Town and Country Planning Act 1990 – Section 78 Town and County Planning (Development Management Procedure) (England) Order 2015 Town and Country Planning (Inquiries Procedure) (England) Rules 2002

Appeal by London Rock Supplies Ltd

Land at White Cross Farm, Wallingford, Oxfordshire

Against the refusal of planning permission by Oxfordshire County Council for application MW.0115/21 – Extraction and processing of sand and gravel including the construction of new site access roads, landscaping and screening bunds, minerals washing plant and other associated infrastructure with restoration to agriculture and nature conservation areas, using inert fill.

STATEMENT OF COMMON GROUND between: London Rock Supplies Ltd & Oxfordshire County Council

Planning Inspectorate Reference: U3100/W/25/3361505

May 2025

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1. Introduction

- 1.1 This is a Statement of Common Ground (SoCG) made between the following parties:
 - London Rock Supplies Limited ("the Appellant"); and
 - Oxfordshire County Council ("the Council").
- 1.2 This SoCG has been jointly prepared by the Appellant and Council and sets out the factual background to the Appeal and those matters on which the parties agree. It also sets out the residual matters upon which the parties are not agreed.

2. The Appeal Proposals

- 2.1 The Appellant seeks full planning permission for proposed sand and gravel quarry with the construction of new site access roads, landscaping and screening bunds, minerals washing plant and other associated infrastructure with restoration to agriculture and nature conservation areas, using inert fill (Planning Application Reference: MW.0115/21).
- 2.2 The summarised proposed development below is taken from paragraphs 18 through 40 of the Committee Report (**CD11.02**), with minor amendments and detailed within the Planning Statement (**CD1.02**) and Environmental Statement (**CD1.03**).
- 2.3 This application is essentially for the same development previously applied for under MW.0033/18, with the proposals amended to address the reasons for refusal of that application. Most significantly, the restoration and afteruse proposals have been changed so that it is now proposed to restore the land to agriculture and nature conservation using imported inert fill. The marina afteruse is no longer proposed.

Mineral Extraction

- 2.4 It is proposed to extract 550,000 tonnes of sand and gravel in 4 phases (A, 1, 2 and 3) over a 5-year period, from a 15.5-hectare area within the 19-hectare site. It is anticipated that the annual output would be 140,000 tonnes. The site would be restored using 280,000 cubic metres of imported inert fill material. 180,000 cubic metres of soils and overburden would need to be removed in order to extract the mineral and replaced during the restoration. It is anticipated that the sand and gravel deposits are between 2 and 4 metres deep and the overburden is around 1-1.5 metres deep. Therefore, the total maximum depth of working would vary across the site from a maximum of approximately 7 metres to around 3.5 metres closer to the Thames.
- 2.5 Mineral would be excavated using a tracked excavator, which would load the dug material onto dump trucks. The dump trucks would take the material via internal haul roads to a stockpiling area adjacent to the processing plant. The first area to be stripped and extracted would be Phase A, where the plant would be located. Mineral would be extracted, and the area backfilled with inert fill, prior to constructing the site facilities and processing plant.
- 2.6 Extraction would then take place in a southerly direction in the eastern part of the site (Phases 1 and 2) and in a southerly direction in the western part of the site (Phase 3). The excavation would be dewatered and worked dry. This would also allow the void to be lined and backfilled with restoration materials. The water pumped from the excavation would enter a lagoon located in Phase A and measuring 66 metres by 55 metres and 5 metres deep.

From there it would be discharged to the Thames via a ditch on the north-east boundary.

Processing Plant Site

- 2.7 Mineral would be washed and screened on site. The plant area would be established in the north-west part of the site, outside of Flood Zone 3 in close proximity to the proposed new access and exit to the highway. Sand and gravel would be stored in temporary stockpiles, then processed through the plant. The washed and graded product would be loaded onto HGVs and transported. The plant site would include a weighbridge, car parking for 15 cars, HGV parking for 8 HGVs, an office building and a canteen building providing mess room and welfare facilities.
- 2.8 The full details of the processing plant have not been provided, but a plan has been submitted showing a typical processing plant layout. This shows a plant with a maximum height of 10.3 metres. The total area taken up by the typical processing plant including feed hopper and stockpiles of processed material is 43 metres by 54 metres.
- 2.9 Provisional elevations of the office and amenity portacabin structure have been submitted. This would be 9.7 metres long, 3.6 metres wide and approximately 2.5 metres high. The canteen unit would also be a portacabin and would be 8.5 metres long, 3.6 metres wide and approximately 2.5 metres high. Each structure would have a door and windows. A weighbridge office is also proposed. A plan of a typical weighbridge office building has been provided, showing a building which is 9.5 metres long, 2.5 metres wide and 3.3 metres high.
- 2.10 The plant site would have external lighting around the offices, plant and workshop areas for security purposes, that would be utilised for short periods in winter months during the hours of operation (see paragraph 2.22).
- 2.11 Surface water run-off from the plant area would drain to the main site lagoon.
- 2.12 Soils and overburden would be stored in landscaped bunds in the north-west part of the site, out of the floodplain. There would be landscaped bunds on either side of the new access from the A4130 and running along the western site boundary south of the new exit onto the A329. There would also be an area for soil storage within the area south of the plant site reserved for stockpiling of extracted material. Temporary topsoil bunds would be 3 metres high and temporary subsoil bunds 5 metres high. Extracted material would be temporarily stored in a stockpile up to 10 metres high.

Restoration

2.13 Restoration using inert fill would take place progressively, with restoration commenced in each phase once extraction is complete, i.e. whilst Phase 2 was being extracted, Phase 1 would be being restored. Phase A would be the last area to be restored, once the processing plant was no longer required.

- 2.14 Following the completion of extraction, it would take a further year to complete restoration of the site. The western part of the site would be restored to agriculture with hedgerows, using imported inert fill to raise land to original levels. The eastern part of the site would be restored to nature conservation, incorporating reedbeds, marshland and floodplain grazing marsh. The applicant has proposed long term management of the restored site for 30 years.
- 2.15 It is proposed that the internal haul roads would be retained following restoration to assist agricultural access.

Traffic and Access

- 2.16 A new access into the site would be created off the A329 and a new exit would be constructed onto the A4130. Vehicles would turn left from the A329 westbound into the site. All traffic leaving the site would turn left onto the A4130 westbound to the roundabouts. Whilst the new access roads were under construction, access to the site would be from the existing agricultural entrance off the A329, using a banksman.
- 2.17 The site access from the A329 would be surfaced with asphalt for 30m. The road to the processing plant would be hard surfaced with imported hardcore material. An exit ramp would be constructed to raise the exit road to the A4130. The last 30m of the exit road onto the highway would be level and surfaced in asphalt.

Further Details

- 2.18 A 30-metre margin would be left undisturbed between the River Thames and the extraction area. There would be a two metres high post and wire fence with two strands of barbed wire along the top 15 metres from the bank, to prevent access from the Thames Path into the extraction area.
- 2.19 The proposals would result in the loss of six trees and seven groups of trees. All trees to be removed are graded as Category C- low quality and none are classified as veteran trees. Boundary vegetation would generally be retained, except where removal is necessary for access. In addition, an area of blackthorn scrub at the southern end of the site would be removed.
- 2.20 Stripped soils would be stored in temporary bunds. Topsoil bunds would be no higher than3m and subsoil bunds no higher than 5m.
- 2.21 The development would generate 8-10 additional jobs onsite.

- 2.22 Hours of working would be 7am-6pm Monday to Friday, 7am 1pm on Saturdays with no working on Sundays or Bank/Public holidays.
- 2.23 Groundwater levels would be monitored within boreholes on the site boundary during dewatering. Water levels would be compared to trigger levels within a Water Management Scheme. Monitoring would also take place in the well at Windward House.
- 2.24 It is proposed to use 4m high sequential sections of straw bales to mitigate visual impacts of the Thames Path, the River Thames and the Chilterns National Landscape (CNL). These would be set back approximately 30 metres from the bank of the river.

Appeal Documents

- 2.25 The planning application was submitted to the Council on 4th September 2021. and validated on 9th September 2021.
- 2.26 The following documents were submitted to the Council in support of the planning application (**CD1**):
 - Planning Statement (PS) (CD1.02);
 - PS Appendices (CD1.04 CD1.09):
 - Appendix 1 Pre-Application Advice from Oxfordshire County Council;
 - Appendix 2 Current Site Photographs & Previous Site Development;
 - Appendix 3 Proposed Restoration Strategy;
 - Appendix 4 Phased Working & Restoration Plans;
 - Appendix 5 Site Geology; and,
 - Appendix 6 Indicative Wash Plant / Infrastructure & Typical Quarry Equipment.
 - Environmental Statement (ES) (CD1.03);
 - ES Appendices (CD1.10 CD1.21):
 - Appendix 1 Scoping Opinion;
 - Appendix 2 Flood Risk Assessment;
 - Appendix 3 Hydrogeological and Hydrological Assessment;

- Appendix 4 Transport Assessment;
- Appendix 5 Noise Assessment;
- Appendix 6 Air Quality Assessment;
- Appendix 7 Landscape and Visual Impact Assessment;
- Appendix 8 Soil Handling & Soil Movement Scheme;
- Appendix 9 Bird Management Plan;
- Appendix 10 Geological Report and Geotechnical Review;
- Appendix 11 Ecological Appraisal (including Appendix 6 CD1.39); and,
- Appendix 12 Archaeological Desk Based Assessment.
- Non-Technical Summary (CD1.22);
- Planning Statement Drawings (CD1.23 CD1.31):
 - PA21-1 Site Location Plan;
 - PA21-2 Land Ownership Plan;
 - PA21-3 Aerial Photograph;
 - PA21-4 River Thames Flood Map;
 - PA21-5 Site Plan;
 - PA21-6 Areas of Outstanding Natural Beauty;
 - PA21-7 Proposed Minerals Phasing Plan;
 - o PA21-8 Proposed Road Access Design; and,
 - PA21-9 Proposed Site Restoration Plan.
- Environmental Statement Drawings (CD1.32 CD1.37):
 - ES21-1 Site Location Plan;
 - ES21-2 Site Plan;

- ES21-3 Aerial Image;
- o ES21-4 Areas of Outstanding Nature Beauty & Conservation Target Areas;
- o ES21-5 Site Layout & Phasing; and,
- ES21-6 Conceptual Restoration.
- Weighbridge Office Plan (CD1.41).
- Tree Survey Report and Impact Assessment (CD1.43)
- 2.27 A Regulation 25 Request was made on 22nd November 2021 (CD3.01) and additional information and clarification was provided on the following elements of the scheme (CD3.02 CD3.22):
 - Need and Supply;
 - Landscape and Arboriculture;
 - Transport;
 - Biodiversity;
 - Flood Risk;
 - Groundwater;
 - Drainage;
 - Air Quality and Noise;
 - Climate Change; and,
 - Updated Plans.
- 2.28 Following the submission of the first Regulation 25 response, and subsequent consultation responses, further submissions were made (**CD5**).
- 2.29 A second Regulation 25 Request was made on 4th July 2023 (**CD7.01**), seeking further clarification to points regarding comments from the Environment Agency on Flood Risk. It also referenced the information shared between the Applicant and the Environment Agency in the interim between Regulation 25 Requests. Documents submitted by the Applicant were:
 - Flood Risk Assessment (CD7.02);
 - Waste Recovery Plan (CD7.03);

- Letter from Applicant regarding Deposit of Waste (CD7.04);
- Revised Phasing Plan (CD7.05);
- Clarification Letter (CD7.08); and,
- Stages of Excavation and Backfilling (CD7.09).
- 2.30 A third and final Regulation 25 Consultation was held in May/June 2024 following the submission of updated application plans following the identification of inconsistencies in plans from previous consultation (**CD9**).
- 2.31 The above submissions included both additional documents and drawings and others that superseded previous versions. The application documents and drawings as determined and now the subject of the appeal are listed in Annex 1.

Consultees

- 2.32 The Committee Report (**CD11.02**) details that technical matters were resolved to the satisfaction of the following consultees on the application, subject to the addition of conditions and/or obligations where appropriate:
 - South Oxfordshire District Council Environmental Protection;
 - Environment Agency;
 - Natural England;
 - Historic England;
 - Ministry of Defence;
 - Oxfordshire County Council Transport Development Management;
 - Oxfordshire County Council Public Rights of Way;
 - Oxfordshire County Council Lead Local Flood Authority;
 - Oxfordshire County Council Archaeology;
 - Oxfordshire County Council Tree Officer;
 - Oxfordshire County Council Public Health; and,
 - Oxfordshire County Council Ecologist;

- 2.33 The following consultees maintained objections to the application following the provision of further information under Regulation 25:
 - Oxfordshire County Council Landscape Officer;
 - South Oxfordshire District Council;
 - Wallingford Town Council;
 - Cholsey Parish Council
 - Crowmarsh Parish Council
 - Chilterns Conservations Board; and,
 - Campaign to Protect Rural England (CPRE).
- 2.34 351 letters of representation were received during the application period. Of these, one was in support of the application with the rest expressing either objections or concerns. Representations are detailed within the Committee Report (**CD11.02**), recorded anonymously, with exception of one objector of note, Councillor Sue Roberts (South Oxfordshire District Council) for Wallingford.

3. Description of Appeal Site and Environs

- 3.1 The following site description is taken from paragraphs 2 through 14 of the Committee Report (**CD11.02**) with minor amendments. A full detailed site location can be found in the Planning Statement (**CD1.02**) and Environmental Statement (**CD1.03**).
- 3.2 The application site covers an area of 19 hectares. It is broadly rectangular with an irregular southern boundary. 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, farmed landscape overlying river gravel terraces.
- 3.3 The site itself is used as grazing land with one field used for crops. There is a derelict barn in the central west section. 45% of the site area is classified as Best and Most Versatile (BMV) Agricultural Land.
- 3.4 Figures provided by the applicant state that 12.5 hectares (84%) of the site lies in Flood Zone 3 and 2.3 hectares (16%) lies in Flood Zone 1, with the area in Flood Zone 2 being inconsequential and difficult to measure. A drainage ditch runs north-south through the site, and another one cuts across the north east corner and discharges into the River Thames. The site is not at increased risk of surface water flooding, except a very small area along one of the ditches in the north of the site, which is at low and medium risk, and another small area in the south west corner of the site, which is at low risk.
- 3.5 The Chilterns National Landscape (CNL) (formerly the Area of Outstanding Natural Beauty (AONB) abuts the site, as the boundary incorporates the River Thames which forms the eastern edge of the application site. A tiny part of the site (approximately 0.05 hectare) is within the CNL where the CNL boundary runs slightly out from the riverbank, however the proposed development would not physically impact this land. The North Wessex Downs CNL/AONB lies approximately 1.6km to the west and 1.8 km to the south.
- 3.6 On the opposite riverbank to the application is Mongewell Park. This estate was occupied by Carmel College, a boarding school, until the 1990s. There are three Grade II listed buildings (Former Church of St John the Baptist, Jewish Synagogue at former Carmel College and Amphitheatre at former Carmel College) and one Grade II* listed building (Julius Gottlieb Gallery and Boathouse at former Carmel College) within the estate grounds. To the west of the site on Reading Road is a Grade II listed milestone. The former Carmel College site has planning permission to be redeveloped for housing (SODC application reference P11/W2357).
- 3.7 The Thames Path national trail runs alongside the River Thames along the eastern edge of

the application site. There are no other public rights of way within the site itself. The Ridgeway, another long-distance path runs a short distance from the eastern bank of the river within the CNL.

- 3.8 The river adjacent to the application site is around 40 metres wide 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 Lock.
- 3.9 There are no sites of Special Scientific Interest within 2.5km of the site.
- 3.10 The eastern part of the site falls within the Thames Wallingford to Goring Conservation Target Area (CTA).
- 3.11 The site is not within the Green Belt. There is no ancient woodland near the site.
- 3.12 The closest residential property is Windward House, approximately 80 metres south of the application site. This has a private water supply located approximately 47 metres from the application area. Elizabeth House, a day nursery and pre-school 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).
- 3.13 The site is approximately 3km south-west of RAF Benson.
- 3.14 To the west of the site, beyond the A329, the solar farm development and Wallingford Road, there is a sand and gravel quarry at New Barn Farm. This lies approximately 200 metres from the application site at the closest point. Permission (MW.0094/16) was granted in 2018 and the site is fully operational with permission for extraction until 2037.

4. Reason for Refusal

4.1 With regard to the Appeal Proposal, the decision notice issued by Oxfordshire County Council on 3rd September 2024 (**CD11.01**) states the following reason for refusal:

"Due to its location, the proposed development would have an adverse landscape and visual impact on the River Thames, the Thames Path National Trail and on the setting of the Chilterns National Landscape (Area of Outstanding Natural Beauty), contrary to the provisions of policy C8 of the Oxfordshire Minerals and Waste Local Plan – Part 1 Core Strategy and policy ENV1 of the South Oxfordshire Local Plan 2035."

5. Development Plan

5.1 Section 38(6) Planning and Compulsory Purchase Act 2004 states that determination must be made in accordance with the Development Plan unless material considerations indicate otherwise.

Local Policy

- 5.2 The Planning and Compulsory Purchase Act 2004 defines the Development Plan as the Development Plan documents (taken as a whole) which have been adopted or approved in relation to that area.
- 5.3 The relevant statutory Development Plan for the appeal comprises:
 - Oxfordshire Minerals and Waste Local Plan Part 1: Core Strategy (adopted September 2017) (OMWCS) (**CD12.01**);
 - Oxfordshire Minerals and Waste Local Plan 1996 (Saved Policies) (Adopted July 1996) (OMWLP) (CD12.02);
 - South Oxfordshire Local Plan 2035 (Adopted December 2020) (SOLP) (CD12.03); and,
 - Cholsey Neighbourhood Plan (Made October 2022 (CNP)) (CD12.04).
- 5.4 It is noted that none of the saved OMWLP policies are relevant to the consideration of the Appeal as all the saved policies are site-specific and none of them apply to the area proposed in this planning application.
- 5.5 Additionally, although Neighbourhood Plans cannot cover minerals and waste development, some policies of the CNP are relevant to the Appeal proposal.
- 5.6 The following policies are considered relevant to the Appeal:
 - The Oxfordshire Minerals and Waste Local Plan Part 1: Core Strategy (adopted September 2017) (CD12.01):
 - Policy M2 Provision for working aggregate minerals;
 - Policy M3 Principal locations for working aggregate minerals
 - Policy M5 Working of Aggregate Minerals;
 - Policy M10 Restoration of Mineral Workings;
 - Policy W6 Landfill and other permanent deposit of waste to land;

- Policy C1 Sustainable Development;
- Policy C2 Climate Change;
- Policy C3 Flooding;
- Policy C4 Water Environment;
- Policy C5 Local Environment, Amenity & Economy;
- Policy C6 Agricultural Land and Soils;
- Policy C7 Biodiversity and Geodiversity;
- Policy C8 Landscape;
- Policy C9 Historic Environment and Archaeology
- Policy C10 Transport; and,
- Policy C11 Rights of Way.
- South Oxfordshire Local Plan 2035 (Adopted December 2020) (CD12.03):
 - Policy STRAT1 The Overall Strategy;
 - Policy WAL1 The Strategy for Wallingford;
 - Policy EMP10 Development in Rural Areas;
 - Policy INF1 Infrastructure Provision;
 - Policy TRANS2 Promoting Sustainable Transport and Accessibility;
 - o Policy TRANS4 Transport Assessments, Transport Statement and Travel Plans;
 - Policy TRANS5 Consideration of Development Proposals;
 - Policy TRANS7 Development Generating New Lorry Movements;
 - Policy NF4 Water Resources;
 - Policy ENV1 Landscape and Countryside;
 - Policy ENV2 Biodiversity Designated Sites, Priority Habitats and Species;
 - Policy ENV3 Biodiversity;
 - Policy ENV4 Watercourses;
 - Policy ENV5 Green Infrastructure;
 - Policy ENV6 Historic Environment;

- Policy ENV7 Listed Buildings;
- Policy ENV9 Archaeology and Scheduled Monuments;
- Policy ENV12 Pollution and Amenity;
- Policy EP1 Air Quality;
- Policy EP4 Flood Risk;
- Policy EP5 Minerals Safeguarding Areas;
- Policy DES6 Residential Amenity; and,
- Policy DES7 Efficient Use of Resources

Emerging Policy

- 5.7 As set out within paragraph 54 of the Committee Report (**CD11.02**), work had commenced on the OMWCS Part 2 – Site Allocations, although it was at an early stage. However, in December 2022, the Oxfordshire Minerals and Waste Local Development Scheme (13th Edition) (OMWDS) was approved at Cabinet. This sets out a process for pursuing a new Minerals and Waste Local Plan which will combine Part 1 and Part 2, and upon adoption will replace the OMWCS 2017. The emerging OMWLP was scheduled for submission in March 2025 and there are no draft policies to consider at this time. No updates on the progress of the emerging OMWLP have been published since the refusal of Planning Application ref: MW.0115/21. Since the publication of the OMWDS, central government has proposed significant changes to plan making and further guidance on the revised Local Plan preparation process is awaited. The OMWCS 2017 remains part of the Development Plan, until the adoption of a new OMWLP.
- 5.8 With regard to emerging district policy, as set out within paragraph 5 of the Committee Report (**CD11.02**), South Oxfordshire and Vale of White Horse District Councils are working together to prepare a new Joint Local Plan 2041 (**CD12.05**). Once adopted, the Joint Local Plan 2041 will replace The South Oxfordshire Local Plan 2035. As the draft plan progresses it will begin to carry some weight in decision making, according to its stage of preparation, the extent to which there are unresolved objections to relevant policies, and the degree of consistency with policies in the National Planning Policy Framework. Since the refusal of the Planning Application ref: MW.0115/21 the subject of the appeal, the Joint Local Plan 2041 has been submitted to the Secretary of State (9th December 2024) for examination. with initial hearings scheduled to commence on 3rd June 2025 Resultingly, the policies of the emerging plan carry sufficient weight to be considered as part of the Appeal process.
 - South Oxfordshire District Council and Vale of White Horse District Council Joint Local Plan 2041 (Pre-Submission Version October 2024) (**CD12.05**):
 - Policy CE1 Sustainable design and construction;

- Policy CE6 Flood Risk;
- Policy CE8 Water quality, wastewater infrastructure and drainage;
- Policy CE9 Air Quality;
- Policy CE10 Pollution sources and receptors;
- Policy CE12 Soils and contaminated land;
- Policy CE13 Minerals safeguarding areas;
- Policy SP1 Spatial Strategy;
- Policy SP8 A strategy for Wallingford;
- Policy JT1 Meeting employment needs;
- Policy JT5 Supporting the rural economy;
- Policy DE1 High Quality Design;
- Policy DE2 Local character and identity;
- Policy DE3 Delivering well-designed new development;
- Policy DE5 Neighbouring Amenity;
- Policy NH1 Biodiversity designations;
- Policy NH2 Nature Recovery;
- Policy NH3 Trees and hedgerows in the landscape;
- o Policy NH4 Chilterns and North Wessex Downs National Landscapes;
- Policy NH5 District-valued landscapes;
- Policy NH6 Landscape;
- Policy NH7 Tranquillity;
- Policy NH8 The historic environment;
- Policy NH9 Listed Buildings;
- Policy NH11 Archaeology and Scheduled Monuments;
- Policy IN2 Sustainable transport and accessibility; and,
- Policy IN3 Transport infrastructure and safeguarding.

Other Material Considerations

- 5.9 Chilterns Area of Outstanding Natural Beauty Management Plan 2019-2024 (CD12.06)
 - The Chilterns Conservation Board are responsible for publishing a management plan for the Chilterns National Landscape (CNL) (formerly known as AONB). The current plan ran until 2024, however due to government "introducing a wide range of reforms and new requirements relating to National Landscapes and their management plans" National Landscapes have the option to delay reviewing plans. The CNL has taken up this option and extended the current plan until March 2025. Consultation on the new CNL Management Plan closed 3rd February, and the Chilterns Conservation Board seeks to adopt the new Management Plan at its next board meeting in June 2025.
 - The following policies are identified to be relevant to the Appeal:
 - DP4 Development in the Setting of the AONB;
 - Position Statement Development affecting the Setting of the AONB (CD12.07).
- 5.10 North Wessex Downs Area of Outstanding Natural Beauty Management Plan 2019-2024 (CD12.08).
 - The North Wessex Downs AONB Management Plan has been extended whilst a revised Management Plan 2025-2030 is being produced. The revised North Wessex Downs Management Plan was being consulted on until 30th April 2025.
- 5.11 Oxfordshire Local Aggregates Assessment Data covering the period up to 31/12/2023 (October 2024) (CD12.09). This identifies a sand and gravel landbank at the end of 2023 of 7.8 years, a mineral reserve of 7.693 million tonnes.
- 5.12 National Planning Policy Framework (NPPF) (December 2024) (CD12.10)
 - The National Planning Policy Framework (NPPF) sets out the Government's planning policies for England and how these are expected to be applied and is a material consideration in the determination of this Appeal. Of particular relevance to this Appeal are the following Sections of the NPPF:
 - o Conserving and Enhancing the Natural Environment; and
 - Facilitating the sustainable use of minerals.
 - The NPPF paragraph 189 requires that great weight is given to conserving and enhancing the landscape and scenic beauty in National Landscapes, which have the highest status of

protection in relation to these issues.

- Paragraph 190 requires permission for major development in National Landscapes to be refused other than in exceptional circumstances and where it can demonstrated that the development is in the public interest.
- Paragraph 222 re-states the long established concept that minerals can only be worked where they are found.
- Paragraph 224 sets out that when determining planning applications, great weight should be given to the benefits of mineral extraction, including to the economy.
- Paragraph 226 adds that mineral planning authorities should plan for a steady and adequate supply of aggregates by inter alia maintaining sufficient reserves (landbank) of at least 7 years for sand and gravel, whilst ensuring that any aggregate materials of a specific type or quality which have a distinct and separate market are not compromised.
- 5.13 National Planning Policy for Waste (NPPW) (2014) (**CD12.11**).
- 5.14 National Planning Practice Guidance (PPG).
 - PPG which are of particular relevance to this Planning Appeal include:
 - Natural Environment Published October 2014;
 - Minerals Published October 2014 (**CD12.12**).
- 5.15 The Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (as amended).
- 5.16 On the 30th July 2024, Deputy Prime Minister and Secretary of State for Housing, Communities and Local Government Angela Rayner, made a Written Ministerial Statement entitled "Building the homes we need". The statement is organised into seven sections – Restoring and Raising Housing Targets, Building in the Right Places, Moving to Strategic Planning, Delivering More Affordable Housing, Building Infrastructure to Grow the Economy, Supportive Local Planning & First Step of a Bigger Plan.

5.17 The Levelling-up and Regeneration Act 2023. Section 245 of the Levelling-up and Regeneration Act 2023 (LURA) amends section 85 of the Countryside and Rights of Way Act 2000 the 'duty of regard' that relevant authorities have in respect of their functions which affect land in National Parks, National Landscapes, and the Norfolk and Suffolk Broads (collectively referred to as Protected Landscapes) in England. This states that in exercising or performing any functions in relation to, or so as to affect, land in an Area of Outstanding Natural Beauty in England, a relevant authority other than a devolved Welsh Authority must 'seek to further' the purpose of conserving and enhancing the natural beauty of the Area of Outstanding Natural Beauty.

6. Planning History

- 6.1 A series of planning applications have been made on the Land at White Cross Farm over time. Regarding minerals, prior to the application which forms the basis of this Planning Appeal, an application was refused in September 2020 for "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, refueling 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." (Planning Application Ref: MW.0033/18).
- 6.2 The application which forms the basis of this Planning Appeal (Planning Application Ref: MW.0115/21) is effectively a resubmission of this previous application, utilising the geological information and environmental information (updated and modified), with the marina element of the application removed for an alternative restoration proposal.
- 6.3 The Committee Report (**CD11.02**) provides a summary of planning history at the site at a district council level. This is included below:

P85/W0373	Construction of fish farm	No decision issued	
P77/W0423	Erection of stock proof fences		19/01/1978
	around and dividing the land as	Permitted	
	necessary to enable animals to be	rennitted	
	kept		
77/W0190/E	Use for general dealing in incl.	Withdrawn	13/09/1978
	buying and dealing in hay, straw,		
	tractors, JCBs etc, general		
	agricultural machinery, trailers,		
	buildings, government surplus and		
	scrap, caravans and lorries, hire of		
	farm equipment, farm contract		
	work and repairs to machinery		
SO/W/421/77	The winning and working of		
	minerals and spoil generally for	Refused	08/03/1978
	the construction of an agricultural	Refused	
	fish farm		

P77/W0169	Use for fish production for food	Withdrawn	11/07/1977
P72/R4998	Site for boat mooring and	Refused	01/03/1973
	mushroom cultivation sheds	Neruseu	

6.4 Also, as stated in paragraph 17 of the Committee Report, Immediately south of the site, an application (P22/S4164/FUL) for the change of use of land to informal private leisure use; to include an area allocated to the open storage of non-motorised boats and the siting of a trailer storage shed was made to SODC in November 2022. This was a retrospective application and was refused. An appeal was lodged in October 2023. An enforcement notice (P23/S3506/DA) was served in relation to a material change of use of land from agriculture to a mixed sui generis use of leisure, outdoor education and outdoor therapeutic uses including facilitating development comprising the erection of wooden cabin with raised platform, wooden camping toilet cubicle, wooden sheds, wood stores and tree platform. An appeal was lodged in December 2023 (PINS reference: APP/Q3115/C/23/3331409).

7. Matters on which parties agree

7.1 The following matters are agreed between the parties:

Need for Mineral Extraction

- 7.2 It is agreed that the Appeal site is located within the Thames & Lower Thames Valley Oxford to Cholsey Strategic Resource Area which is a principal location for sand and gravel extraction under Policy M3 of the OMWCS.
- 7.3 The Local Aggregate Assessment published in October 2024 (**CD12.09**) provides the most recently published landbank position for Oxfordshire at 7.693 million tonnes of Sharp Sand and Gravel reserves at the end of 2023, with an Annual Provision Rate (APR) based on the 3-year landbank of 0.986 million tonnes per annum (mtpa), providing a landbank of 7.8 years. This APR is lower than the APR set by the OMWCS Policy M2 of 1.015mtpa which was originally established by the LAA 2014. The next publication of sand and gravel sales and reserve data and the most up to date landbank position will be within the Local Aggregate Assessment for 2024 which is expected in October 2025.
- 7.4 Until the Local Aggregate Assessment for 2024 is produced, the Council consider that it is not possible to update the current published landbank for sand and gravel within Oxfordshire the Appellant will address this in evidence. However, in light of no new sand and gravel permissions being granted since the end of 2023, and with a current Annual Provision Rate (APR) of 0.986, it can be estimated that the sand and gravel landbank within Oxfordshire is currently below 7 years.
- 7.5 In considering the Sharp Sand and Gravel landbank, the Committee Report (CD11.02) considered the following planning applications:
 - MW.0027/22 12,300 tonnes of sand and gravel to be extracted as part of the Oxford Flood Alleviation Scheme. Resolution to grant permission was made in July 2024, however permission has not formally been issued. Furthermore, it is agreed that this permission would not have a significant impact on the landbank position (paragraph 71 of CD11.02);
 - MW.0057/24 Proposed 1 million tonnes of sand and gravel extension to Gill Mill Quarry was submitted in May 2024 and is currently undetermined;
 - MW.0036/24 Proposed 2.5 million tonnes of sand and gravel extension to Sonning Quarry was submitted in March 2024 and is currently undetermined.

It is agreed that the landbank has to be considered as it is at the time of making a decision, and it cannot be assumed that any other application would be approved (paragraph 73 of

CD11.02). Furthermore, the Planning Practice Guidance for Minerals states at paragraph 84 that where a landbank is below the minimum level this may be seen as a strong indicator of urgent need. (**CD11.02**). The Appeal development would provide for 550,000 tonnes of sand and gravel, which based on the APR rate of 0.986mt would add less than one year's additional landbank. However, the mineral within the Appeal site would increase the sand and gravel landbank of Oxfordshire.

- 7.6 Further aspects regarding the need for release of additional sand and gravel mineral which are agreed, are set out below:
 - Paragraph 75 of the Committee Report (CD11.02) states, "OMWCS policy M2 also states that the need to maintain sufficient productive capacity to enable the rates of sand and gravel provision to be realised will be taken into account. This is because if a large part of the landbank is coming from one or two sites, it may not be possible to produce the annual requirement. In Oxfordshire, a significant proportion of the sand and gravel landbank is contained in one site (Gill Mill), which has a large reserve but has a production capacity of 450 000 tonnes per annum and permission until 2040. Therefore, the ability to meet the annual requirement could become limited by production capacity. This proposal would produce around 140,000 tpa from a new site, which would assist in maintaining adequate production capacity whilst it was operational."; and,
 - Paragraph 76 of the Committee Report (CD11.02) states, "OMWCS policy M3 sets out that the sites allocated to meet the requirement in policy M2 will be located such that approximately 75% of the additional tonnage requirement is in southern Oxfordshire, to achieve an approximately equal split of production capacity between northern and southern Oxfordshire by 2021. This part of the policy relates to how sites will be allocated in Part 2 of the Oxfordshire Minerals and Waste Local Plan and is not directly relevant to making decisions on planning applications. However, this proposal would provide additional sand and gravel production capacity in the south of the county, which is in line with the aspiration driving this policy to increase the tonnage of sand and gravel from the south of Oxfordshire, in order to achieve an equal split in the future. There is also significant growth taking place in the Wallingford area, meaning that the site is well located to a source of demand for the building materials produced, although it should be noted that there is an existing, active sand and gravel quarry in very close proximity to the application site at New Barn Farm."
- 7.7 The National Planning Policy Framework was updated in December 2024, alongside which an updated standard methodology for calculating housing need was published (**CD12.13**). Under the previous methodology South Oxfordshire had an annual housing completion requirement of 579 dwellings per annum (dpa). Under the new adopted approach, this has been increased to 1,242 dpa. In addition, the bullet points below identify the updated housing requirement for the neighbouring authorities:

- Oxford 762 dpa to 1,087 dpa;
- Cherwell 706 dpa to 1,118 dpa;
- Buckinghamshire 2,912 dpa to 4,319 dpa;
- Wokingham 748 dpa to 1,336 dpa;
- Reading 878 dpa to 1,028 dpa;
- West Berkshire 495 dpa to 1,070 dpa;
- Vale of White Horse 633 dpa to 949 dpa; and,
- West Oxfordshire 549 dpa to 905 dpa.
- 7.8 The above figures are though subject to the caveat in the updated standard methodology for housing need that "all figures presented are based on data available at the date of publication and should not be considered as definitive for local planning decisions or plan making as the inputs to the standard method are variable and not fixed".
- 7.9 It is agreed that there is an increase in housing targets for South Oxfordshire and its neighbouring authorities that in turn will result in an increase to the mineral requirement .

Need for Inert Waste Management Capacity

- 7.10 It is agreed that the proposed development provides for capacity to manage 280,000 cubic metres of inert waste (construction, demolition and excavation waste) within Oxfordshire. This would be policy compliant in aiding the county to becoming net self-sufficient in management of its principal waste streams, and in assisting the county in meeting its OMWCS 25% target through the Plan period for diverting construction, demolition and excavation waste to permanent deposit of inert waste other than for disposal to landfill.
- 7.11 It is further agreed that the proposed use of inert waste that cannot be recycled as infill material to achieve satisfactory restoration of quarries is policy compliant. The inert waste will be utilised to achieve appropriate restoration of best and most versatile land.

Restoration & Aftercare

- 7.12 It is agreed that a Concept Restoration Plan v3 (**CD9.04**) was submitted in support of the planning application. Furthermore it is agreed that the proposed restoration to part BMV agricultural land and part nature conservation land would deliver biodiversity net gain in excess of 10%. The Appellant is agreeable to a 30-year aftercare programme of management.
- 7.13 It is also agreed that the provision of areas to be managed for nature conservation as part of the restoration is considered to improve the provision of green infrastructure compared to

the current agricultural use.

7.14 As such, the parties agree that this is not a matter in dispute between the Appellant and the MPA.

Landscape and Visual

Submitted material

- 7.15 A Landscape and Visual Impact Assessment (LVIA) ES Chapter (**CD1.20**) was augmented by further information submitted in response to a Regulation 25 Request by Oxfordshire County Council (**CD3.01**).
- 7.16 The further information comprised a general response to landscape orientated comments received as part of the submitted application, provision of further requested information, and a specific response to Landscape and Visual consultation comments (CD3.05). The response was supported by: Appendix A: Consultation Responses– Landscape (CD3.06), Appendix B: Arboricultural Assessment (CD.3.07) and Appendix C: Proposed Bunds and Straw Bales (CD3.08). A Landscape Masterplan that was requested is provided at CD3.09.

Methodology and scope of assessment

7.17 Notwithstanding any potential disagreement between the Appellant and the Council on the sensitivity of individual receptors, and the magnitude of change, level of effect and significance, it is agreed that the submitted LVIA broadly follows best practice guidance, however the Council has some reservations regarding its approach and application.

Landscape Mitigation

- 7.18 It is agreed that the appeal scheme incorporates a range of measures that seek to mitigate the adverse landscape and visual impacts of the operational phase of the development.
- 7.19 The following measures have been proposed that seek to reduce potential landscape and visual effects during the construction and operational phase :
 - Active management of existing vegetation near the site boundary to maintain characteristic elements and improve the screening function of planting where appropriate . Actions would include infilling of gaps and underplanting of existing vegetation utilising native species;
 - Advanced planting to establish vegetation screening. Placement of temporary soil screening bunds behind existing hedgerows/ tree planting adjacent to the Reading Road on

the western boundary and near the roundabout junction with the A4130 to limit views as far as possible into the Site during the operational stage;

- Application of a 30m standoff from the River Thames and the placement of temporary agricultural straw bales along the eastern boundary of the progressively extracted and restored Phase 1 and 2.
- 7.20 Mitigation measures included as part of the restoration phase (CD3.09) comprise:
 - Land restored to original or similar ground levels aOD;
 - Reinstatement of Best and Most Versatile Agricultural Land in the western half of the Site with the eastern half of the Site dedicated to wildlife habitat;
 - Reinstatement of locally typical landscape elements and features including native tree and shrubs, hedgerows, and damp meadow;
 - Reinstatement and strengthening of ditch corridor through the centre of the Site;
 - Creation of habitats aimed contributing to Biodiversity Net Gain e.g. shallow scrapes / ponds;
 - Permissive footpath link across the restored northern end of the Site connecting to the Thames Path; and
 - The future design and implementation of a long-term management plan for all landscaping elements and habitats.

Landscape Character Baseline

- 7.21 The Landscape Character is described in published assessments at a National, County and District level. With reference to Natural England Character Areas the Site is located within National Character Area 108, Upper Thames Vales (NCA 108) which covers an extensive area of low-lying land extending from the west of Swindon through to Aylesbury in the east.
- 7.22 The Chilterns National Character Area 110 is located to the east of the site on rising land.
- 7.23 The Vale of White Horse and South Oxfordshire Landscape Character Assessment (2024) **(CD12.13)** (hereafter referred to as the '2024 LCA') is a strategic level landscape assessment that replaces the local landscape character assessments referred to in the submitted Environmental Statement (CD1.03) i.e. the South Oxfordshire Landscape Character Assessment (2017). However, the SODC Landscape Character Assessment (2017) was used when determining the application and remains relevant.
- 7.24 Since determination of the application, a Tranquility Assessment was prepared for LUC for South Oxfordshire and Vale of White Horse District Councils (CD12.14) as part of the Joint Local Plan evidence.

Visual Baseline

7.25 A visual assessment was initially undertaken through desktop study using Zones of Theoretical Visibility (ZTV) to assist in the selection of receptors to review in the field.

Landscape Planning Policy

7.26 The two key Development Plan Policies cited in the reason for refusal relevant to landscape and visual matters are Policy C8 of the Oxfordshire Minerals and Waste Local Plan – Part 1 Core Strategy (CD12.01) and Policy ENV1 of the South Oxfordshire Local Plan to 2035 – Adopted December 2020 (CD12.03).

<u>Ecology</u>

- 7.27 It is agreed that a suite of ecological protection and enhancement works were submitted as part of the planning submission (**CD1.20**), and during the determination period. There is no objection from Natural England or the County Ecologist.
- 7.28 It is agreed that an Arboricultural Report was submitted in support of the proposed development (**CD3.02**), with additional information provided as requested by South Oxfordshire District Council and the Oxfordshire County Council Tree Officers. Following the submission of clarifying information, the OCC Arboricultural Officer confirmed that sufficient distance can be maintained between retained trees and limits of excavations / bunds. It is considered that the proposals are acceptable in terms of impacts on trees and hedgerows.
- 7.29 As such, the parties agree that this is not a matter in dispute between the Appellant and the MPA.

Transport

- 7.30 It is agreed that a Transport Assessment (**CD1.13**) was submitted in support of the planning application. Transport Development Management (TDM) originally objected to the proposals, requesting further assessment work of the proposed new junction and a revised highway impact assessment using more recent survey data. This further information was provided and TDM removed their objection subject to a Traffic Regulation Order to ensure that HGVs do not turn right into our right out of the site, and also conditions to ensure the new access and vision splays are provided as proposed, gates are set back from the highway and a Construction Traffic Management Plan (CTMP) is provided, approved and implemented.
- 7.31 The Appellant was agreeable to this, as such, the parties agree that this is not a matter in

dispute between the Appellant and the MPA.

Flood Risk

- 7.32 It is agreed that a Flood Risk Assessment (CD1.11) was submitted in support of the planning application. Following comments from and discussion with the Environment Agency further information, including for a number of iterations of the Flood Risk Assessment (CD3.12 & CD7.02) and updated modelling were submitted. Following this, the Environment Agency had no objection.
- 7.33 As there is no objection from the Lead Local Flood Authority or Environment Agency, this is not a matter in dispute between the Appellant and the MPA.

Groundwater and Water Quality

- 7.34 It is agreed that a Hydrogeological and Hydrological Assessment (**CD1.12**) was submitted in support of the planning application. It is acknowledged that the deposit of waste would be required to comply with an Environmental Permit from the Environment Agency.
- 7.35 As there is no objection from the Lead Local Flood Authority or Environment Agency, this is not a matter in dispute between the Appellant and the MPA.

<u>Noise</u>

- 7.36 It is agreed that a Noise Assessment (**CD1.14**) was submitted in support of the planning application. As part of the assessment, it was suggested that a noise monitoring scheme is implemented via condition, and routine monitoring take place throughout the life of the development.
- 7.37 No objection was received from the Environmental Health Officer, as such, the parties agree that this is not a matter in dispute between the Appellant and the MPA.

Dust & Air Quality

- 7.38 It is agreed that an Air Quality Assessment (**CD1.15**) was submitted in support of the planning application. Subject to the implementation of a comprehensive dust management plan with details of air quality monitoring and mitigation measures there are no objections from either the Environmental Health Officer or the Oxfordshire County Council Public Health Team.
- 7.39 As such, the parties agree that this is not a matter in dispute between the Appellant and the MPA.

Historic Environment

7.40 It is agreed that an Archaeological Desk Based Assessment (CD1.21) was submitted in support

of the planning application, which also included a Geophysical Survey and Archaeological Evaluation (Trial Trenching). Historic England and South Oxfordshire District Council Heritage Officer have neither supported nor objected to the planning application.

7.41 Historic England's initial response states that the harm to the boathouse and church cannot be considered to be outweighed by public benefits as the application is premature. However, following the guidance in the NPPF, the application cannot be considered to be premature. It is noted that Historic England have not actually objected to the proposal and there has been no specific objection from a heritage officer at the District Council, only a general comment that SODC support Historic England's comments. As noted within the Committee

Report at paragraph 183 "The Environmental Statement assesses impacts on designated heritage assets and concludes that no significant impacts are likely. In my view the limited and temporary harm to the significance of listed buildings at the Carmel College site would be outweighed by the public benefits of the proposal."

- 7.42 The Oxfordshire County Council Archaeologist stated no objection subject to a written scheme of investigation being agreed as part of a condition.
- 7.43 There is also a requirement to take into account section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving listed buildings or their setting or any features of special architectural or historic interest which they possess. As set out within paragraph 184 of the committee report, the Planning Officer stated "In my view, the proposal would preserve the listed buildings in close proximity and their settings as there would be no direct impacts on the buildings themselves and no change to the setting following the completion of restoration."
- 7.44 It is agreed that the proposed development is policy compliant with regards to protecting heritage assets and archaeology, as such, the parties agree that this is not a matter in dispute between the Appellant and the MPA.

Soils & Agricultural Land

- 7.45 It is agreed that a Soil Handling and Soil Movement Scheme (**CD1.17**) was submitted in support of the planning application. The proposed development would see the site preserve all best and most versatile agricultural land, and restoration to a suitable agriculture and nature conservation use. There has been no objection from Natural England with regards to soil resources.
- 7.46 As such, the parties agree that this is not a matter in dispute between the Appellant and the MPA.

Sustainability and Climate Change

7.47 It is agreed that as part of a Regulation 25 response, a Statement on Climate Change (CD3.16)

was submitted in support of the planning application. It is agreed that the location of the site close to markets in South Oxfordshire and the potential to reduce HGV distances to markets will make a minor positive contribution to minimizing the effects of HGV emissions with regard to climate change. Furthermore, the drainage network will ensure run-off is properly managed and is used to enhance biodiversity of the site, with the control of run-off helping at times of climate change driven weather events.

7.48 It was concluded by the Planning Officer within the Committee Report (**CD11.02**) that the proposed development is in accordance with policies relating to climate change. As such, the parties agree that this is not a matter in dispute between the Appellant and the MPA.

Economic Impact

7.49 It is agreed that the proposed development will support the sustainable economic growth in rural areas as sought by the policies of the SOLP. The proposal would lead to a modest number of new jobs in the area for a temporary period, as well as support of indirect employment in associated activities.

Public Rights of Way

- 7.50 It is agreed that there is no objection from the Public Rights of Way Team regarding the proposed development. It is proposed to utilise straw bales as screening for the Thames Path east of the site during the extraction and restoration operations onsite. Post restoration, a permissive path will be implemented connecting Reading Road (A329) to the west with the Thames Path to the east.
- 7.51 As such, the parties agree that this is not a matter in dispute between the Appellant and the MPA.

Cumulative Impacts

7.52 It is agreed that Cumulative Impacts have been considered as part of the planning application within the Environmental Statement (**CD1.03**).

8. Matters on which parties disagree

Parties disagree on certain landscape and visual matters but both parties will continue to liaise with a view to producing a further agreed SoCG on the topic of Landscape and Visual Impact in accordance with the inspector's guidance provided by PINS by e-mail dated 15th May 2025.

9. Planning Conditions and Planning Obligation

- 9.1 The parties agree that should the appeal be allowed, and planning permission be granted, the conditions included within the attached Annex 2 are appropriate.
- 9.2 The appellant will provide a draft planning obligation for
 - To cover the cost of monitoring the implementation of a Habitats Monitoring and Management Plan for 30 years; and
 - ii) A Bird Management Plan to be kept up to date and implemented in perpetuity.
- 9.3 This SoCG is agreed insofar as the parties have been able to do so at this time. Both parties will continue to liaise with a view to producing a further agreed SoCG on the topic of Landscape and Visual Impact in accordance with the inspector's guidance provided by PINS by e-mail dated 15th May 2025.

Signed on behalf of Minerals Planning Authority		Signed on behalf o	Signed on behalf of Appellant	
Organisation	Oxfordshire County Council	Organisation	Kedd Limited	
Signature	Davíd Períam	Signature	him yeld.	
Name	DAVID PERIAM	Name	Liam Toland	
Qualification	MRTPI	Qualification	BA (Hons), MSc, MRTPI	
Date	16th May 2025	Date	16 th May 2025	