

REFUSED

DATE: 03/09/2024

APPLICATION No: P21/S3961/CM, (MW.0115/21)



**OXFORDSHIRE
COUNTY COUNCIL**

Environment and Place
County Hall
New Road
Oxford
OX1 1ND

Simon Heaton, Heaton Consulting
Sent by email

Bill Cotton
Corporate Director for Environment
and Place

Date: 6th May 2021
My ref: PRE.0048/21

Dear Simon,

Site details: Land at White Cross Farm, Wallingford

Description of proposed development: Pre-application advice on resubmission of application for sand and gravel extraction.

Thank you for your request for pre-application advice contained in your letter dated 26th March 2021 and for meeting myself and David Periam to discuss your proposals on 13th April 2021.

The comments below are offered without prejudice to the determination of a future planning application for this development. Such an application would be assessed on its merits against the development plan and other material considerations at the time of submission.

Background

It is proposed to resubmit an application for sand and gravel extraction. The original application (MW.0033/18) was refused on 10th September 2020, in line with officers' advice. You have considered the committee report and decision notice and seek to overcome the reasons for refusal by amending the application. The mineral extraction phase would be the same, but rather than restoring the land to a marina development, it is now proposed to restore the land to agriculture, with biodiversity enhancements, including a small lake and wetland areas. This would ensure that part of the site could be restored to 'best and most versatile' agricultural land. You consider that there would be ongoing demand for the mineral and the void for deposit of inert waste due to the construction works associated with HS2 in the Chilterns/Oxfordshire in coming years.

This would require more inert fill than the refused application. Therefore, the total number of vehicles associated with the restoration phase would be higher, although it would return the site to an afteruse which would not generate further vehicle movements. You have indicated that the additional HGVs would result in a longer time period for restoration, rather than a higher number of HGVs per day.

General Advice

The proposal appears to generally accord with mineral policies. The details of the proposals would be assessed against all relevant policies of the OMWCS and the SOLP.

Oxfordshire County Council's Transport Development Control team have highlighted the importance of providing detailed information with the application in relation to the access points. This should include vision splays and vehicle tracking. The new application should be self-contained and not refer back to the previous submission.

Oxfordshire County Council's Landscape Officer has confirmed that the restoration of the site to agriculture with nature conservation would reduce the landscape and visual impact, compared to the previously proposed marina development. However, the proposals **still raise concerns with regards to the direct and indirect impacts of the mineral operations on landscape character and views**, especially given the proximity of the AONBs. The application should be clear on whether any part of the application area lies within an AONB.

A Landscape and Visual Assessment (LVIA) must be submitted with the application to enable the impacts of the development to be assessed, so that it can be determined whether the proposal is in accordance with relevant policies protecting the landscape.

Fee

The decision on whether or not a fee would be charged for this application would be taken when the application is submitted. It would need to be submitted by 10th September 2021 to take advantage of the 'free go' for a second application on the same site, as set out in Regulation 8 of the Town and Country Planning (Fees for Applications, Deemed Applications, Requests and Site Visits) (England) Regulations 2012.

I understand that it would have the same red line area. We would also need to come to the conclusion that the new application was for 'development of the same character or description as the development to which the application relates, on an application for planning permission made by or on behalf of the same applicant'.

The description of development would need to be updated for the new application, but on the basis of the information submitted, it appears that there is a case to be made that the character of the development is the same. The proposal to extract mineral is the same. The difference is in the restoration and afteruse, specifically the extent of inert fill proposed and agricultural afteruse instead of a marina. This could be considered a lesser development than that proposed in the original application.

External consultees

It is recommended that you liaise with the Environment Agency and make use of their own chargeable pre-application advice service, in relation to reasons for refusal 8 (flood risk) and 9 (groundwater).

Environmental Impact Assessment (EIA)

The previous application had an EIA. The resubmission would also need to be accompanied by an EIA. The assessments must be updated to take account of the changes proposed to the scheme and to ensure that they are up to date at the time of submitting the application. Ecology surveys are generally valid for 12 months.

Planning Application Process

Once a planning application has been made and validated, we work to a 13-week target for determination (16 weeks for EIA development). The likelihood of this being met depends on the complexity of the application, how comprehensive the information submitted is and the level of objection.

Committee dates for 2021 are set out below:

7 June 2021
19 July 2021
6 September 2021
18 October 2021
29 November 2021

This meeting is usually held at 2pm at County Hall in Oxford.

Consultees

A range of statutory and non-statutory consultees would be formally consulted for a 21-day period by OCC as Planning Authority following the submission of the application. These will include the District Council, any neighbours that could be affected, local Parish Councils, the local County Councillor, internal consultees and expert bodies. Section 6 of the Oxfordshire Statement of Community Involvement 2020 contains more information. This document can be found on the Oxfordshire County Council website: [Statement of Community Involvement \(oxfordshire.gov.uk\)](https://www.oxfordshire.gov.uk/statement-of-community-involvement)

Reasons for Refusal of Previous Application MW.0033/18

The resubmitted application would be assessed on its merits. Although the removal of the marina afteruse would address some of the reasons for refusal for the previous application MW.0033/18, the new restoration proposals might raise new issues.

Application MW.0033/18 was refused for the reasons set out below:

- 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 draft policy ENV4 of the South Oxfordshire Local Plan 2034.*

This reason related entirely to the proposed marina afteruse and would not apply to a new application with an agricultural afteruse.

- 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.*

The amended restoration scheme would not cause the same dramatic landscape change as the previously proposed marina. However, there would be some changes and the site is still in close proximity to the River Thames and the AONBs. Therefore, landscape policies should be carefully considered in the proposal design.

- 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.*

The impact of the new proposals on the setting of nearby listed buildings would need to be carefully considered in the resubmitted application documents. The scheme should be designed to minimise adverse impacts.

- 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.*

This reason for refusal applied specifically to the marina design and would not be relevant to the resubmitted application.

- 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.*

This reason for refusal applied specifically to the loss of agricultural land to create a marina. The resubmitted application should include an agricultural land/soils assessment to demonstrate that it would not result in an overall loss of Best and Most Versatile Agricultural land.

- 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 draft policy TRANS 2 of the South Oxfordshire Local Plan 2034.*

This reason related to the marina development and is unlikely to be relevant to a restoration to agriculture. Consideration to non-vehicular modes of transport for waste import and mineral export should be given, due to the proximity of the river.

- 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 2011 and policy C5 of the Oxfordshire Minerals and Waste Local Plan – Part 1 Core Strategy.*

The air quality concern on the previous application was largely related to the marina and the vehicle movements that it would generate. However, air quality will remain an important policy consideration in relation to dust generated by mineral extraction and inert waste disposal and also in relation to the HGV movements associated with the site.

- 8) *It has not been demonstrated that the development would not increase flood risk elsewhere as required by paragraph 163 of the NPPF and contrary to draft policy EP4 of the South Oxfordshire Local Plan 2034*

Flood risk would still be relevant consideration in the determination of the resubmitted application. However, this reason for refusal related to the specific design of the marina proposal.

- 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.*

You may wish to discuss this reason for refusal with the Environment Agency prior to making the resubmission. The proposal for a clay barrier may still raise concerns about groundwater flows.

- 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.*

This reason relates to the additional water traffic generated by the marina proposal. However, the impacts of the development on recreational users of the river and policy R4 would remain relevant to the resubmitted application, particularly given the proximity of the Thames Path National Trail.

Development Plan Policy

Mineral Policy

Oxfordshire Minerals and Waste Core Strategy (OMWCS) policy M2 states that there is a need to provide 18.270 million tonnes of sand and gravel within the plan period. The Draft Sites Plan Consultation (Reg 18) 2020, set out that taking into account permitted reserves at the end of 2018, there was a need to provide for a further 3.637mt of sand and gravel over the Plan period. In southern Oxfordshire there was a need to identify 3.054mt in order to meet overall local plan requirements and achieve a 50/50 split with northern Oxfordshire.

These figures are currently under review as work is undertaken on an additional Draft Sites Plan (Reg 18) Consultation in August/September 2021. This will include the sand and gravel permission at Hatford and include a full review of production figures.

However, even with this permission, the mineral is needed in southern Oxfordshire.

Policy M5 states that prior to the adoption of the Minerals and Waste Part 2, planning permission will be granted for the working of minerals where this would contribute to the needs in policy M2, provided that the proposal is in accordance with the locational strategy in policy M3 and that the requirements of policies C1 – C12 are met.

The sand and gravel from the Wallingford site would contribute 0.6mt towards the need identified in policy M2. The proposed site is within a strategic resource area for sand and gravel and therefore is in accordance with the locational strategy in policy M3.

Therefore, it appears that the proposal would not be contrary to mineral policy. It would also need to be assessed against OMWCS policies C1 – C12 and policies in the South Oxfordshire plan (SOLP).

Waste Policies

The proposal to restore the site using imported inert waste would be considered against OMWCS waste policies.

OMWCS policy W6 states that priority will be given to the use of inert waste that cannot be recycled as infill material to achieve the satisfactory restoration and after use of active or unrestored quarries. Permission will not otherwise be granted for development that involves the permanent deposit or disposal of inert waste on land unless there would be overall environmental benefit. This proposal would comply with policy W6 as long as the inert waste deposited could not be recycled.

OMWCS Core Policies

The application should demonstrate that the new proposals comply with OMWCS policy C4 (water environment) as the Environment Agency previously had concerns about the impact of a clay barrier on groundwater flow.

Mineral working and restoration has the potential to impact on local amenity and environment, therefore OMWCS policy C5 should be carefully considered and addressed in the application documents. Potential impacts include noise, dust, traffic and visual impacts.

Impacts on the historic environment should be assessed to demonstrate compliance with OMWCS policy C9 and other relevant policies protecting heritage assets.

South Oxfordshire Local Plan Policies

The development plan has changed since the previous application was determined, with respect to South Oxfordshire District Council's Local Plan. The South Oxfordshire Local Plan (SOLP) 2035 was adopted on 10 December 2020. This now forms part of the development plan and replaces the South Oxfordshire Local Plan 2011 and Core Strategy (2012). It is not considered that this change has any significant implications for the assessment of a resubmitted application. The SOLP 2035 policies were referenced as emerging plan policies in the committee report for the previous application.

Oxfordshire Minerals and Waste Local Plan (OMWCS)

The following policies would be relevant to the determination of the application:

- ☐ M2– Provision for working aggregate minerals
- ☐ M3 – Principal locations for working aggregate minerals
- ☐ M5 – Working aggregate minerals
- ☐ M10 – Restoration of mineral workings
- ☐ W6 – Landfill
- ☐ 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

South Oxfordshire Local Plan 2035 (SOLP)

The South Oxfordshire Local Plan 2035 (SOLP) policies most relevant to this development are:

- ☐ 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
- DES8 – Efficient Use of Resources

Other Material Considerations

National Planning Policy Framework (NPPF):

Particularly sections on facilitating the sustainable use of minerals, meeting the challenge of climate change, flooding and coastal change, conserving and enhancing the natural environment, conserving and enhancing the landscape beauty of Areas of Outstanding Natural Beauty.

National Planning Practice Guidance (NPPG):

Particularly the paragraphs on flood risk, minerals, conserving and enhancing the historic environment, determining a planning application and natural environment.

National Planning Policy for Waste (NPPW)

Particularly paragraph 7 which states that in determining applications, waste planning authorities should ensure that land raising or landfill sites are restored to beneficial after uses at the earliest opportunity and to high environmental standards through the application of appropriate conditions where necessary.

Comments from Oxfordshire County Council teams

Transport Development Control

The previous objections were:

- Insufficient information regarding the end use of the Marina function in terms of tracked drawings for trailered vessels, jeopardising the access arrangement.
- Insufficient information regarding the use of the Marina function during the week.
- Closeness of access and egress to roundabout and visibility splays provided at accesses is not shown and suspected to be sub of standard.
- Quantum of development at 352 berths, which potentially has the equivalence of 352 residences, for which weekday modelling is required of nearby roundabouts on the Wallingford 'bypass'.

Three of the four objections related to the marina afteruse. The other related to the access design. However, these objections were all removed prior to committee and the reasons for refusal of the previous application did not include highways reasons.

The accesses, as proposed in this Pre-app (e.g. Drawing LRL/WAL/100/WAL PA17-9 Proposed Phasing) are exactly like those previously proposed. The pre-app submission does not include full information on highways and so it is not possible to review the proposed access arrangements in detail. Vision splays and tracking diagrams of the proposed accesses should be provided with the new application, in order to ensure that

the previous concern that '*closeness of access and egress to roundabout and visibility splays provided at accesses is not shown*' is fully addressed.

For more comprehensive Highways Advice, the Transport Development Control team offer a separate charged service: <https://www.oxfordshire.gov.uk/residents/roads-and-transport/transport-policies-and-plans/transport-new-developments/pre-application-highway-advice>

Drainage and flooding

The Lead Local Flood Authority Team have issued standing pre-application advice, which is in Annex 1. If further information is required, they would be happy to set up a separate meeting. They have their own charging system for pre-application advice. They require sustainable drainage solutions aligned with OCC local standards.

For further advice please contact the Lead Local Flood Authority team:
LLFAPlanningService@Oxfordshire.gov.uk

Ecology

It is positive that, in light of the refusal of planning application MW.0033/18, the proposed scheme has been revised to provide restoration to agriculture and nature conservation habitat, rather than the end-use of a marina.

A new application must be supported by up to date ecological assessments to identify protected, notable and priority species, designated sites, important habitats and any other notable biodiversity features which may be directly or indirectly impacted.

Habitat and species surveys should be undertaken in accordance with prevailing best practice guidance and carried out by suitably qualified personnel. The Chapter will include a desk study, with data obtained from the Thames Valley Environmental Records Centre (TVERC).

The EIA should answer the following questions:

- What species or habitats are involved;
- What is the population level (or area) likely to be affected by the proposal;
- What are the direct and indirect impacts of the proposal on Species or Habitats of Principal Importance;
- Is the impact necessary or acceptable, in consideration of the 'avoid, mitigate, compensate' hierarchy;
- What can be done to mitigate the impact; and
- Will a licence be required from Natural England?

The Ecology Chapter will state whether the proposed works have the potential to impact on a European Protected Species and result in an offence under The Conservation of Habitats and Species Regulations 2017 (as amended). If an offence is likely, the applicant will need a licence from Natural England and OCC must consider whether a licence is likely to be obtained before granting planning permission.

It must be noted that protected species surveys are typically valid for 12 months (less for badgers). Any deviation from best practice guidance will need to be approved by the Ecology Officer prior to submission.

Biodiversity Net Gain

The scheme shall demonstrate that a measurable net gain in biodiversity will be achieved, in accordance with local and national planning policy. The restoration scheme will be designed to ensure high quality ecological habitat is provided and managed for long-term biodiversity benefits.

This shall be calculated using a biodiversity accounting metric; at the time of writing, the recommended calculator is the Defra 2.0 metric. It should be noted that this version of the metric is under review, therefore the application must be supported by the most up to date version at the time of submission. Use of another calculator will not be approved. The metric calculations will be informed by up to date baseline survey information and realistic expectations of what can be achieved in terms of habitat replacement, time to target condition and long-term management.

Impacts within the scheme area should in the first instance be minimised wherever possible and where it is not possible to achieve gains on-site and there is a consequential net loss, off-site compensation will be required. Details on how the net gain will be achieved will be provided at the application stage to provide confidence in what is achievable.

While no set percentage for biodiversity net gain is currently provided within local or national policy, the upcoming Environment Bill is expected to request a minimum of 10% biodiversity net gain above the baseline. The proposed scheme should therefore achieve a minimum 10% net gain in biodiversity, providing a meaningful contribution to local nature recovery. Should further policy or legislation come into force prior to submission of an application which expects a higher percentage net gain (for example a minimum 20%), this higher value must be provided. It is expected that the management will be guaranteed for a minimum of 25 years above the 5-year aftercare period.

If you have any questions regarding biodiversity, please contact Oxfordshire County Council's Ecology Officer Louise Fox louise.fox@oxfordshire.gov.uk

Landscape

I objected to the previous scheme on the basis that the development would cause unacceptable landscape and visual impacts, including impacts on the Chilterns AONB. Concerns included the permanence of the landscape and visual impacts caused by the marina after use, and the conflict with policy M10 with regard to restoration of the site. The latest proposal will overcome these concerns and as such is an improvement to the previous scheme in landscape and visual terms.

However, the quarrying operation also raises landscape and visual concerns, including impacts on the nearby AONBs.

It is my understanding that a small section of the site is within the Chilterns AONB. The remainder of the site adjoins the AONB boundary and forms part of its setting. In accordance with the NPPF, local plan policy and the AONB management plans great weight needs to be given to the Chilterns AONB and the NWD AONBs and their setting.

In addition, the NPPF requires major development within the AONB to be refused except in exceptional circumstances.

Local planning policy requires development within the setting of an AONB to conserve, and where possible, enhance the character and natural beauty of the AONB. Limited details have been provided at this stage, but the application will need to demonstrate how the development meets the requirements of the NPPF and local plan policies.

Landscape and visual effects will need to be adequately assessed. Direct landscape and visual impacts are likely to include adverse effects on views in and out of the AONB but also the loss of tranquillity caused by the introduction of lighting, activity and noise. Potential indirect adverse impacts on the AONB could include effects caused by an increase in vehicle movements.

In addition, the Thames Path, a national long-distance trail, runs along the western bank of the River Thames and therefore within the site boundary. The development will impact on users of the Thames path, who are considered highly sensitive receptors. The application will need to outline how it proposes to mitigate impacts on these receptors.

An Arboricultural Survey in accordance with BS5837:2012 (Trees in relation to construction) is also likely to be required to assess the impact on existing trees and other mature vegetation, and to inform working practices. This should not only consider vegetation within the application boundary but also adjacent to the site where trees might be affected.

The site is also located within close proximity to New Barn Farm quarry and other major developments, so that the development has the potential to cause adverse cumulative effects. The application should include an assessment of such effects.

For further information about the requirements for assessing impact on landscape, please contact Haidrun Breith Haidrun.Breith@Oxfordshire.gov.uk

Archaeology

The site is located in an area of considerable archaeological interest located 260m south east of a possible Neolithic hengiform monument and a pit alignment or segmented ditch. A pit, recorded during a watching brief 140m north east of the proposed site, is dated to the Neolithic or Bronze Age. Neolithic pottery has also been recorded from the north side of Wallingford. Bronze Age barrows have been recorded immediately west of the proposed development from aerial photographs and a geophysical survey. This geophysical survey also recorded a probable Prehistoric or Roman settlement site consisting of clusters of possible pits or tree throws, field boundaries or trackways, possible ditches, hearth or similar burning, possible enclosure and structures. A considerable number of Roman coins have been recorded for this field on the Portable Antiquities Scheme.

The site has been the subject of a geophysical survey and a trenched evaluation. Trenched evaluation to date has only focused on the western areas of the site and this has recorded a number of archaeological features to be present across its northern

extent. 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. This development will therefore impact on these identified archaeological features, potential further associated evidence with which may also be present across the sites eastern extents.

Therefore, should planning permission be granted, the applicant would be responsible for ensuring the implementation of a staged programme of archaeological investigation to be maintained during the period of construction. This would be secured through condition on any consent issued.

If you have any queries regarding archaeology, please contact Steven Weaver, Archaeologist steven.weaver@oxfordshire.gov.uk

Public engagement

Applicants are encouraged to liaise with stakeholders prior to the submission of an application to ensure that there is good communication and allow the potential for proposals to be amended in light of any legitimate concerns. It would be helpful if the application could include details of how the scheme has developed or been modified in response to public engagement.

As discussed in our meeting, there were 14 objections to application MW.0033/18 from local residents. It is difficult to predict the level of opposition there would be to an amended application that did not include the marina.

I recommend that you undertake some liaison with the local community, so that they are aware that the application is going to be resubmitted prior to being formally consulted.

Validation

Although not recently updated and so not currently a legal requirement for the validation of applications, the Oxfordshire County Council's validation checklist provides details of the information which needs to be submitted along with a planning application. The list can be found on our website:

<https://www2.oxfordshire.gov.uk/cms/sites/default/files/folders/documents/environmentandplanning/planning/planningpolicy/ValidationChecklist.pdf>

Documents to be provided with the application would be as required for the previous submission, but care should be taken to ensure that all plans and documents are fully updated to reflect the changes to the proposed scheme.

The following will be required:

- Application Form
- Notice(s)
- Location Plan
- Red line boundary Plan
- Planning Statement – including details of method of working, timescale and phasing

- Phasing Plans for both mineral extraction and waste infilling
- Restoration Plan
- Proposals for aftercare and long-term management
- Agriculture/soils assessment
- Air Quality Assessment (including Dust Assessment)
- Ecological Assessment
- Biodiversity Metric (current version is DEFRA 2.0)
- Flood Risk Assessment
- Landscape and Visual Appraisal (LVIA) (in accordance with GLVIA3)
- Assessment of direct and indirect impacts on the AONB (this could be included in LVIA)
- Landscape Plan – showing existing vegetation to be lost and retained, and new planting
- Landscape Management Plan – outlining the long-term management of restored site
- Lighting Scheme for any external lighting proposed
- Assessment of impacts of any lighting proposed
- Noise Impact Assessment
- Sustainability Statement
- Cumulative impact assessment
- Transport Assessment
- Tree Survey to BS5837:2012 standard
- Surface Water Drainage Plan

The Local List of Validation Requirements provides further detail on these requirements. In this case, as there is an EIA, many of these requirements would be covered by the Environmental Statement.

If you have any questions regarding this response, please contact me.

Yours sincerely

M Hudson

Mary Hudson
Principal Planning Officer

mary.hudson@oxfordshire.gov.uk
07393 001 257

Disclaimer

Any advice given in relation to the planning history of the site, planning constraints or statutory designations does not constitute a formal response of the Council under the provisions of the Land Charges Act 1975.

Any pre-application advice given by Council Officers does not constitute a formal response or decision of the Council with regards to future planning consents.

Any views or opinions expressed are given in good faith, and to the best of ability, without prejudice to the formal consideration of any planning application, which will be subject to public consultation and ultimately decided by the Council. The Council cannot guarantee that new issues will not be raised following submission of a planning application and consultation upon it.

You should be aware that Officers cannot give guarantees about the final formal decision that will be made on your planning or related applications.

Annex 1 – Standing Advice from the Lead Local Flood Authority Team

The [Sustainable Drainage Systems \(SuDS\) Policy](#), which came into force on the 6th April 2015 requires the use of sustainable drainage systems to manage runoff on all applications relating to major development. As well as dealing with surface water runoff, they are required to provide water quality, biodiversity and amenity benefits in line with National Guidance. The [Sustainable Drainage Systems \(SuDS\) Policy](#) also implemented changes to the [Town and Country Planning \(Development Management Procedure\) \(England\) Order 2010](#) to make the Lead Local Flood Authority (LLFA) a statutory Consultee for Major Applications in relation to surface water drainage. This was implemented in place of the SuDS Approval Bodies (SAB's) proposed in Schedule 3 of the Flood and Water Management Act 2010.

All full and outline planning applications for Major Development must be submitted with a Surface Water Management Strategy. A site-specific Flood Risk Assessment (FRA) is also required for developments of 1 hectare or greater in Flood Zone 1; all developments in Flood Zones 2 and 3 or in an area within Flood Zone 1 notified as having critical drainage problems; and where development or a change of use to a more vulnerable class may be subject to other sources of flooding.

Further information on flood risk in Oxfordshire, which includes access to view the existing fluvial and surface water flood maps, can be found on the [Oxfordshire flood tool kit](#) website. The site also includes specific flood risk information for developers and Planners.

The [National Planning Policy Framework](#) (NPPF), which was updated in February 2019 provides specific principles on flood risk (Section 14, from page 45). [National Planning Practice Guidance](#) (NPPG) provides further advice to ensure new development will come forward in line with the NPPF.

Paragraph 155 states; *“Inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk (whether existing or future). Where development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere.”*

As stated in Paragraph 158 of the NPPF, we will expect a sequential approach to be used in areas known to be at risk now or in the future from any form of flooding.

The [Non-statutory technical Standards for sustainable drainage systems](#) were produced to provide initial principles to ensure developments provide SuDS in line with the NPPF and NPPG. Oxfordshire County Council have published the [“Local Standards and Guidance for Surface Water Drainage on Major Development in Oxfordshire”](#) to assist developers in the design of all surface water drainage systems, and to support Local Planning Authorities in considering drainage proposals for new development in Oxfordshire. The guide sets out the standards that we apply in assessing all surface water drainage proposals to ensure they are in line with National legislation and guidance, as well as local requirements.

The SuDS philosophy and concepts within the Oxfordshire guidance are based upon and derived from the CIRIA [SuDS Manual \(C753\)](#), and we expect all development to come forward in line with these principles.

In line with the above guidance, surface water management must be considered from the beginning of the development planning process and throughout – influencing site layout and design. The proposed drainage solution should not be limited by the proposed site layout and design.

Wherever possible, runoff must be managed at source (i.e. close to where it falls) with residual flows then conveyed downstream to further storage or treatment components, where required. The proposed drainage should mimic the existing drainage regime of the site. Therefore, we will expect existing drainage features on the site to be retained and they should be utilised and enhanced wherever possible.

Although we acknowledge it will be hard to determine all the detail of source control attenuation and conveyance features at concept stage, we will expect the Surface Water Management Strategy to set parameters for each parcel/phase to ensure these are included when these parcels/phases come forward. Space must be made for shallow conveyance features throughout the site and by also retaining existing drainage features and flood flow routes, this will ensure that the existing drainage regime is maintained, and flood risk can be managed appropriately.

By the end of the Concept Stage evaluation and initial design/investigations Flows and Volumes should be known.

Highways Specific Comments:

- Adequate land needs to be safeguarded for Highway infrastructure including SuDS measures

Land needs to be safeguarded through reserved matters for adequate SuDS source control measures to serve the highway.

Oxfordshire County Council have published the “[Local Standards and Guidance for Surface Water Drainage on Major Development in Oxfordshire](#)” to assist developers in the design of all surface water drainage systems, and to support Local Planning Authorities in considering drainage proposals for new development in Oxfordshire. The guide sets out the standards that we apply in assessing all surface water drainage proposals to ensure they are in line with National legislation and guidance, as well as local requirements.

The SuDS philosophy and concepts within the Oxfordshire guidance are based upon and derived from the CIRIA [SuDS Manual \(C753\)](#), and we expect all development to come forward in line with these principles.

In line with this guidance, we will expect developments to move away from traditional below ground piped drainage systems to more efficient, resilient and flexible sustainable drainage systems.

Wherever possible, runoff must be managed at source (i.e. close to where it falls) with residual flows then conveyed downstream to further storage or treatment components, where required.

Underground piped systems are prone to blockage, posing a risk of flooding, as well as directing pollutants, such as oil, organic matter and toxic metals, straight to the natural environment without the opportunity to trap, breakdown or remove them.

Keeping water at ground within SuDS means any problems with the system can be identified quicker and easier than with a conventional system and are generally cheaper and more straightforward to rectify.

Pipe and gully systems provide significant maintenance burdens on the Highway Authority especially on major roads and must be designed out wherever possible through the planning process. Measures such as over the edge drainage to swales/filter drains must be considered from the beginning and adequate land provided within the highway corridor.

The LLFA recommend the LPA should consult the South and Vale Drainage team for advice before issuing any approval related to this application.