proposal on all grounds mentioned in previous correspondence. In our opinion, the social and economic benefits of the proposal would not outweigh the environmental harm.

### *Further Comments (February 2020)*

The **Planning Officer** comments that the revised plan does not address any of officer's concerns and there is very little change in the revised layout plan compared to the original. In terms of the Economic Impact Assessment, the officer write that any benefits listed still do not outweigh the harm as per the previous letter.

### *Initial Comments (June 2018)*

The **SODC Planning Officer** suggests the proposal is not in accordance with Oxfordshire Waste and Minerals Local Plan Part 1 – Core Strategy Policy M4. She notes that the Policy R9 of the SOLP specifically refers to recreational development associated with the River Thames and that this policy is clear that new moorings will not be permitted. The policy also requires that water sports activities should develop at existing sites rather than new ones. The officer also considers there has been no demonstration of the different users of the site would interact and whether there would be any conflict or increased congestion. Regarding landscape, the officer comments that the Local Plan Policies seek to maintain the special character and tranquillity of the River Thames and that the landscape is to remain unspoilt. This officer does not consider the development does this.

It is noted that comments about Noise, Odour and Dust have already been received, though it is questioned how enforceable to recommendations made in the reports are. In relation to Air Quality, it is noted that the Air Quality Report looks at dust and particulate matter only and does not make any reference to the nearby AQMA in Wallingford which was declared for nitrogen dioxide. Due to the site and location of the proposed development it is recommended more detailed air quality monitoring is carried out. In relation to land contamination, concerns are raised regarding the potential impact of the development on a private water support to the south of the site.

The SODC Planning Officer recognises that building a strong economy is one of the key strands of sustainable development as set out in the National Planning Policy Framework. The officer acknowledges the comments of the SODC's Economic Development Team which state that the proposed marina would potentially enhance the visitor offer for Wallingford and the wider District and provide opportunities and improve occupancy rates in local hotels and that on this basis.

Overall, the District Council recommends refusal of the planning application.

The SODC Landscape Officer, Tree Officer, Heritage Officer Urban Design Officer, Flooding and Drainage Officer, Economic Development Officer, and Crime Prevention Design Advisor (TVP) have also provided comments as part of the SODC planning response. These are detailed below

The **SODC Landscape Officer** considers submitted LVIA gives insufficient weight to the high sensitivity of recreational users of the River Thames and the Thames Path; the special character of the River Thames which offers beauty, tranquillity and wildness at this location; the role of the site as the countryside setting between Wallingford and

Cholsey and the potential for the coalescence of settlements; and the important role of the site in providing a setting for both the Chilterns and North Wessex Downs AONBs. Although the LVIA concludes that there would be no adverse visual effects on receptors because a marina would not look out of place in the location and setting of a riverfront site, the Landscape officer comments that notwithstanding that a marina would typically be located on a waterway and would not be an unexpected view, the change in visual amenity from a natural riverbank to a large-scale marina and industrial looking buildings would have a significant adverse effect on the visual amenity recreational users of the River Thames and National Path. The impact of lighting remaining on during the hours of darkness is also likely to impact the visual quality of the setting of the two AONBs. Overall, she considers the development is contrary to landscape policies and the NPPF.

The **SODC Tree Officer** has made comments regarding the date of the tree survey. He considers the development is potentially going to have a negative impact on the landscape, but if developed a landscaping scheme and management plan will be essential to reduce the harm. This will need to include planting at the outset around the boundary to boost the screening value of the existing vegetation, and then further phases of planting to address the impact of the new buildings and associated works.

The **SODC Heritage Officer** consider that the extraction and the proposed marina development will result in some loss of the open rural character that forms the setting of the heritage assets of the Gottlieb Gallery and former Church. As existing, the officer comments that the setting of the heritage assets contributes positively to their significance, emphasising their designed and intended presence within the riverside landscape and it reinforces their rural setting. With regard to the tests of the NPPF he considers this harm to be low and not more than less-than-substantial. However, steps to fully mitigate any harm must be taken and any residual less-than-substantial harm must still be demonstrably outweighed by public benefits, as per the tests of paragraph 132 and 134 of the NPPF.

The **SODC Urban Design Officer** comments that more thought needs to be given to the 'sense of arrival' for both motorists and pedestrians/cyclists. He considers the carpark, refuse and recycling area and rear façade of the facilities building do not create an attractive entrance to the site. He also comments that pedestrian and cycle access has been pushed to the periphery of the site and does not encourage access by foot or bike. He questions whether more could be made of the pedestrian bridge and grassed area in front of the facilities building. He also comments that no details of the building materials, hard surface materials or boundary treatment have been provided and that these will have a significant impact in terms of the attractiveness and quality of the development and will help determine whether a high-quality development is being delivered.

The **SODC Flooding and Drainage Officer** raises no objection subject to conditions and informative. The Flood Risk Assessment identifies that the proposal relates to water compatible development and is therefore appropriate for the flood zone. The modelling provided as part of the application confirms a negligible difference in flood risk as a result of the proposed development. The planning statement confirms that the existing flood relief culverts and swale under the A4130 will be retained and it is recommended activity in this area is controlled via condition to maintain the flood relief channel. It is also recommended that no materials is stockpiled in an area liable to flood. Given the location of the development on the edge of the flood plan it is recommended the floor levels of non-water compatible buildings is set 600mm above the associated flood level of the River Thames. It is commented that significant volumes of silt will be created during the extraction and washing process and a plan for the management of this should thereby be provided to reduce the risk of silt entering the water course. It is also recommended that

further details of surface water drainage is provided prior to each phase of the development proceeding and that details of foul drainage should be provided prior to the commencement of the development.

The **SODC Economic Development** Officer is supportive of the proposed development.

The **Crime Prevention Design Advisor** raises no objection to the proposed development but express some concerns in relation to community safety/crime prevention design. He recommends the inclusion of a condition to ensure that measures are incorporated.

### **Natural England**

No further comments received

*Comments (February 2020)*

Natural England objects to the proposed development as they consider it would have a significant impact on the purpose of designation of the Chilterns AONB. They consider that the nature and scale of the proposed development would have a significant negative impact on the statutory purpose of the Chilterns AONB. Of concern is the detrimental impact on the experience of users of the Thames Path National Trail as they walk within the setting of the AONB.

Natural England have also provided advice in relation to Best and Most Versatile Agricultural Land. They comment that they are not satisfied that that the site working and reclamation proposals provided in support of this application meet the requirements for sustainable minerals development. The minerals working and marina construction will involve working of best and most versatile agricultural soils but the methods used in the restoration and aftercare do not enable the land to retain its longer-term capability, since BMV soils will be exported for sale. They advise adoption of loose-handling methods for soils to minimise damage to the soil structure and that should the development proceed they are satisfied the Soils and Agricultural Land Classification report constitutes a satisfactory record of the pre-working physical characteristics of the land within the application site boundary.

Lastly, Natural England question the conclusions of the update to the ecological appraisal, in that they do not consider the proposals to result in biodiversity net gain. They advise that the application of the biodiversity metric is scrutinised, taking into account the design and nature of the open water habitats which will be in use as a marina, as well as the status of the Floodplain Grazing Marsh as a Habitat of Principal Importance.

### **Environment Agency**

No further comments received

*Further Comments (March 2020)*

The Environment Agency consider the revised detail does not satisfactorily address their earlier concerns and we therefore maintain their objection.

They also state there are several other matters of concern which were not highlighted in their previous response and object to the development on these points.

Since they previously commented on the application, new flood modelling for the Thames has been carried out and flood risk in this location has increased. They do not consider the submitted FRA complies with the requirements for site-specific flood risk assessments. They also comment that a development of this size should connect to the main Thames Water Foul network. In relation to water quality, they consider there is a lack of detail that construction will not cause pollution or unnecessary impacts to the water environment,

especially relating to the clay barrier and concrete/ sheet piling proposals for the marina entrance. While this is referred to in section 5.2.5 of the Geological report and geotechnical review the assessment of risk and potential mitigation measures to reduce pollution risks and impacts are not provided. They also consider that the cumulative impact of the proposed development and quarry at New Barn Farm should be considered and assessed. Lastly, they comment that the proposed description is for an off-line marina but the plans appear to show this is not the case. The marina will be considered on-line unless there is a system in place to control water levels within the marina.

*Initial Comments (September 2018)*

The Environment Agency object to the proposed development as submitted because of the adverse impact it would have on nature conservation and recommend that planning permission be refused on this basis.

They consider the proposals would have an unacceptable impact on the nature conservation value of the site, including floodplain grazing marsh, a habitat of principal importance listed under Section 41 of the Natural Environment and Rural Communities Act 2006. They state that the proposed development would lead to the permanent loss of floodplain grazing marsh within the site and the loss of lengths of wet ditch within the Thames Wallingford to Goring Conservation Target Area and that to mitigate the potential impacts of bird-strike on the nearby RAF Benson, the large-scale marina is designed to be deliberately unattractive to wildlife, incorporating such features as steep banks and deep water to prevent any marginal vegetation establishing. They comment that with the exception of a relatively small area of recreated 'floodplain grazing marsh' in the north of the site (with little detail about its creation or expected successful establishment), there is little attempt to mitigate or compensate for the loss of the existing floodplain grazing marsh, which means the proposal would result in a net loss of biodiversity.

The Environment Agency also provide information on overcoming this objection and request consideration is given to the whether the buildings, particularly the rowing boat house in flood zone three, can be safe and operational in times of flood.

## **Sport England**

*Further Comments (August 2020)*

Sport England are disappointed that the community water area has reduced in size significantly. It would, therefore, encourage that the applicant reconsiders the scale of this reduction. However, overall, Sport England does not consider that the additional documentation/amendments submitted significantly affects its position on the proposal therefore Sport England 's comments submitted on 26<sup>th</sup> November 2018 are still applicable in relation to this application.

*Further Comments (January 2020)*

Comments sent in November 2018 are still applicable

*Initial Comments (November 2018)*

Sport England consider that the inclusion of watersport facilities within the development is broadly consistent with Sport England's Planning Policy therefore they would not object to the proposal. Sport England, however, would advise that advice from British Rowing and British Canoeing (included in their response and summarised below) is considered.

Comments from British Canoeing and British Rowing

- Consideration should be given to people paddling to, from or via the canoe, kayak area, such as those who may be inclined to stop and spend money (parking, refreshments etc).
- The 'launch for Rowing club' on the River Thames side is welcomed although it is important that this a public launch for all as it would be useful to allow people journeying to, from or via the area to have this as an option to land here and access the main site.
- An area to secure store/lock boats would allow users to use the wider facilities proposed and travel further afield. The more 'open to all' this site is, the more paddlers would be inclined to spend time and money which could then be reinvested into the site. The store could be located within the rowing boathouse.
- An 'operational' consideration is to avoid charging excessive launch fees for private canoes or kayaks from this site as, if it is prohibitive, users would travel elsewhere and launch where there is no cost. Although, if there is public access to showers, changing rooms etc, people would likely accept some charge.
- Potentially consider a 'boom' with a stirrup gate so that large boats cannot enter the watersports area but canoes and kayaks can get through the gap and out of the Marina onto the Thames.
- Parking next to the watersports centre would useful so there is limited distance to carry equipment to the water, especially if users wanted to launch their own boat. Revenue may be gained from paddlers parking here for the day and journeying downstream

### **OCC Landscape**

No further comments received

*Initial comments (February 2020)*

The OCC Landscape advisor considers the proposed marina development to cause unacceptable harm on landscape character and visual quality, and to be contrary to national and local planning policy and guidance. She raises an objection to the proposed development.

Despite traffic noise from nearby roads being audible (especially the A4130) she considers the application site to be rural in character and to reflect many of the characteristics outlined in relevant landscape character assessments. She disagrees with the conclusions of the LVIA and consider that overall the landscape character and visual impacts have been underestimated. She believes this is due to a combination of underestimating the sensitivities of landscape and/or visual receptors and an underestimation of the magnitude of impacts. She also believes that insufficient consideration is given to the site's role as a setting to the AONBs, the character of the River Thames corridor in this location and to users of the National Trail and the River Thames. Although the proposed mineral extraction would be temporary, the creation of the marina will comprise a permanent loss of characteristic habitats and features and will fundamentally change the local landscape character and views. She states that the marina does not only comprise a waterbody as stated in the conclusions of the LVIA but will introduce buildings, car parks, lighting, noise, vehicle movements, pontoons and a large number of boats into the area, all of which will fundamentally change the character of the local landscape and views. She is also convinced about the feasibility and long-term survival of some of the landscape elements (e.g. floodplain grazing marsh, reedbeds) as some are narrow are expected to come under



pressure from recreational uses and will have particular management challenges (e.g. grazing).

### **OCC Ecology**

No further comments received

*Further comments (April 2020)*

The Ecology Officer has reviewed the updated survey report and can confirm she is satisfied with the scope of surveys. Given the timing of the request for updated information, the TVERC impact calculator has been used and is accepted, rather than the updated Defra 2.0 metre.

The officer comments that the surveys confirm that the majority of the site remains unchanged. The working of the site as a quarry is not of significant ecological concern in itself. The impact of the proposed scheme arise primarily from its restoration to a marina. A modest net gain in biodiversity has been calculated, however the officer comments that the marina site is designed for recreational purposes and not for biodiversity. A key concern remains in respect of the loss of Priority Habitat, the floodplain grazing marsh, which will be required to facilitate this scheme. The officer comments that additional biodiversity benefits will need to be established, for example through the use of planting of known benefit to wildlife such as pollinators, artificial roost features and long-term ecological management of areas closed off to the public.

The officer also highlights several points that require further clarification. This includes whether the black poplar would be retained; whether works to make the marina entrance acceptable would require the loss of further habitat loss (this would likely be unacceptable); confirmation on whether EIA screening was required for the change of the grassland to arable land; and the inclusion of the additional of hedgerow planting into to biodiversity net gain calculator.

A number of conditions are recommended should planning permission be granted. These include the provision of an Environmental Management Plan for biodiversity to encompass the extraction operations, updated protected species surveys, a long-term Ecological Restoration and Management Plan and Biodiversity Monitoring and Remediation Strategy.

*Initial comments (June 2018)*

Concerns were raised relating to the age of the survey data and overall net loss of biodiversity within the site. Further information is requested.

### **OCC Rights of Way**

*Further Comments (August 2020)*

The previous comments from 2018 are still valid. From a public rights of way perspective, the proposed development respects existing public rights of way, including the Thames Path National Trail - and aims to enhance access with the provision of a free to use circular footpath within the site and integrate public rights of way with appropriate and necessary bridges. During extraction and construction works it should be conditioned that there are adequate visual, acoustic and dust/debris screening if the site from nearby public rights of way.

The Thames Path must remain fully open as a riverside route during the development period, apart from the shortest possible time when footbridges are installed. Even then, the status of the route as a national trail means that a suitable and safe temporary bridge boardwalk or floating pontoon access should be provided.

Given the additional free access proposed to be available to the public, and provided there are suitable protections for amenity put in place, then no objections are raised to the proposal from a PRow perspective.

*Initial comments (June 2018)*

No issues are raised with regard to mineral extraction at the site as any impacts of visual amenity, dust and noise can be reduced by maintaining effective natural vegetation as screening. As no excavation is proposed within a wide corridor of the Thames Path National Trail it is considered the path's integrity will be maintained.

The major issue raised relates to construction of the proposed footbridge at the marina's river entrance. This will need to be to DMRB standards. During the bridge construction phase there will need to be a temporary diversion put in place – and this should provide as little disturbance to users of the Thames Path National Trail as possible. It is suggested that a temporary suitable footbridge over the drainage ditch could be installed away from the site of the new bridge which means the pilings and other works could be carried out before the major watering and access creation measures. If the new footbridge can be constructed and installed before the marina river entrance is constructed then this would significantly reduce the level and duration of disturbance on Thames Path National Trail users. The officer states he cannot comment on the technical feasibility of this approach but comments that without it there would be major disruption to the route and amenity of the Thames Path National Trail while the entrance cut is constructed, the marina watered and then the footbridge constructed.

The officer also comments that the route of the Thames Path National Trail should be suitably and sensitively improved in liaison with the TMNT Manager. These improvements should extend outside of the site to junctions with other PRow, especially north to Nosworthy Way. These improvements may extend to bank repairs, drainage and low-impact surface works, seating, gates and signage etc in order to mitigate the increase in traffic from people using and visiting the development.

### **OCC Trees**

No further comments received

*Initial comments (February 2020)*

The officer objects to the application as the arboricultural survey is out of date as described in its own limitations and it is not clear whether a significant tree, a black poplar (T53) can be retained. Should the application be permitted he requests that proposals are made to retain the significant tree (T53), a separate arboricultural method statement is prepared before the development commences and qualified arboricultural advice will be sought if service trenches and utilities are to cross tree root protection areas

### **OCC Archaeology**

*Further Comments (August 2020)*

The submitted amendments do not alter the original comments.

*Initial Comments (June 2018)*

The Archaeology Officer comments that the site has been the subject of a geophysical survey and a trenched evaluation which recorded a number of archaeological features in the northern part of the site. Nine undated pits or postholes were recorded as well as a small amount of prehistoric pottery and a Mesolithic/Bronze Age flake were found. The pits/postholes were undated but thought to date to the later prehistoric or Roman period. As the development will impact these identified archaeological features the officer

recommends that should planning permission be granted the applicant be responsible for ensuring the implementation of a staged programme of archaeological investigation during the period of construction which is secured via condition.

### **OCC Transport**

No further comments received

*Initial comments (June 2020)*

OCC Transport object to the proposed development due to insufficient information regarding the end use of the Marina function in terms of tracked drawings for trailered vessels, jeopardising the access arrangement and insufficient information regarding the use of the Marina function during the week. The closeness of access and egress to roundabout and visibility splays provided at the accesses is not shown and it is suspected to be sub of standard. Weekday modelling is required of nearby roundabouts on the Wallingford 'bypass' is required for this quantum of development.

They comment that each element of the project takes access from the A329 and the quarrying project, additionally, takes egress from the A4130 (Nosworthy Way). They consider that the recommendations from the pre-app have not been followed or not considered acceptably. They also note the data is over three years old. They advise that the access issues have led to the recommendation of an objection and the issues potentially have 'severe' consequences for the proposed development's influence on the highway network.

### **SODC Environmental Protection**

No further comments received

*Initial comments - Noise, Odour and Dust (May 2018)*

The officer has considered the matters relating to noise, odour and dust and provided the works are carried out in accordance with the recommendations specified within the reports has no objection to make.

### **Ministry of Defence**

*Further Comments (August 2020)*

The MoD has no objection to the amendments and their previous comments remain extant. They still note their requirements for the restoration and aftercare and look forward to future correspondence as the application progresses.

*Initial Comments (July 2018)*

The MOD has no safeguarding concerns with regards to the proposed heights of the development and airstrike. The principal safeguarding concern of the MOD in relation to mineral extraction, is that the creation of new habitats may attract and support populations of large and, or, flocking birds close to the aerodrome and increase the risk in bird strike to aerodrome operations. In principle the MOD has no safeguarding concerns subject to the confirmation on monitoring being daily or annual, amending the trigger levels for geese from 50 to 20 with zero tolerance breeding feral geese and signage to stop public from feeding birds being implemented as part of the legally based Bird Strike Management Plan.

### **Historic England**

*Further Comments (August 2020)*

Historic England consider the revised proposals appear to do very little to address the concerns previous detailed. They write that it seems eminently possible that a much-improved landscaping design could be achieved but has not been explored. They continue to raise concerns about the proposals covering the same points previously made. They encourage the Council, where it is minded to approve the proposals, to seek to secure meaningful visual screening along the western bank of the river between the development site and the nearby listed structures at Mongewell Park which would go some way to mitigating the harm of the proposals.

Historic England has concerns regarding the application on heritage grounds. They consider that the issues and safeguards outlined in our advice need to be addressed in order for the application to meet the requirements of paragraphs 190, 194 and 196 of the NPPF and draw attention to the statutory duty of section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990

*Initial Comments (June 2018)*

Historic England has raised concerns regarding the application on heritage grounds due to its proximity to the Former Carmel College, Mongewell Park. They highlight that the proposed development would be visible from the Grade II\* Gottlieb Gallery and Boathouse and to a lesser extent from the grade II ruin of the Church of St John the Baptist as there are gaps in the trees which allow reasonable clear views across the river. They consider that gravel extraction would dramatically change the character of the development site and consider the heritage statement misunderstands the significance of the church and underestimates the role of the rurality in the setting of buildings. They also consider the marina itself would compromise the idyllic rural riverside setting of these listed buildings.

They consider that the proposals do not minimise the conflict between the conservation of nearby historic assets as required by paragraph 129 of the NPPF as the landscaping on the riverbank could be improved. Furthermore, they consider that harm to the grade II\* boathouse and grade II church of St John the Baptist cannot be considered to have been justified and outweighed by public benefits as required by paragraphs 132 and 134 of the NPPF at present as part 2 of the Oxfordshire Minerals and Waste Local Plan has yet to be prepared and the relative merits of all potential sand and gravel extraction sites properly evaluated.

**North Wessex Downs AONB**

No Comments Received

**Chilterns Conservations Board**

*Further Comments (August 2020)*

Resubmitted original comments

*Initial Comments (June 2018)*

CCB notes that the application is for sand and gravel extraction with inert fill prior to the implementation of the marina. The planning statement makes the point (10.3.1) that the business model is based on the assumption that sand and gravel will be extracted. The planning authority should, in the judgement of CCB, determine this application on the merits of the proposed Marina. Whether or not this site is suitable for sand and gravel extraction should not be a relevant matter in the creation of a post-extraction marina because ordinarily restoration would involve a return to agricultural use.

CCB raises objection on the landscape impacts, the setting of the Chilterns AONB, it being contrary to the development and the AONB management plan. They consider the LVIA fails to give appropriate weight to the setting of the AONB

The CCB consider the development harmful to the AONB and falling significant short of the policy and the legislative duties that attribute great weight and importance to the conservation of landscape and scenic beauty within and affecting an AONB. In this case they consider the special qualities of the AONB are manifest in the landscape character setting and boundary configuration of the River Thames and the relationship between the Thames and Central Vale character areas. They comment that development proposed here is major and of substantial magnitude involving a land-use change that is out of character and discordant and with a manifestation of inappropriate development covering a refuelling office, café, toilets, 220 car parking spaces, 320 berths, security fencing and CCTV cameras. They state that application cannot possibly satisfy policy and would be significantly harmful to the enjoyment of the Chilterns, whether walking within it (especially in Mongewell) or when walking the Thames Path and in the appreciation of its riparian AONB setting. The further comment that application papers generally conclude that this proposal has a benign effect on landscape character and visual impact which they consider cannot be correct.

### **Thames Water**

No Further Comments received

*Initial comments (June 2018)*

Thames Water advise that the with regard to Foul Water sewage network infrastructure capacity, they would not have any objection to the above planning application, based on the information provided. The application indicates that surface waters will not be discharged to the public network and as such Thames Water has no objection, however approval should be sought from the Lead Local Flood Authority. Should this change, Thames water would need to review their position.

In relation to water usage, Thames water consider insufficient information has been provided by the developer to determine if the water network has capacity to supply this development. The description includes details of a cafe, toilet/shower block and laundry facilities but Thames Water have been unable to ascertain the water demand for these and therefore and unable to confirm if capacity is available. The developer is therefore asked to work with Thames Water to ensure there is no detriment to the existing water network.

### **University of Oxford**

*Further Comments (August 2020)*

The further information does not alter the University's position on the proposal. The comments send by letters dated 18 June 2018 and 14 February 2020 are still applicable

*Further Comments (February 2020)*

The University of Oxford expresses disappointment that no changes are proposed to the location of the marina entrance and consider the applicant has not investigated or given any consideration to the safety concerns raised. They therefore request the County Council refuse planning permission for the application as the proposed location of the marina entrance is located at a dangerous point, at the north end of the application. They consider there is a risk of serious collisions occurring between boats exiting the river and those already on the River Thames, such as rowing eights travelling at speed down the Thames at this point.

*Initial Comments (June 2018)*

The University of Oxford expresses concern about the safety of both rowers and boaters on the River Thames. They comment that this is an important stretch of the Thames for crews as there is measured course of 2km that starts to the north of the application and

continues downstream towards Goring Locks. They consider the statement that two rowing clubs (Wallingford and Oxford Brookes) being located downstream of the entrance and therefore not impact is incorrect. They comment that boats leaving the marina will have their site lines upstream impeded by the bridge and the curve in the river and will have little time to see and therefore react to a rowing boat traveling downstream. Both narrow boats and are rowing eights are steered from the stern further impeding visibility.

The University also comments that safety is further compromised by the inclusion of a possible rowing club on the site of the proposed marina itself, downstream of the entrance/exist which would future increase traffic in the area. They comment that the process of crews landing and setting off from a landing stage would mean greater distribution of other traffic on a narrow section of river. Rowing boats have to land with their bows facing upstream which means that any boat would have to cross to their left side into the oncoming river traffic navigating downstream on the right hand side.

Overall, the University of Oxford request that no decision is made until the matter of safety at the exit to the marina and the landing stages for a possible rowing club is fully investigated and consideration given to radically amending the design of marina, especially its exist in view of these safety concerns.

### **Oxford Brookes University**

No further comments received

*Initial Comments (June 2018)*

Oxford Brookes University expresses concern over the safety of boaters on this stretch of Thames. They note the applicant has acknowledged there are three rowing clubs in the vicinity of the site but do not consider the applicant has demonstrated an adequate understanding of the nature and scale of the actives associated with these rowing clubs. They comment that at busy times there can but upwards of 25 eights rowing past the application site and that these boats, when travelling at full speed downstream, can attain speeds of 15-20 mph. The proposed entrance would be part way along a measured stretch for rowing assessment and boats do pass the proposed site entrance. They consider the statement that two rowing clubs (theirs and Wallingford) being located downstream of the entrance and therefore not impact is incorrect. They comment that boats leaving the marina will have their site lines upstream impeded by the bridge and the curve in the river and will have little time to see and therefore react to a rowing boat traveling downstream. Both narrow boats and are rowing eights are steered from the stern further impeding visibility.

Overall, Oxford Brookes University request that no decision is made until the matter of safety at the exit to the marina is fully investigated and consideration given to radically amending the design of marina, especially its exit, in view of these safety concerns.

### **OCC Public Health**

No further comments received

*Initial Comments (June 2018)*

The officer has concerns about the dust from the development having a negative impact on nearby residents and that it will be greater than estimated in the air quality assessment. He considers detailed plans are needed about how the applicant will monitor the effects of dust and also wind levels which will impact on the spread of dust to local residents and more detail and assurances will be required regarding the dust mitigation plans for both operational and non-operational hours of the site

### **Ramblers Association**

No further comments received

*Initial Comments (June 2018)*

The Rambles Association requests there be minimal disturbance to the Thames Path while the footbridge is being built.

### **CPRE**

*Further Comments (August 2020)*

CPRE South Oxfordshire add to their original comments highlighting the risk of pollution, landscape impact and existing use of the river. They also comment that for a time in April and May 2020 wildlife on the river has thrived and would be harmed by the additional motor craft.

*Initial Comments (January 2020)*

CPRE South Oxfordshire object to the application. They consider the Thames corridor is a unique and valuable resource which provides a recreational resource for long distance walkers and local residents. They state the development would damage the character and beauty of both the local and regional landscape. They comment on the existing biodiversity value of this part of the river and its floodplain and its role in storing carbon. They consider major gravel workings would damage to wildlife and the nature and character of the riverside landscape and comment that the development of the marina would cause additions damage and disruption. They state the car park and buildings would be both intrusive and disrupt to operation of the flood plain and the inevitable lighting would disrupt any remaining wildlife and the presence of 200 plus boats and cars so close to the river would be a continuing threat of water and air pollution.

### **Boys Brigade Rowing Club**

*Further Comments (August 2020)*

Further to their previous comments, the **Boys Brigade Rowing Club** comment that dealing with the fallout from COVID-19, has highlighted how essential it is for the young people in the Wallingford area to have an area which they can call their own.

They note that part of this planning application includes a proposal for facilities for young people to be engaged in water-based activities in a safe and controlled environment. The comment that warm weather and young people with nothing better to do has resulted in many young people taking to launching themselves from Wallingford Bridge and lazing about on the river. Although they consider that lazing about on the river is not necessarily an issue, a facility providing safety training to young people will help them avoid many of the dangers, especially those posed by other river users.

They again state support for the application for they benefit it would bring to the population as a whole.

*Initial Comments (January 2020)*

The Boys' Brigade Rowing Club support the application. They are seeking to provide a community resource to provide young people in the South Oxfordshire area with a location where they can pursue activities on the river and also to provide a location where young people can undertake bush and field crafts and undertake environmental studies and practice conservation. They have searched for a permanent base on the river for a number of years. The organisation already run actives on this area of river so would not add additional traffic and consider relief over congestion of Ferry Lane may be provided.

They comment that the proposed plan provides for an area of community space including an area of wet marsh and a pond. These features would provide an ideal environment for the provision of environmental studies. The community area within the lagoon will also provide an area where safety and rescue training can be conducted removing some further traffic from the main river.

They comment that the land is not within the AONB and is currently strewn with structures and infrastructure in decay. They consider the plan will add to the nature of the area and believe the benefits outweigh the negatives.

**Open Spaces Society**

No comments received

**River Thames Society**

No comments received

**Chiltern Society**

No comments received

**BBOWT**

No comments received



## **Annex 5 – Representations Summary**

1. Twenty-five representations from members of the public were received. Fourteen of these object to the proposed development, eight are in support and the remaining three are considered to be of neutral stance. The points raised are summarised below.

### Support (8)

- Valuable community asset
- Positive for social and physical well being
- Facilitate learning new skills
- Provision of local service
- Provision of employment
- Develop an area in decay

### Neutral (3)

- Materials should be imported and exported by water
- No guarantee of public use

### Objection (14)

- Conflict with rowing and other users of the River Thames for recreation
- Impact to Thames Path National Trail and recreation in area
- Marina not needed
- Gravel not needed
- Harm to AONB
- Loss of tourism and harm to economy
- No guarantee that marina will be built
- Disturbance, harm and loss to the flora, fauna and habitats
- Damage to the Riverbank
- Harm to listed buildings
- Flood risk
- Disruption of mineral extraction (Adverse impact of human health, residential amenity from noise, dust, visual intrusion, light pollution, traffic and air quality)
- Accuracy of wind direction analysis
- Highway capacity and safety
- Harm to water quality from extraction and marina operation (e.g. fuel contamination)
- Built development is extensive and unsuitable in the area
- Size of the Marina
- Visual impact of mineral extraction and marina
- Change to the character of the land and nature of the river in the area
- Risk of Bird Strike
- Combined impacts of gravel extraction with site adjacent to Wallingford Road
- Contrary to policy
- Public use is not guaranteed
- Materials should be exported by water

**Annex 6 – European Protected Species**

The Local Planning Authority in exercising any of their functions, have a legal duty to have regard to the requirements of the Conservation of Species & Habitats Regulations 2017 which identifies 4 main offences for development affecting European Protected Species (EPS).

1. Deliberate capture or killing or injuring of an EPS
2. Deliberate taking or destroying of EPS eggs
3. Deliberate disturbance of a EPS including in particular any disturbance which is likely
  - a) to impair their ability –
  - i) to survive, to breed or reproduce, or to rear or nurture their young, or
  - ii) in the case of animals of a hibernating or migratory species, to hibernate or migrate; or
  - b) to affect significantly the local distribution or abundance of the species to which they belong.
4. Damage or destruction of an EPS breeding site or resting place.

Our records, survey results and consideration of the habitats within the site area indicate that, with appropriate mitigation, European Protected Species are unlikely to be harmed as a result of the proposals.

## PLANNING & REGULATION COMMITTEE – 7 SEPTEMBER 2020

### POLICY ANNEX (RELEVANT DEVELOPMENT PLAN AND OTHER POLICIES)

#### **Oxfordshire Minerals and Waste Core Strategy 2017 (OMWCS)**

##### POLICY M1: RECYCLED AND SECONDARY AGGREGATES

So far as is practicable, aggregate mineral supply to meet demand in Oxfordshire should be from recycled and secondary aggregate materials in preference to primary aggregates, in order to minimise the need to work primary aggregates.

The production and supply of recycled and secondary aggregate, including that which improves waste separation and the range or quality of end products, will be encouraged so as to enable the maximum delivery of recycled and secondary aggregate within Oxfordshire. Where practicable, the transport of recycled and secondary aggregate materials (both feedstock and processed materials) from locations remote from Oxfordshire should be by rail.

Provision will be made for facilities to enable the production and/or supply of a minimum of 0.926 million tonnes of recycled and secondary aggregates per annum.

Sites which are suitable for facilities for the production and/or supply of recycled and secondary aggregates at locations that are in accordance with policies W4 and W5 and other relevant policies of this Plan and of other development plans will be allocated in the Minerals and Waste Local Plan: Part 2 – Site Allocations Document. Permission will be granted for such facilities at these allocated sites provided that the requirements of policies C1 – C12 are met.

Permission will normally be granted for recycled and secondary aggregate facilities at other sites, including for temporary recycled aggregate facilities at aggregate quarries and landfill sites, that are located in accordance with policies W4 and W5 and that meet the requirements of policies C1 – C12, taking into account the benefits of providing additional recycled and secondary aggregate capacity and unless the adverse impacts of doing so significantly and demonstrably outweigh the benefits. Where permission is granted for such a facility at a time-limited mineral working or landfill site this will normally be subject to the same time limit as that applying to the host facility and the site shall be restored in accordance with the requirements of policy M10 for restoration of mineral workings at the end of its permitted period. Except where a new planning permission is granted for retention of the facility beyond its permitted end date, temporary facility sites shall be restored at the end of their permitted period.

Sites for the production and/or supply of recycled and secondary aggregate will be safeguarded under Policy M9 and/or W11 and safeguarded sites will be defined in the Site Allocations Document.

##### POLICY M2: PROVISION FOR WORKING AGGREGATE MINERALS

Provision will be made through policies M3 and M4 to enable the supply of:

sharp sand and gravel - 1.015 mtpa giving a total provision requirement of 18.270 million tonnes

soft sand - 0.189 mtpa giving a total provision requirement of 3.402 million tonnes

crushed rock - 0.584 mtpa giving a total provision requirement of 10.512 million tonnes

from land-won sources within Oxfordshire for the period 2014 – 2031 inclusive. Permission will be granted for aggregate mineral working under policy M5 to enable separate landbanks of reserves with planning permission to be maintained for the extraction of minerals of:

at least 7 years for sharp sand and gravel;

at least 7 years for soft sand;

at least 10 years for crushed rock;

in accordance with the annual requirement rates in the most recent Local Aggregate Assessment, taking into account the need to maintain sufficient productive capacity to enable these rates to be realised.

### POLICY M3: PRINCIPAL LOCATIONS FOR WORKING AGGREGATE MINERALS

The principal locations for aggregate minerals extraction will be within the following strategic resource areas, as shown on the Policies Map:

Sharp sand and gravel

in northern Oxfordshire (Cherwell District and West Oxfordshire District):

The Thames, Lower Windrush and Lower Evenlode Valleys area from Standlake to Yarnton;

in southern Oxfordshire (South Oxfordshire District and Vale of White Horse District):

The Thames and Lower Thame Valleys area from Oxford to Cholsey;

The Thames Valley area from Caversham to Shiplake.

Soft sand

The Corallian Ridge area from Oxford to Faringdon;

The Duns Tew area.

Crushed rock

The area north west of Bicester;

The Burford area south of the A40;

The area east and south east of Faringdon.

Specific sites (new quarry sites and/or extensions to existing quarries) for working aggregate minerals within these strategic resource areas will be allocated in the Minerals & Waste Local Plan: Part 2 – Site Allocations Document, in accordance with policy M4.

Specific sites for extensions to existing aggregate quarries (excluding ironstone) outside the strategic resource areas may also be allocated in the Minerals & Waste

Local Plan: Part 2 – Site Allocations Document provided they are in accordance with policy M4.

Sites allocated for sharp sand and gravel working (including both new quarry sites and extensions to existing quarries, including any extensions outside the strategic resource areas), to meet the requirement in policy M2 will be located such that approximately 25% of the additional tonnage requirement is in northern Oxfordshire and approximately 75% of the additional tonnage requirement is in southern Oxfordshire, to achieve an approximately equal split of production capacity for sharp sand

#### POLICY M8: SAFEGUARDING MINERAL RESOURCES

Mineral resources in the Mineral Safeguarding Areas shown on the Policies Map are safeguarded for possible future use. Development that would prevent or otherwise hinder the possible future working of the mineral will not be permitted unless it can be shown that:

The site has been allocated for development in an adopted local plan or neighbourhood plan; or

The need for the development outweighs the economic and sustainability considerations relating to the mineral resource; or

The mineral will be extracted prior to the development taking place.

Mineral Consultation Areas, based on the Mineral Safeguarding Areas, are shown on the Policies Map. Within these areas the District Councils will consult the County Council on planning applications for non-mineral development.

#### POLICY M10: RESTORATION OF MINERAL WORKINGS

Mineral workings shall be restored to a high standard and in a timely and phased manner to an after-use that is appropriate to the location and delivers a net gain in biodiversity. The restoration and after-use of mineral workings must take into account:

the characteristics of the site prior to mineral working;

the character of the surrounding landscape and the enhancement of local landscape character;

the amenity of local communities, including opportunities to enhance green infrastructure provision and provide for local amenity uses and recreation;

the capacity of the local transport network;

the quality of any agricultural land affected, including the restoration of best and most versatile agricultural land;

the conservation of soil resources

flood risk and opportunities for increased flood storage capacity;

the impacts on flooding and water quality of any use of imported material in the proposed restoration;

bird strike risk and aviation safety;

any environmental enhancement objectives for the area;

the conservation and enhancement of biodiversity appropriate to the local area, supporting the establishment of a coherent and resilient ecological network through the landscape-scale creation of priority habitat;

the conservation and enhancement of geodiversity;  
the conservation and enhancement of the historic environment; and  
consultation with local communities on options for after-use.

Planning permission will not be granted for mineral working unless satisfactory proposals have been made for the restoration, aftercare and after-use of the site, including where necessary the means of securing them in the longer term.  
Proposals for restoration must not be likely to lead to any increase in recreational pressure on a Special Area of Conservation.

**POLICY W2: OXFORDSHIRE WASTE MANAGEMENT TARGETS**

Provision will be made for capacity to manage the principal waste streams in a way that provides for the maximum diversion of waste from landfill, in line with the following targets:

Oxfordshire waste management targets 2016 – 2031

		Year			
		2016	2021	2026	2031
MUNICIPAL WASTE	Composting & food waste treatment	29%	32%	35%	35%
	Non-hazardous waste recycling	33%	33%	35%	35%
	Non-hazardous residual waste treatment	30%	30%	25%	25%
	Landfill (these percentages are not targets but are included for completeness)	8%	5%	5%	5%
	Total	100%	100%	100%	100%
COMMERCIAL & INDUSTRIAL WASTE	Composting & food waste treatment	5%	5%	5%	5%
	Non-hazardous waste recycling	55%	60%	65%	65%

	Non-hazardous residual waste treatment	15%	25%	25%	25%
	Landfill (these percentages are not targets but are included for completeness)	25%	10%	5%	5%
	Total	100%	100%	100%	100%
CONSTRUCTION, DEMOLITION & EXCAVATION WASTE	<i>Proportion of Projected Arisings taken to be Inert*</i>	80%	80%	80%	80%
	Inert waste recycling (as proportion of inert arisings)	55%	60%	65%	70%
	Permanent deposit of inert waste other than for disposal to landfill** (as proportion of inert arisings)	25%	25%	25%	25%
	Landfill (as proportion of inert arisings) (these percentages are not targets but are included for completeness)	20%	15%	10%	5%
	Total (inert arisings)	100%	100%	100%	100%
	<i>Proportion of Projected Arisings taken to be Non-Inert*</i>	20%	20%	20%	20%
	Composting (as proportion of non-inert arisings)	5%	5%	5%	5%

Non-hazardous waste recycling (as proportion of non-inert arisings)	55%	60%	65%	65%
Non-hazardous residual waste treatment (as proportion of non-inert arisings)	15%	25%	25%	25%
Landfill (as proportion of non-inert arisings) (these percentages are not targets but are included for completeness)	25%	10%	5%	5%
Total (non-inert arisings)	100%	100%	100%	100%

*\* It is assumed that 20% of the CDE waste stream comprises non-inert materials (from breakdown in report by BPP Consulting on Construction, Demolition and Excavation Waste in Oxfordshire, February 2014, page 7). The subsequent targets are proportions of the inert or non-inert elements of the CDE waste stream.*

*\*\* This includes the use of inert waste in backfilling of mineral workings & operational development such as noise bund construction and flood defence works.*

Proposals for the management of all types of waste should demonstrate that the waste cannot reasonably be managed through a process that is higher up the waste hierarchy than that proposed.

**POLICY W3: PROVISION FOR WASTE MANAGEMENT CAPACITY AND FACILITIES REQUIRED**

Provision will be made for the following additional waste management capacity to manage the non-hazardous element of the principal waste streams:

- Non-hazardous waste recycling:
- by 2021: at least 145,400 tpa
  - by 2026: at least 203,000 tpa
  - by 2031: at least 326,800 tpa

Specific sites for strategic and non-strategic waste management facilities (other than landfill) to meet the requirements set out in in this policy, or in any update of these requirements in the Oxfordshire Minerals and Waste Annual Monitoring Reports, at locations that are in accordance with policies W4 and W5 and other relevant policies of this Plan and of other development plans will be allocated in the Minerals and Waste Local Plan: Part 2 – Site Allocations Document. Other sites which are suitable



for strategic and non-strategic waste management facilities and which provide additional capacity for preparation for re-use, recycling or composting of waste or treatment of food waste (including waste transfer facilities that help such provision) at locations that are in accordance with policies W4 and W5 and other relevant policies of this Plan and of other development plans will also be allocated in the Minerals and Waste Local Plan: Part 2 – Site Allocations Document.

Permission will be granted at allocated sites for the relevant types and sizes of waste management facilities for which they are allocated provided that the requirements of policies C1 – C12 are met.

Permission will normally be granted for proposals for waste management facilities that provide capacity for preparation for re-use, recycling or composting of waste or treatment of food waste (including waste transfer facilities that help such provision) at other sites that are located in accordance with policies W4 and W5 and that meet the requirements of policies C1 – C12, taking into account the benefits of providing additional capacity for the management of waste at these levels of the waste hierarchy, and unless the adverse impacts of doing so significantly and demonstrably outweigh the benefits. Where permission is granted for such a facility at a time-limited mineral working or landfill site this will normally be subject to the same time limit as that applying to the host facility and the site shall be restored in accordance with the requirements of policy M10 for restoration of mineral workings at the end of its permitted period. Except where a new planning permission is granted for retention of the facility beyond its permitted end date, temporary facility sites shall be restored at the end of their permitted period.

Proposals for non-hazardous residual waste treatment will only be permitted if it can be demonstrated that the development would not impede the movement of waste up the hierarchy and that it would enable waste to be recovered at one of the nearest appropriate installations, and provided that the proposal is located in accordance with policies W4 and W5 and meets the requirements of policies C1-C12. Account will be taken of any requirements for additional non-hazardous residual waste management capacity that may be identified in the Oxfordshire Minerals and Waste Annual Monitoring Reports in the consideration of proposals for additional non-hazardous residual waste management capacity for the principal waste streams.

Proposals for disposal by landfill will be determined in accordance with policy W6.

#### **POLICY W4: LOCATIONS FOR FACILITIES TO MANAGE THE PRINCIPAL WASTE STREAMS**

Facilities (other than landfill) to manage the principal waste streams should be located as follows:

- a) Strategic waste management facilities should normally be located in or close to Banbury, Bicester, Oxford, Abingdon and Didcot, as indicated on the Waste Key Diagram. Locations further from these towns may be appropriate where there is access to the Oxfordshire lorry route network in accordance with Policy C10.

- b) Non-strategic waste management facilities should normally be located in or close to Banbury, Bicester, Oxford, Abingdon and Didcot, the other large towns (Witney and Wantage & Grove) and the small towns (Carterton, Chipping Norton, Faringdon, Henley-on-Thames, Thame and Wallingford), as indicated on the Waste Key Diagram. Locations further from these towns may be appropriate where there is access to the Oxfordshire lorry route network in accordance with Policy C10.
- c) Elsewhere in Oxfordshire, and particularly in more remote rural areas, facilities should only be small scale, in keeping with their surroundings.

The locations for strategic and/or non-strategic waste management facilities around Oxford, Abingdon, Didcot and Wantage and Grove exclude the Oxford Meadows, Cothill Fen, Little Wittenham and Hackpen Hill Special Areas of Conservation and a 200 metre dust impact buffer zone adjacent to these SACs.

As indicated on the Waste Key Diagram, strategic and non-strategic waste management facilities (that comprise major development) should not be located within Areas of Outstanding Natural Beauty except where it can be demonstrated that the 'major developments test' in the NPPF (paragraph 116), and as reflected in policy C8, is met.

#### POLICY W5: SITING OF WASTE MANAGEMENT FACILITIES

Priority will be given to siting waste management facilities on land that:

- is already in waste management or industrial use; or
- is previously developed, derelict or underused; or
- is at an active mineral working or landfill site; or
- involves existing agricultural buildings and their curtilages; or
- is at a waste water treatment works.

Waste management facilities may be sited on other land in greenfield locations where this can be shown to be the most suitable and sustainable option.

#### POLICY C1: SUSTAINABLE DEVELOPMENT

A positive approach will be taken to minerals and waste development in Oxfordshire, reflecting the presumption in favour of sustainable development contained in the National Planning Policy Framework and the aim to improve economic, social and environmental conditions of the area.

Planning applications that accord with the policies in this plan will be approved, unless material considerations indicate otherwise. Where there are no policies relevant to the application, or relevant plan policies are out of date, planning permission will be granted unless material considerations indicate otherwise, taking into account whether:

- any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits of the proposed development when assessed against the National Planning Policy Framework; or
- specific policies in the National Planning Policy Framework indicate that the development should be restricted.

## POLICY C2: CLIMATE CHANGE

Proposals for minerals or waste development, including restoration proposals, should take account of climate change for the lifetime of the development from construction through operation and decommissioning. Applications for development should adopt a low carbon approach and measures should be considered to minimise greenhouse gas emissions and provide flexibility for future adaptation to the impacts of climate change.

## POLICY C3: FLOODING

Minerals and waste development will, wherever possible, take place in areas with the lowest probability of flooding. Where development takes place in an area of identified flood risk this should only be where alternative locations in areas of lower flood risk have been explored and discounted (using the Sequential Test and Exceptions Test as necessary) and where a flood risk assessment is able to demonstrate that the risk of flooding is not increased from any source, including:

an impediment to the flow of floodwater;  
the displacement of floodwater and increased risk of flooding elsewhere;  
a reduction in existing floodwater storage capacity;  
an adverse effect on the functioning of existing flood defence structures; and  
the discharge of water into a watercourse.

The opportunity should be taken to increase flood storage capacity in the flood plain where possible, particularly through the restoration of sand and gravel workings.

## POLICY C4: WATER ENVIRONMENT

Proposals for minerals and waste development will need to demonstrate that there would be no unacceptable adverse impact on or risk to:

The quantity or quality of surface or groundwater resources required for habitats, wildlife and human activities;

The quantity or quality of water obtained through abstraction unless acceptable provision can be made;

The flow of groundwater at or in the vicinity of the site; and

Waterlogged archaeological remains.

Proposals for minerals and waste development should ensure that the River Thames and other watercourses and canals of significant landscape, nature conservation, or amenity value are adequately protected from unacceptable adverse impacts.

## POLICY C5: LOCAL ENVIRONMENT, AMENITY AND ECONOMY

Proposals for minerals and waste development shall demonstrate that they will not have an unacceptable adverse impact on:

- the local environment;
- human health and safety;
- residential amenity and other sensitive receptors; and

- the local economy;  
including from:
  - noise;
  - dust;
  - visual intrusion;
  - light pollution;
  - traffic;
  - air quality;
  - odour;
  - vermin;
  - birds;
  - litter;
  - mud on the road;
  - vibration;
  - surface or ground contamination;
  - tip and quarry-slope stability;
  - differential settlement of quarry backfill;
  - subsidence; and
  - the cumulative impact of development.

Where necessary, appropriate separation distances or buffer zones between minerals and waste developments and occupied residential property or other sensitive receptors and/or other mitigation measures will be required, as determined on a site-specific, case-by-case basis.

#### POLICY C6: AGRICULTURAL LAND AND SOILS

Proposals for minerals and waste development shall demonstrate that they take into account the presence of any best and most versatile agricultural land.

Significant development leading to the permanent loss of best and most versatile agricultural land will only be permitted where it can be shown that there is a need for the development which cannot reasonably be met using lower grade land and where all options for reinstatement without loss of quality have been considered taking into account other relevant considerations.

Development proposals should make provision for the management and use of soils in order to maintain agricultural land quality (where appropriate) and soil quality, including making a positive contribution to the long-term conservation of soils in any restoration.

#### POLICY C7: BIODIVERSITY AND GEODIVERSITY

Minerals and waste development should conserve and, where possible, deliver a net gain in biodiversity.

The highest level of protection will be given to sites and species of international nature conservation importance (e.g. Special Areas of Conservation and European

Protected Species) and development that would be likely to adversely affect them will not be permitted.

In all other cases, development that would result in significant harm will not be permitted unless the harm can be avoided, adequately mitigated or, as a last resort, compensated for to result in a net gain in biodiversity (or geodiversity). In addition:

- (i) Development that would be likely to have an adverse effect on a Site of Special Scientific Interest (either individually or in combination with other development) will not be permitted except where the benefits of the development at this site clearly outweigh both the impacts that it is likely to have on the Site of Special Scientific Interest and any broader impacts on the national network of Sites of Special Scientific Interest.
- (ii) Development that would result in the loss or deterioration of irreplaceable habitats, including ancient woodland and aged or veteran trees, will not be permitted except where the need for and benefits of the development in that location clearly outweigh the loss.
- (iii) Development shall ensure that no significant harm would be caused to:
  - Local Nature Reserves;
  - Local Wildlife Sites;
  - Local Geology Sites;
  - Sites of Local Importance for Nature Conservation;
  - Protected, priority or notable species and habitats,except where the need for and benefits of the development in that location clearly outweigh the harm.

All proposals for mineral working and landfill shall demonstrate how the development will make an appropriate contribution to the maintenance and enhancement of local habitats, biodiversity or geodiversity (including fossil remains and trace fossils), including contributing to the objectives of the Conservation Target Areas wherever possible. Satisfactory long-term management arrangements for restored sites shall be clearly set out and included in proposals. These should include a commitment to ecological monitoring and remediation (should habitat creation and/or mitigation prove unsuccessful).

#### POLICY C8: LANDSCAPE

Proposals for minerals and waste development shall demonstrate that they respect and where possible enhance local landscape character, and are informed by landscape character assessment. Proposals shall include adequate and appropriate measures to mitigate adverse impacts on landscape, including careful siting, design and landscaping. Where significant adverse impacts cannot be avoided or adequately mitigated, compensatory environmental enhancements shall be made to offset the residual landscape and visual impacts.

Great weight will be given to conserving the landscape and scenic beauty of Areas of Outstanding Natural Beauty (AONB) and high priority will be given to the enhancement of their natural beauty. Proposals for minerals and waste development

within an AONB or that would significantly affect an AONB shall demonstrate that they take this into account and that they have regard to the relevant AONB Management Plan. Major developments within AONBs will not be permitted except in exceptional circumstances and where it can be demonstrated they are in the public interest, in accordance with the 'major developments test' in the NPPF (paragraph 116). Development within AONBs shall normally only be small-scale, to meet local needs and should be sensitively located and designed.

#### POLICY C9: HISTORIC ENVIRONMENT AND ARCHAEOLOGY

Proposals for minerals and waste development will not be permitted unless it is demonstrated, including where necessary through prior investigation, that they or associated activities will not have an unacceptable adverse impact on the historic environment.

Great weight will be given to the conservation of designated heritage assets: Blenheim Palace World Heritage Site; scheduled monuments; listed buildings; conservation areas; historic battlefields; registered parks and gardens; and non-designated archaeological assets which are demonstrably of equivalent significance to a scheduled monument; and the setting of those assets.

Where an application would affect a non-designated heritage asset, the benefits of the proposal will be balanced against the scale of harm to or loss of the heritage asset and its significance.

Where, following assessment of an application, the loss (wholly or in part) of a heritage asset is considered acceptable in principle, the applicant will be required to record and advance understanding of that asset, proportionate to the nature and level of the asset's significance, and to publish their findings.

Proposals for mineral working and landfill shall wherever possible demonstrate how the development will make an appropriate contribution to the conservation and enhancement of the historic environment.

#### POLICY C10: TRANSPORT

Minerals and waste development will be expected to make provision for safe and suitable access to the advisory lorry routes shown on the Oxfordshire Lorry Route Maps in ways that maintain and, if possible, lead to improvements in:

- the safety of all road users including pedestrians;
- the efficiency and quality of the road network; and
- residential and environmental amenity, including air quality.

Where development leads to a need for improvement to the transport network to achieve this, developers will be expected to provide such improvement or make an appropriate financial contribution.

Where practicable minerals and waste developments should be located, designed and operated to enable the transport of minerals and/or waste by rail, water, pipeline or conveyor.

Where minerals and/or waste will be transported by road:

- a) mineral workings should as far as practicable be in locations that minimise the road distance to locations of demand for the mineral, using roads suitable for lorries, taking into account the distribution of potentially workable mineral resources; and
- b) waste management and recycled aggregate facilities should as far as practicable be in locations that minimise the road distance from the main source(s) of waste, using roads suitable for lorries, taking into account that some facilities are not economic or practical below a certain size and may need to serve a wider than local area.

Proposals for minerals and waste development that would generate significant amounts of traffic will be expected to be supported by a transport assessment or transport statement, as appropriate, including mitigation measures where applicable.

#### **POLICY C11: RIGHTS OF WAY**

The integrity and amenity value of the rights of way network shall be maintained and if possible it shall be retained in situ in safe and useable condition. Diversions should be safe, attractive and convenient and, if temporary, shall be reinstated as soon as possible. If permanent diversions are required, these should seek to enhance and improve the public rights of way network.

Improvements and enhancements to the rights of way network will generally be encouraged and public access sought to restored mineral workings, especially if this can be linked to wider provision of green infrastructure. Where appropriate, operators and landowners will be expected to make provision for this as part of the restoration and aftercare scheme.

#### **Vale Local Plan 2031 Part 1 (VLP1)**

#### **CORE POLICY 1: PRESUMPTION IN FAVOUR OF SUSTAINABLE DEVELOPMENT**

Planning applications that accord with this Local Plan 2031 (and where relevant, with any subsequent Development Plan Documents or Neighbourhood Plans) will be approved, unless material considerations indicate otherwise.

Where there are no policies relevant to the application or relevant policies are out of date at the time of making the decision then the Council will grant permission unless material considerations indicate otherwise, and unless:

- i. any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the National Planning Policy Framework taken as a whole, or
- ii. specific policies in that Framework indicate that development should be restricted.

#### **CORE POLICY 33: PROMOTING SUSTAINABLE DEVELOPMENT**

All development proposals will be required to make provision for the efficient use of natural resources, including:

- i. making adequate provision for the recycling of waste
- ii. using recycled and energy efficient materials
- iii. minimising waste
- iv. maximising passive solar heating, lighting, natural ventilation, energy and water efficiency and reuse of materials
- v. causing no deterioration and, where possible, achieving improvements in water and air quality
- vi. ensuring that the land is of a suitable quality for development and that remediation of contaminated land is undertaken where necessary, and
- vii. re-using previously developed land provided it is not of high environmental value.

#### CORE POLICY 37: DESIGN AND LOCAL DISTINCTIVENESS

All proposals for new development will be expected to be of high quality design, such that the layout, scale, mass, height, detailing, materials, landscaping and relationship to context make a positive contribution to the character of the locality.

All new development schemes should also:

- i. connect to the surrounding area and existing development
- ii. relate well to existing and proposed facilities
- iii. have access to public transport where possible
- iv. have locally inspired or otherwise distinctive character
- v. sensitively incorporate any existing distinctive features on site, such as landscape or structures, as well as having a suitable level of new landscaping
- vi. ensure that buildings and streets are well defined with landscaping and buildings that relate well to the street
- vii. be legible and easy to move through
- viii. encourage low vehicle speeds and allows streets to function as social spaces
- ix. have a sufficient level of well-integrated parking
- x. have clearly defined public and private spaces
- xi. include sufficient external space for bins, recycling and bicycle
- xii. ensure that public and communal spaces are overlooked in the interest of community safety, and
- xiii. be compatible with urban design principles, including Secured by Design and Active Design principles.

Development will be expected to follow the design principles set out in relevant SPD and National Guidance.

#### CORE POLICY 43: NATURAL RESOURCES

The Council encourages developers to make provision for the effective use of natural resources where applicable including:



- i. minimising waste and making adequate provision for the recycling of waste on site
- ii. using recycled and energy efficient materials
- iii. maximising passive solar heating, lighting, natural ventilation, energy and water efficiency and re-use of materials
- iv. making efficient use of water, for example through rainwater harvesting and grey water
- v. causing no deterioration in, and where possible, achieving improvements on water quality
- vi. takes account of, and if located within an AQMA is consistent with, the Council's Air Quality Action Plan
- vii. ensuring that the land is of a suitable quality for development and that remediation of contaminated land is undertaken where necessary
- viii. avoiding the development of the best and most versatile agricultural land, unless it is demonstrated to be the most sustainable choice from reasonable alternatives, by first using areas of poorer quality land in preference to that of a higher quality, and
- ix. re-using previously developed land, provided it is not of high environmental value.

#### CORE POLICY 44: LANDSCAPE

The key features that contribute to the nature and quality of the Vale of White Horse District's landscape will be protected from harmful development and where possible enhanced, in particular:

- i. features such as trees, hedgerows, woodland, field boundaries, watercourses and water bodies
- ii. important landscape settings of settlements
- iii. topographical features
- iv. areas or features of cultural and historic value
- v. important views and visually sensitive skylines, and
- vi. tranquillity and the need to protect against intrusion from light pollution, noise, and motion.

Where development is acceptable in principle, measures will be sought to integrate it into the landscape character and/or the townscape of the area. Proposals will need to demonstrate how they have responded to the above aspects of landscape character and will be expected to:

- vii. incorporate appropriate landscape proposals that reflect the character of the area through appropriate design and management;
- viii. preserve and promote local distinctiveness and diversity and, where practical, enhance damaged landscape areas.

High priority will be given to conservation and enhancement of the natural beauty of the North Wessex Downs AONB and planning decisions will have regard to its setting. Proposals that support the economy and social wellbeing of communities located in the AONB, including affordable housing schemes, will be encouraged, provided they do not conflict with the aims of conservation and enhancement.

CORE POLICY 45: GREEN INFRASTRUCTURE

A net gain in Green Infrastructure, including biodiversity, will be sought either through on-site provision or off-site contributions and the targeted use of other funding sources. A net loss of Green Infrastructure, including biodiversity, through development proposals, will be resisted.

Proposals for new development must provide adequate Green Infrastructure in line with the Green Infrastructure Strategy. All major applications must be accompanied by a Statement demonstrating that they have taken into account the relationship of the proposed development to existing Green Infrastructure and how this will be retained and enhanced. Proposals will be required to contribute to the delivery of new Green Infrastructure and/or the improvement of existing assets including Conservation Target Areas in accordance with the standards in the Green Infrastructure Strategy and Habitats Regulations Assessment.

CORE POLICY 46: CONSERVATION AND IMPROVEMENT OF BIODIVERSITY

Development that will conserve, restore and enhance biodiversity in the district will be permitted. Opportunities for biodiversity gain, including the connection of sites, large-scale habitat restoration, enhancement and habitat re-creation will be actively sought, with a primary focus on delivery in the Conservation Target Areas. A net loss of biodiversity will be avoided.

The highest level of protection will be given to sites and species of international nature conservation importance (Special Areas of Conservation and European Protected Species) Development that is likely to result in a significant effect, either alone or in combination, on such sites and species will need to satisfy the requirements of the Habitat Regulations\*.

Development likely to result in the loss, deterioration or harm to habitats or species of importance to biodiversity or of importance for geological conservation interests, either directly or indirectly, will not be permitted unless:

- i. the need for, and benefits or, the development in the proposed location outweighs the adverse effect on the relevant biodiversity interest;
- ii. it can be demonstrated that it could not reasonably be located on an alternative site that would result in less or no harm to the biodiversity interests; and
- iii. measures can be provided (and are secured through planning conditions or legal agreements), that would avoid, mitigate against or, as a last resort, compensate for, the adverse effects likely to result from development.

The habitats and species of importance to biodiversity and sites of geological interest considered in relation to points i) to iii) comprise:

- Sites of Special Scientific Interest (SSSI)
- Local Wildlife Sites
- Local Nature Reserves

- Priority Habitats and species listed in the national and local Biodiversity Action Plan
- Ancient woodland and veteran trees
- Legally Protected Species
- Locally important Geological Sites

The level of protection and mitigation should be proportionate to the status of the habitat or species and its importance individually and as a part of a wider network.

It is recognised that habitats/areas not considered above (i.e. Nationally or Locally designated and not priority habitats) can still have a significant biodiversity value within their local context, particularly where they are situated within a Conservation Target Area and/or they have good potential to be restored to priority habitat status or form/have good potential to form links between priority habitats or act as corridors for priority species. These habitats will be given due weight in the consideration of planning applications. If significant harm to these sites cannot be avoided (though locating on an alternative site with less harmful impacts) it will be expected that mitigation will be provided to avoid a net loss in biodiversity or, as a last resort, compensation will be required to offset the impacts and achieve a net gain in biodiversity.

\*Habitats Directive 93/43/EEC of 21 May 1992.

## **Vale of the White Horse Local Plan 2031 Part 2 (VLP2)**

### DEVELOPMENT POLICY 16: ACCESS

All proposals for new development will be required to be of high quality design in accordance with Core Policy 37: Design and Local Distinctiveness. In addition to those criteria set out in Core Policy 37 and other relevant Local Plan policies, proposals for development will also need to provide evidence to demonstrate that:

- adequate provision will be made for loading, unloading, circulation, servicing and vehicle turning, and
- acceptable off-site improvements to the highway infrastructure (including traffic management measures), cycleways, public rights of way and the public transport network can be secured where these are not adequate to service the development.

### DEVELOPMENT POLICY 23: IMPACT OF DEVELOPMENT ON AMENITY

Development proposals should demonstrate that they will not result in significant adverse impacts on the amenity of neighbouring uses when considering both individual and cumulative impacts in relation to the following factors:

- loss of privacy, daylight or sunlight
- dominance or visual intrusion
- noise or vibration
- dust, heat, odour, gases or other emissions

- v. pollution, contamination or the use of/or storage of hazardous substances; and
- vi. external lighting.

#### DEVELOPMENT POLICY 24: EFFECT OF NEIGHBOURING OR PREVIOUS USES ON NEW DEVELOPMENTS

Development Proposals should be appropriate to their location and should be designed to ensure that the occupiers of new development will not be subject to adverse effects from existing or neighbouring uses.

Development will not be permitted if it is likely to be adversely affected by existing or potential sources of:

- i. noise or vibration
- ii. dust, heat, odour, gases and other emissions
- iii. pollution, contamination of the site or its surroundings and hazardous substances nearby
- iv. loss of privacy, daylight or sunlight
- v. dominance or visual intrusion, or
- vi. external lighting.

#### DEVELOPMENT POLICY 25: NOISE POLLUTION

##### **Noise-Generating Development**

Noise-generating development that would have an impact on environmental amenity or biodiversity will be expected to provide an appropriate scheme of mitigation that should take account of:

- i. the location, design and layout of the proposed development
- ii. existing levels of background noise
- iii. measures to reduce or contain generated noise, and
- iv. hours of operation and servicing.

Development will not be permitted if mitigation cannot be provided within an appropriate design or standard<sup>a</sup>.

##### **Noise-sensitive Development**

Noise-sensitive development in locations likely to be affected by existing sources of noise<sup>b</sup> will be expected to provide an appropriate scheme of mitigation to ensure appropriate standards of amenity are achieved for future occupiers of the proposed development, taking account of:

- i. the location, design and layout of the proposed development
- ii. measures to reduce noise within the development to acceptable levels, including external areas, and
- iii. the need to maintain adequate levels of natural light and ventilation to habitable areas of the development.

In areas of existing noise, proposals for noise-sensitive development should be accompanied by an assessment of environmental noise and an appropriate scheme of mitigation measures.

Development will not be permitted if mitigation cannot be provided to an appropriate standard with an acceptable design.

<sup>a</sup>Currently set out in British Standards 4142:2014 and 8233:2014. The Council is currently developing guidance relating to noise mitigation.

<sup>b</sup>Busy roads, railway lines, aerodromes, industrial/commercial developments, waste, recycling and energy plant, and sporting, recreation and leisure facilities.  
Development Policy 24: Noise Pollution.

### **DEVELOPMENT POLICY 31: PROTECTION OF PUBLIC RIGHTS OF WAY, NATIONAL TRAILS AND OPEN ACCESS AREAS**

Development on and/or over public rights of way will be permitted where the development can be designed to accommodate satisfactorily the existing route, or where the right of way is incorporated into the development site as an attractive, safe and continuous route. Alternative routes will need to be made equally or more attractive, safe and convenient to rights of way users.

The Council will actively seek opportunities to improve the accessibility and the addition of new connections and status upgrades to the existing rights of way network including National Trails. Proposals of this nature will be supported where they would not lead to increased pressure on sensitive sites, such as those of important ecological value.

Development will not be permitted where proposals remove, narrow or materially impair the approved line of the Thames Path or Ridgeway National Trails, key connecting routes, and/or public access to them.

### **South Oxfordshire Local Plan 2011 (SOLP)**

#### **POLICY G2:**

The district's countryside, settlements and environmental resources will be protected from adverse developments

#### **POLICY G4:**

The need to protect the countryside for its own sake is an important consideration when assessing proposals for development.

#### **POLICY C3:**

The distinctive character of the River Thames and its valley and the settlements on its banks will be maintained and, where appropriate, enhanced. Proposals for any form of development which detracts from its special character will not be permitted.

#### **POLICY C4:**

Development which would damage the attractive landscape setting of the settlements of the district will not be permitted. The effect of any proposal on important local landscape features which contribute to the visual and historic character and appearance of a settlement will be considered.

**POLICY C6:**

In considering proposals for development, the maintenance and enhancement of the biodiversity resource of the district will be sought. Full account of the effects of development on wildlife will be taken. Where there is any significant loss in biodiversity as part of a proposed development, the creation and maintenance of new landscape features, habitats, habitat links and wildlife corridors of appropriate scale and kind will be required to ensure there is no net loss in biodiversity resources.

**POLICY C9:**

Any development that would cause the loss of landscape features will not be permitted where those features make an important contribution to the local scene, and/or provide all or part of an important wildlife habitat and/or have important historical value. Where features are retained within the development site, conditions will be used to ensure that they are protected during development and have sufficient space to ensure their survival after development.

**POLICY CON5:**

Proposals for development which would adversely affect the setting of a listed building will be refused.

**POLICY EP1:**

Proposals which would (by reason of smell, fumes, smoke, soot, ash, dust, grit, or other forms of polluting emissions) have an adverse effect on people and other living organisms, the atmosphere, the land, underground water supplies or watercourses will not be permitted, unless effective mitigation measures will be implemented. In addition, development will not be permitted near to an existing or proposed polluting use, unless effective mitigation measures will be implemented to ensure that there would be no adverse effect on the health and amenity of future occupiers.

**POLICY EP2:**

Proposals which would by reason of noise or vibrations have an adverse effect on existing or proposed occupiers will not be permitted, unless effective mitigation measures will be implemented. In addition, noise sensitive development will not be permitted close to existing or proposed sources of significant noise or vibrations.

**POLICY EP3:**

Proposals for new floodlighting and other external lighting that would have an adverse effect on neighbouring residents, the rural character of the countryside or biodiversity will not be permitted, unless effective mitigation measures will be implemented.

**POLICY EP6:**

Developers will be required, wherever practicable, to demonstrate that the surface water management system on any development accords with sustainable drainage principles and has been designed as an integral part of the development layout. The system should effectively mitigate any adverse effects from surface water run-off and flooding on people, property and the ecological value of the local environment.

**POLICY EP7:**

Development that may have an adverse effect upon groundwater resources will not be permitted unless effective preventative measures are taken to ensure that the quality and quantity of these resources are maintained.

**POLICY D1:**

The principles of good design and the protection and reinforcement of local distinctiveness

should be taken into account in all new development through:

- (i) the provision of a clear structure of spaces;
- (ii) respecting existing settlement patterns;
- (iii) providing for a choice of routes and transport modes to, from and within the development;
- (iv) providing a development that users find easy to understand through the use of landmarks, vistas and focal points;
- (v) providing landscape structure as a framework for new development;
- (vi) respecting the character of the existing landscape;
- (vii) respecting distinctive settlement types and their character;
- (viii) providing good quality site and building design and appropriate materials; and
- (ix) providing well-designed external areas.

**POLICY D2:**

Planning permission will not be granted for developments that fail to incorporate adequate, safe and secure parking for vehicles and cycles. Vehicle parking should be provided in a discreet and sensitive manner.

**POLICY D7:**

Proposals for new buildings to which the public have access must include in their design and external layout appropriate measures to ensure adequate access for those with impaired mobility, hearing or sight. The safety and access requirements of those with impairments should also be taken into account in the design and layout of new roads, parking areas, footways, pedestrian routes, cycleways, traffic management measures and pedestrian-priority areas.

POLICY R4:

Proposals for outdoor sport in the countryside, with the exception of golf courses, will be permitted provided that:

- (i) the proposal would not detract from the rural character and landscape of the area particularly in Areas of Outstanding Natural Beauty;
- (ii) the proposal would not adversely affect the amenities of residents in the vicinity or spoil the enjoyment of other users of the countryside, particularly by noise, but also by smell, traffic generation or any other disturbance;
- (iii) the proposal would not adversely affect sites of archaeological, historical or nature conservation importance or result in the loss of high-grade agricultural land as defined in Policy C5;
- (iv) full use is made of existing buildings worthy of retention. The only new buildings which will normally be permitted must be no larger than is essential for the functioning of the sport, be limited in scale and in keeping with the locality in terms of design; and
- (v) if the site is in the Green Belt the proposal would not conflict with the policies in Section 3 of the plan.

POLICY R8:

The retention and protection of the existing public rights-of-way network will be sought and where appropriate proposals to improve it will be supported.

POLICY R9:

In considering proposals for recreational development associated with the River Thames and its valley, the overriding aim will be to preserve the river environment and landscape.

To this end:

- (i) new permanent moorings or new hire bases will not be permitted: temporary and overnight moorings for visitors will be permitted in suitable locations where no environmental damage is caused and where proper access and other facilities are available;
- (ii) opportunities will be taken, where appropriate and desirable, to relocate existing onriver moorings into side channels provided that there is no harm to amenity or important biodiversity resources; and
- (iii) wherever possible water-sports activities should develop through existing sites and premises rather than through the creation of new ones. Planning permission may be given for new facilities for water-sports, where it can be satisfactorily demonstrated that existing facilities would not meet the need and that there would not, as a result of the development, be insuperable conflicts between river users, or significantly increased congestion.

Proposals to redevelop existing boatyards and boat hire facilities for other uses will not be permitted.

All development proposals should, where appropriate, include measures to improve opportunities for public access to and onto the river.

POLICY E5:



Proposals for business, industry, warehousing and storage will not be permitted which:

- (i) conflict with the policies in the plan to protect the Green Belt and the countryside;
- (ii) conflict with the policies in the plan to protect the built environment and to retain recreational uses and essential community facilities and services in accordance with Policies CF1 and CF3;
- (iii) are of a scale and type of development inappropriate to the proposed site and its surroundings;
- (iv) are not in keeping with the surrounding area in terms of design, layout and materials. Where appropriate, the site must be suitably landscaped, in accordance with Policies D1 and C1. In new developments the Council will normally require at least one-tenth of the gross developable area to be set aside for landscaping;
- (v) have inadequate access and car and lorry parking and manoeuvring facilities and/or would cause problems on the wider road network in accordance with Policies D2 and T1 to T3;
- (vi) where appropriate, are in locations which are not accessible by public transport in accordance with Policy T2; and/or
- (vii) cause problems as a result of noise, smell, dust, loss of privacy or cause any other environmental problems in accordance with Policies EP1 to EP9.

#### POLICY TSM1:

The prosperity of the area's tourist industry will be supported through encouragement for enterprises which are based on the conservation and enjoyment of the inherent qualities and heritage of the area, provided that there are no overriding amenity, environmental or highway objections.

#### POLICY TSM2:

Proposals for improvements to tourist attractions and facilities, and proposals for new attractions based on the character of the area, will be permitted provided that:

- (i) there is no conflict with policies for the Green Belt;
- (ii) the scale, nature and location of the development is appropriate and in character with the area;
- (iii) the design, layout and materials relate well to adjacent buildings and are in keeping with the surroundings;
- (iv) where appropriate the site is accessible by public transport and provision is made for pedestrian and cycle links with adjacent areas; and
- (v) there are no overriding amenity, environmental or highway objections.

#### POLICY T1:

Proposals for all types of development will, where appropriate:

- (i) provide for a safe and convenient access to the highway network;
- (ii) provide safe and convenient routes for cyclists and pedestrians;
- (iii) be accessible by public transport and have a safe walking route to nearby bus stops or new bus stops and appropriate infrastructure should be provided;
- (iv) be served by an adequate road network which can accommodate traffic without creating traffic hazards or damage to the environment;
- (v) where new roads, pedestrian routes, cycleways and street lighting are to be

constructed as part of the development, be constructed to adoptable standards and be completed as soon as they are required to serve the development; and  
(vi) make adequate provision for those whose mobility is impaired.

#### POLICY T2:

Proposals for development will, where appropriate, make provision for:

- (i) loading, unloading, circulation and turning space;
- (ii) parking for people with disabilities;
- (iii) the parking of vehicles in accordance with the Council's maximum parking standards;
- (iv) measures to reduce the need for vehicle parking where appropriate; and
- (v) cycle parking in accordance with the Council's standards.

### **South Oxfordshire Core Strategy adopted December 2012 (SOCS)**

#### POLICY CS1: PRESUMPTION IN FAVOUR OF SUSTAINABLE DEVELOPMENT

Planning applications which accord with the policies in the Development Plan (including, where relevant, Neighbourhood Plans) will be approved without delay, unless material considerations indicate otherwise. Planning permission will also be granted where relevant policies in the Development Plan are out of date or silent unless: *f* any adverse impacts of the proposal would significantly and demonstrably outweigh its benefits when assessed against the policies in the National Planning Policy Framework taken as a whole; or *f* specific policies in the Framework or other material considerations indicate that development should be restricted.

#### POLICY CSS1 THE OVERALL STRATEGY

Proposals for development in South Oxfordshire should be consistent with the overall strategy of: (i) focusing major new development at the growth point of Didcot so the town can play an enhanced role in providing homes, jobs and services with improved transport connectivity; (ii) supporting the roles of Henley, Thame and Wallingford by regenerating their town centres through measures that include environmental improvements and mixed-use developments and by providing new houses, employment, services and infrastructure; (iii) supporting and enhancing the larger villages of Berinsfield, Benson, Chalgrove, Chinnor, Cholsey, Crowmarsh Gifford, Goring, Nettlebed, Sonning Common, Watlington, Wheatley and Woodcote as local service centres; (iv) supporting other villages in the rest of the district by allowing for limited amounts of housing and employment and by the provision and retention of services; and (v) outside the towns and villages, and other major developed sites, any change will need to relate to very specific needs such as those of the agricultural industry or enhancement of the environment.

#### POLICY CSM1 TRANSPORT

The council will work with Oxfordshire County Council and others to: (i) in partnership with the Vale of White Horse District Council, actively seek to deliver the

transport infrastructure and measures which improve movement in Didcot and within the Didcot/ Wantage and Grove corridor, in particular linking Didcot with the major employment sites at Harwell and Milton Park as identified in the County Council's LTP3 SVUK area Strategy and Southern Central Oxfordshire Transport Study; (ii) actively seek to ensure that the impact of new development on the strategic and local road network, in particular the Milton, Chilton and Marcham junctions of the A34 and the road links and junctions identified in the Council's Evaluation of Transport Impact and County Council's Southern Central Oxfordshire Transport Study is adequately mitigated (see Policy CSM2); (iii) support improvements for accessing Oxford; (iv) work with the authorities affected by cross Thames travel in the Reading area to ensure that traffic and environmental conditions in South Oxfordshire are improved by the implementation of measures which also improve access to Reading; (v) support measures which enable modal shift to public transport, cycling and walking particularly where these support the network of settlements in the district; (vi) promote and support traffic management measures and environmental improvements which increase safety, improve air quality, encourage the use of sustainable modes of transport and/or make our towns and villages more attractive; (vii) adopt a comprehensive approach to car parking aimed at improving the attraction of our town and village centres; (viii) encourage the use of sustainable modes of transport; (ix) promote electronic communications allowing businesses to operate throughout the district and to provide services and information which reduce the need to travel and encourage sustainable modes of transport; and (x) cater for the needs of all users.

#### POLICY CSEN1 LANDSCAPE

The district's distinct landscape character and key features will be protected against inappropriate development and where possible enhanced. (i) Where development is acceptable in principle, measures will be sought to integrate it into the landscape character of the area. (ii) High priority will be given to conservation and enhancement of the Chilterns and North Wessex Downs Areas of Outstanding Natural Beauty (AONBs) and planning decisions will have regard to their setting. Proposals which support the economies and social well being of the AONBs and their communities, including affordable housing schemes, will be encouraged provided they do not conflict with the aims of conservation and enhancement. (iii) The landscapes and waterscapes of the River Thames corridor will be maintained and where possible enhanced as will the setting and heritage of the river for its overall amenity and recreation use.

#### POLICY CSEN3 HISTORIC ENVIRONMENT

The district's designated historic heritage assets, both above and below ground such as:

nationally designated assets including listed buildings, historic parks and gardens, historic battlefields and Scheduled Ancient Monuments;

conservation areas; and

their settings will be conserved and enhanced for their historic significance and their important contribution to local distinctiveness, character and sense of place.

This will be carried out through:

conservation area appraisals/reviews;

management plans;  
 designating new conservation areas where appropriate;  
 the determination of planning, listed building consent and other relevant applications.  
 Proposals for development that affect non-designated historic assets will be considered taking account of the scale of any harm or loss and the significance of the heritage asset.

**POLICY CSQ2 SUSTAINABLE DESIGN AND CONSTRUCTION**

Proposals for new development, including the construction of new buildings and the refurbishment of existing building stock, will be acceptable where: (i) For developments of 10 or more dwellings or 1,000 m<sup>2</sup> or more of non-residential floor space, 20% of the energy demand is secured from decentralised (on or near site) and renewable or low carbon energy sources (including the use of Combined Heat and Power where appropriate), where this would be viable. (ii) For developments of 200 dwellings or more, it can be demonstrated that the proposal will achieve at least Code Level 4 of the Code for Sustainable Homes. (iii) For new residential development of less than 200 dwellings, it can be demonstrated that the proposal will achieve at least Code Level 3 of the Code for Sustainable Homes. From April 2013, proposals will need to demonstrate that at least Code Level 4 will be achieved. (iv) For the refurbishment of existing residential buildings, it can be demonstrated that the proposal will achieve at least EcoHomes 'Very Good' standard\*. From 2013, proposals will need to demonstrate that at least 'Excellent' standard\* will be achieved. (v) For proposals for non-residential development up to 500 m<sup>2</sup> floor space it can be demonstrated that the proposal will achieve at least BREEAM 'Very Good' standard. For proposals for non-residential development above 500 m<sup>2</sup> floor space it can be demonstrated that the proposal will achieve at least BREEAM 'Excellent' standard. (vi) For all new development SUDS are implemented where appropriate taking into account current policy and good practice guidance, and the emerging national SUDS standards. (vii) All new developments incorporate measures that address issues of adaptation to climate change taking account of best practice. These include resilience to increasing temperatures and heavy rainfall events and the need for water conservation and storage.

**POLICY CSQ3 DESIGN**

Planning permission will be granted for new development that is of a high quality and inclusive design that:

responds positively to and respects the character of the site and its surroundings, particularly the historic significance and heritage values of the historic environment, enhancing local distinctiveness and ensuring that new development is of a scale, type and density appropriate to the site and its setting;  
 improves the quality of the public realm with well designed external areas, and, where appropriate a clear structure of open space  
 provides and/or links into green infrastructure where available;  
 is designed to create safe communities and reduce the likelihood and fear of crime;  
 creates a distinctive sense of place and is easy to understand through the use of vistas, landmarks and focal points;  
 ensures high levels of accessibility and ease of use by all modes of transport both within the site and with the wider area, also making sure that any new development

is properly integrated with existing development ensuring accessibility to local services; and  
is adaptable to changing requirements and constructed with materials appropriate to the area. All proposals for new development should be accompanied by a design and access statement to show how they have responded to the above criteria.

#### Policy CSG1 Green infrastructure

A net gain in green infrastructure including biodiversity will be sought through developer works, developer contributions and the targeted use of other funding sources. Proposals for new development must demonstrate that they have taken into account the relationship of the proposed development to existing green infrastructure. Where appropriate, proposals will be required to contribute to the delivery of green infrastructure and/or the improvement of existing assets including Conservation Target Areas in accordance with the standards in the South Oxfordshire Green Infrastructure Strategy and Didcot Natural Greenspaces Study. A net loss of green infrastructure including biodiversity through development proposals will be avoided.

#### Policy CSB1 Conservation and improvement of biodiversity

A net loss of biodiversity will be avoided, and opportunities to achieve a net gain across the district will be actively sought. Opportunities for biodiversity gain, including the connection of sites, large-scale habitat restoration, enhancement and habitat re-creation will be sought for all types of habitats, with a primary focus on delivery in the Conservation Target Areas. The highest level of protection will be given to sites and species of international nature conservation importance (Special Areas of Conservation and European Protected Species). Damage to nationally important sites of special scientific interest, local wildlife sites, local nature reserves, priority habitats, protected or priority species and locally important geological sites will be avoided unless the importance of the development outweighs the harm and the loss can be mitigated to achieve a net gain in biodiversity.

#### POLICY CSR2 EMPLOYMENT IN RURAL AREAS

Planning permission will be granted for proposals which support the economy of the rural areas through:

- schemes for agricultural diversification and the re-use of rural buildings;
- small-scale infill schemes in villages including mixed housing and employment schemes;
- working at home;
- schemes which support agricultural production and the retention of functioning farm units; and
- schemes which support tourism based on the character of the area.

#### POLICY CSEM1 SUPPORTING A SUCCESSFUL ECONOMY

We will work with our business and education partners to provide an environment that positively and proactively encourages sustainable economic growth. We will do

this by: (i) providing a framework for innovation and enterprise through encouraging knowledge transfer, emerging technologies and innovative business development; (ii) supporting measures that ensure young people leave education with the skills that the future economy needs, including the development of further education facilities at Didcot; (iii) supporting measures that deliver sustainable transport solutions, home working, and a stronger link between local jobs and local labour supply; (iv) taking advantage of the opportunities brought by the Oxfordshire Local Enterprise Partnership to meet key investment priorities including transport infrastructure; (v) seeking measures that support the development of the digital economy and the roll-out of high speed broadband across the district; (vi) supporting the prosperity of the area's tourism industry and recreation-based rural diversification where proposals are of a scale and type appropriate to their location.