

## Town and Country Planning (Environmental Impact Assessment) Regulations 2011

**SCOPING OPINION****Application Site and Description of Development****Request for Scoping Opinion: Proposed Mineral Extraction on Land at White Cross Farm, Wallingford**

Simon Rees (Greenfields Associates) has requested a scoping opinion and submitted a scoping report providing details of the proposed development, dated 12<sup>th</sup> October 2015.

*More detail about the proposals*

Greenfields Associates on behalf of London Rock Ltd. seeks a scoping opinion from Oxfordshire County Council in respect of proposed development at White Cross Farm, near Wallingford. White Cross Farm is located directly adjacent to and west of the River Thames. London Rock Ltd proposes a mineral extraction scheme on the site with a proposed restoration into a marina basin. The site covers 15.4 hectares and will involve the extraction of approximately 500.000 tonnes of in-situ sand and gravels within an area of approximately 13.4 hectares over a period of approximately 3 to 4 years utilising on site processing plant. The restoration to the marina basin may involve the importation of 120.000 m<sup>3</sup> of inert clay to landscape the area surrounding the marina to produce the final design and ensure long term stability on the banks of the marina basin. Access would be taken to and from the A329. The development would include a workshop building, facilities building, parking and refuse and recycling areas and a fuelling facility.

The Environmental Statement should be submitted as a separate document from the planning application and would need to include the information as set out in Parts I and II of Schedule 4 of the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 2011. Please find attached document in Annex 1.

The consultation responses set out in **Annex 2** have been received in relation to the Scoping Request submission. Oxfordshire County Council recommends that the details requested by these specialist consultees are incorporated into the Environmental Statement.

**Assessment****Specific Chapters**

The following potential topics were proposed in the Scoping Report:

1. Cultural Heritage & Archaeology
2. Ecology & Nature Conservation
3. Noise & Dust
4. Surface & Groundwater
5. Landscape & Visual Impact
6. Traffic & Highways
7. Soils and Agricultural Land

## 8. Geotechnical Assessment

Oxfordshire County Council can confirm that it agrees that these topics must be considered in the Environmental Statement. Please see additional comments below.

A Non-Technical Summary should also be provided. Cumulative impacts should be considered for all topics.

### Cultural Heritage & Archaeology

The request for a scoping opinion submitted by the applicant contains a section that deals with the historic environment. This clearly states that the applicant intends to submit an archaeological desk based assessment. It is confirmed that this should be included in the Environmental Statement.

### Ecology & Nature Conservation

The detailed advice of Natural England, the Berks, Bucks & Oxon Wildlife Trust (BBOWT), and the County Council's Ecologist Planner, as set out in Annex 2, should be followed to determine the scope of species and habitat survey work required. The guidance provided in the consultation response from Natural England on the information that would be expected in the ecology chapter of the Environmental Statement should be followed.

The Chartered Institute of Ecology and Environmental Management Ecological Impact Assessment guidelines should be followed.

A desktop study should be undertaken to identify existing ecological records, include a data search from the Thames Valley Environmental Records Centre (TVERC).

The Environmental Statement should include an Air Quality Assessment to take account of the risks of air pollution and how these risks can be managed or reduced in relation to impacts on habitats/biodiversity. Further information can be found under Natural England's response in Annex 2 and on [www.apis.ac.uk](http://www.apis.ac.uk), and on the Environment Agency's website.

Consideration should be given to biodiversity and the effects of climate change. The Environmental Statement should set out how the development's effects on the natural environment will be influenced by climate change and how ecological networks will be maintained. Natural England's response in Annex 2 has further information on climate change adaptation.

The potential indirect impacts, such as noise, dust and hydrology and geohydrology should be assessed in relation to ecology and biodiversity.

The Environmental Statement should identify protected, notable or priority species, designated sites, important habitats or other biodiversity features on or adjacent to the development site.

Part of the site has been identified as potential UK Priority Habitat Coastal and Floodplain Grazing Marsh. Therefore the Environmental Statement should assess this habitat and its value.

Any surveys completed should follow best practice guidance and be submitted with any application.

The Environmental Statement should assess impacts during construction, operation and following restoration. Given the location of the site within the Thames Wallingford-Goring Conservation Target Area, the proposed restoration does not appear to provide much scope for delivering biodiversity enhancements. The delivery of biodiversity net gain through restoration of minerals sites should be assessed in the Environmental Statement. Any impacts of the proposed marina on ecology, including the river and associated species should be included within the Environmental Statement.

### Noise & Dust

Please see the advice of the Environmental Health Officer (EHO) at South Oxfordshire District Council as set out in Annex 2 for more details. The EHO has significant concerns regarding dust, noise and vibration on the nearby residential properties. More information will be needed in the Environmental Statement on the potential impacts on the following residential areas/properties:

- Carmel College
- Elizabeth House
- Coachman Cottage
- The Lodge
- Mead Furlong
- Mill Lodge
- Riverside
- Residential properties in Reading Road and Wallingford Road, to the north of the site.

A methodology will need to be applied to assess the noise, dust and vibrations arising both from the mineral extraction works and the future use once restored. A mitigation plan will need to be put in place to address these impacts. Further information on the duration of the works to be carried out including times of day of operation, and what plant and operations will be used should be included and addressed, as well as the impacts that this development will have on the general amenity to the immediate location and what mitigation will be provided.

### Surface & Groundwater

Please see the advice of the Lead Flood Authority (LFA) and Environment Agency (EA) as set out in Annex 2 for more details.

There is a need to include details on how the excavation will be dewatered:

- Any pumped outflow from the excavation will need to pass through the settling tanks so as not to pollute the river.

- Details on types of pump and noise created.

These impacts of these should be assessed.

The site lies in the Environment Agency's Flood zones 2 and 3. A full flood risk assessment (FRA) will be needed covering both the mineral extraction period (including the impacts of the construction of soil storage bunds and lagoons and the importation of clay) and once operational as a marina . Fluvial flooding and water quality issues should be considered within the FRA along with any impacts on the Water Framework Directive objectives and any mitigation measures identified. Information on how it is proposed to stop flood waters entering the site, as most of the site is within the flood plain, should be provided and assessed.

NB – The County Planning Authority will need to address the Sequential Test and if necessary the Exception Test in its consideration of any planning application. It is therefore recommended that this be addressed as part of this section of the Environmental Statement.

Details should be provided of:

- The nature of the geological deposits in the area;
- The characteristics of the aquifer;
- Water balance calculations for operational and restoration phases of working; and volumetric flows or levels of local watercourses or other groundwater dependent receptors for operational and restoration phases of working.
- Any impacts should be assessed and mitigation measures identified as necessary.

Details of the wheel washing facilities, maintenance of the existing highway drains, and any additional drainage needed should be provided and assessed.

Details of the collection of monitoring data and analysis of boreholes outside the site to prove the dewatering is not affecting the surrounding countryside should be provided.

Mitigation measures on how pollution will be stopped entering the river should be provided and assessed.

### Landscape & Visual Impact

The Environmental Statement should be informed by the detailed advice concerning the scope of the Landscape and Visual Assessments provided by Natural England and appended to this Scoping Opinion.

The impact on local landscape character should be assessed using landscape assessment methodologies. The assessments should comply with the methodology set out in the 'Guidelines for Landscape and Visual Assessment', produced by the Landscape Institute and the Institute of Environmental Assessment and Management in 2013 (3<sup>rd</sup> edition).

As the development site is adjacent to the Chilterns Area of Outstanding Natural Beauty (AONB), and in close proximity to the North Wessex Downs AONB, consideration should be given to the direct and indirect effects upon these designated landscapes and in particular the effect upon the purposes for designation within the environmental impact assessment, as well as the content of the relevant management plans for these AONBs.

Details of local landscape character areas mapped at a scale appropriate to the development site should be provided. The Environmental Statement should include assessments of visual effects on the surrounding area and landscape both during the mineral extraction period and once operational as a marina together with any physical effects of the development, such as changes to topography.

The potential loss of any trees or hedgerows should be addressed. In order to assess the impact of the development to trees on site a British Standard (BS) 5837 survey should be undertaken. This must cover all trees within the site, and include both a Tree Constraints Plan and Tree Protection Plan.

All stages of the development should be assessed, including development associated with restoration and aftercare. The assessment should include cumulative impact with other developments.

#### Traffic & Highways

As set out in the Scoping Opinion request, a Transport Assessment should be provided; this should not only consider access and traffic impact but must include matters relating to Public Rights of Way across and adjacent to the site.

#### Soils and Agricultural Land

An assessment of the agricultural quality of the existing soils should be carried out and the quantities of any best and most versatile agricultural land that would be lost should be identified. The effect on farm structure and viability, both during the site working period and once operational as a marina should be addressed. Including any impacts for continued access, good drainage and water supplies to surrounding land. Any impacts on other established rural land use and interests, both during the site working period and once operational as a marina should also be assessed. Any mitigation measures necessary should be identified.

Natural England have provided detailed comments as set out in Annex 2, these comments should be taken into account in finalising the scope of this chapter of the Environmental Statement.

#### Geotechnical Assessment

It is confirmed that this will need to be addressed.

#### **Additional Topics**

In addition to the chapter headings identified by the applicant, there should be a section setting out in full the description of the development and a section considering alternatives, covering both alternative sites and alternative methods of working including the advantages and disadvantages of each.

The Environmental Statement should address the topic of climate change. The section on climate change should include wider sustainability considerations. The impact of climate change will need to be considered as part of other assessment work, including the Flood Risk Assessment and the ecological work.

There should be a section in the Environmental Statement to address any potential Social and Economic impacts.

There should be a section addressing potential bird-strike risks including both MoD and civil aerodromes (within 13km), when final restoration includes standing water.

The Environmental Statement should consider potential impacts on rights of way. Please see the advice of the Countryside Access Team as set out in Annex 2 for more details. The 'Thames Way' runs north-south along the western river bank through the site. The Environmental Statement should have reference to the relevant Right of Way Improvement Plans, stating how the path will be maintained and enhanced in the long term.

(The Countryside Access Team would like to be consulted at an early stage with regards to the design and alignment of the new footbridge proposed. Any change in the definitive line may require a diversion. The Countryside Access team would also like to see the crossing is DDA Compliant and suitable for such a well-used public right of way.)

Mitigation measures should be described for the identified significant impacts. An assessment of the effectiveness of the mitigation measures should also be included.

Other impacts that are not considered to be significant will not need to be assessed to the same level of detail as the impacts identified above. However, some detail will be required to indicate that they have been considered and why they are not considered to be significant. Mitigation measures should also be identified as necessary.

The Environmental Statement should cover the whole site, including all ancillary development.

## Conclusion

Provided that the above information is included, Oxfordshire County Council considers that the Environmental Statement would sufficiently cover the necessary information for inclusion in an Environmental Impact Assessment. However EIA is an iterative process that allows the development proposal to be continually refined. Therefore further information may be required at a later stage.

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

Date ...13/11/2015.....

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

On behalf of the Director for Environment & Economy

Date ...18/11/2015.....

## **INFORMATION TO BE INCLUDED IN AN ENVIRONMENTAL STATEMENT**

Town and Country Planning (Environmental Impact Assessment) Regulations 2011.

Under the definition in Regulation 2 (1), 'environmental statement' means a statement:

- (a) that includes such of the information referred to in Part I of Schedule 4 as is reasonably required to assess the environmental effects of the development and which the applicant can, having regard in particular to current knowledge and methods of assessment, reasonably be required to compile, but
- (b) that includes at least the information referred to in Part II of Schedule 4.

### **PART I**

1. Description of the development, including in particular -

(a) a description of the physical characteristics of the whole development and the land-use requirements during the construction and operational phases;

(b) a description of the main characteristics of the production processes, for instance, nature and quantity of the materials used;

(c) an estimate, by type and quantity, of expected residues and emissions (water, air and soil pollution, noise, vibration, light, heat, radiation, etc.) resulting from the operation of the proposed development.

2. An outline of the main alternatives studied by the applicant or appellant and an indication of the main reasons for his choice, taking into account the environmental effects.

3. A description of the aspects of the environment likely to be significantly affected by the development, including, in particular, population, fauna, flora, soil, water, air, climatic factors, material assets, including the architectural and archaeological heritage, landscape and the inter-relationship between the above factors.

4. A description of the likely significant effects of the development on the environment, which should cover the direct effects and any indirect, secondary, cumulative, short, medium and long-term, permanent and temporary, positive and negative effects of the development, resulting from:

(a) the existence of the development;

(b) the use of natural resources;



(c) the emission of pollutants, the creation of nuisances and the elimination of waste, and the description by the applicant of the forecasting methods used to assess the effects on the environment.

5. A description of the measures envisaged to prevent, reduce and where possible offset any significant adverse effects on the environment.

6. A non-technical summary of the information provided under paragraphs 1 to 5 of this Part.

7. An indication of any difficulties (technical deficiencies or lack of know-how) encountered by the applicant in compiling the required information.

## **PART II**

1. A description of the development comprising information on the site, design and size of the development.

2. A description of the measures envisaged in order to avoid, reduce and, if possible, remedy significant adverse effects.

3. The data required to identify and assess the main effects which the development is likely to have on the environment.

4. An outline of the main alternatives studied by the applicant or appellant and an indication of the main reasons for his choice, taking into account the environmental effects.

5. A non-technical summary of the information provided under paragraphs 1 to 4 of this Part.

## **Annex 2: Consultation Responses**

### **1. Archaeology (OCC)**

The request for scoping opinion submitted by the applicant contains a section that deals with the historic environment. This clearly states that the applicant intends to submit an archaeological desk based assessment. This can form part of an EIA or can be submitted as a standalone document as part of a planning application.

### **2. Arboricultural Officer (OCC)**

In order to assess the impact of the development to trees on site I would expect as part of the application a BS 5837 survey to be undertaken. This must cover all trees within the site, and include both a Tree Constraints Plan and Tree Protection Plan.

### **3. Natural England**

#### **1. General Principles**

Schedule 4 of the Town & Country Planning (Environmental Impact Assessment) Regulations 2011, sets out the necessary information to assess impacts on the natural environment to be included in an ES, specifically:

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

It will be important for any assessment to consider the potential cumulative effects of this proposal, including all supporting infrastructure, with other similar proposals and a thorough assessment of the 'in combination' effects of the proposed development with any existing developments and current applications. A full consideration of the implications of the whole scheme should be included in the ES. All supporting infrastructure should be included within the assessment.

#### **2. Biodiversity and Geology**

##### **2.1 Ecological Aspects of an Environmental Statement**

Natural England advises that the potential impact of the proposal upon features of nature conservation interest and opportunities for habitat creation/enhancement should be included within this assessment in accordance with appropriate guidance on such matters. Guidelines for Ecological Impact Assessment (EclA) have been developed by the Chartered Institute of Ecology and Environmental Management (CIEEM) and are available on their website.

EclA is the process of identifying, quantifying and evaluating the potential impacts of defined actions on ecosystems or their components. EclA may be carried out as part of the EIA process or to support other forms of environmental assessment or appraisal.

The National Planning Policy Framework sets out guidance in S.118 on how to take account of biodiversity interests in planning decisions and the framework that local authorities should provide to assist developers.

## **2.2 Regionally and Locally Important Sites**

The EIA will need to consider any impacts upon local wildlife and geological sites. Local Sites are identified by the local wildlife trust, geoconservation group or a local forum established for the purposes of identifying and selecting local sites. They are of county importance for wildlife or geodiversity. The Environmental Statement should therefore include an assessment of the likely impacts on the wildlife and geodiversity interests of such sites. The assessment should include proposals for mitigation of any impacts and if appropriate, compensation measures. Contact the local wildlife trust, geoconservation group or local sites body in this area for further information.

## **2.4 Protected Species - Species protected by the Wildlife and Countryside Act 1981 (as amended) and by the Conservation of Habitats and Species Regulations 2010**

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

The conservation of species protected by law is explained in Part IV and Annex A of Government Circular 06/2005 Biodiversity and Geological Conservation: Statutory Obligations and their Impact within the Planning System. The area likely to be affected by the proposal should be thoroughly surveyed by competent ecologists at appropriate times of year for relevant species and the survey results, impact assessments and appropriate accompanying mitigation strategies included as part of the ES.

In order to provide this information there may be a requirement for a survey at a particular time of year. Surveys should always be carried out in optimal survey time periods and to current guidance by suitably qualified and where necessary, licensed, consultants. Natural England has adopted

<https://www.gov.uk/protected-species-and-sites-how-to-review-planning-proposals#standing-advice-for-protected-species>

for protected species which includes links to guidance on survey and mitigation.

## **2.5 Habitats and Species of Principal Importance**

The ES should thoroughly assess the impact of the proposals on habitats and/or species listed as 'Habitats and Species of Principal Importance' within the England Biodiversity List, published under the requirements of S41 of the Natural Environment and Rural Communities (NERC) Act 2006. Section 40 of the NERC Act 2006 places a general duty on all public

authorities, including local planning authorities, to conserve and enhance biodiversity. Further information on this duty is available in the Defra publication 'Guidance for Local Authorities on Implementing the Biodiversity Duty'.

Government Circular 06/2005 states that Biodiversity Action Plan (BAP) species and habitats, 'are capable of being a material consideration...in the making of planning decisions'. Natural England therefore advises that survey, impact assessment and mitigation proposals for Habitats and Species of Principal Importance should be included in the ES. Consideration should also be given to those species and habitats included in the relevant Local BAP.

Natural England advises that a habitat survey (equivalent to Phase 2) is carried out on the site, in order to identify any important habitats present. In addition, ornithological, botanical and invertebrate surveys should be carried out at appropriate times in the year, to establish whether any scarce or priority species are present. The Environmental Statement should include details of:

- Any historical data for the site affected by the proposal (eg from previous surveys);
- Additional surveys carried out as part of this proposal;
- The habitats and species present;
- The status of these habitats and species (eg whether priority species or habitat);
- The direct and indirect effects of the development upon those habitats and species;
- Full details of any mitigation or compensation that might be required.

The development should seek if possible to avoid adverse impact on sensitive areas for wildlife within the site, and if possible provide opportunities for overall wildlife gain.

The record centre for the relevant Local Authorities should be able to provide the relevant information on the location and type of priority habitat for the area under consideration.

## **2.6 Contacts for Local Records**

Natural England does not hold local information on local sites, local landscape character and local or national biodiversity priority habitats and species. We recommend that you seek further information from the appropriate bodies (which may include the local records centre, the local wildlife trust, local geo-conservation group or other recording society and a local landscape characterisation document).

## **3. Designated Landscapes and Landscape Character**

### **Nationally Designated Landscapes**

As the development site is adjacent to the Chilterns Area of Outstanding Natural Beauty (AONB), and in close proximity to the North Wessex Downs AONB, consideration should be given to the direct and indirect effects upon this designated landscape and in particular the effect upon its purpose for designation within the environmental impact assessment, as well as the content of the relevant management plans for these AONBs.

### **Landscape and visual impacts**

Natural England would wish to see details of local landscape character areas mapped at a scale appropriate to the development site as well as any relevant management plans or strategies pertaining to the area. The EIA should include assessments of visual effects on the surrounding area and landscape together with any physical effects of the development, such as changes in topography. The European Landscape Convention places a duty on Local Planning Authorities to consider the impacts of landscape when exercising their functions.

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

Natural England supports the publication Guidelines for Landscape and Visual Impact Assessment, produced by the Landscape Institute and the Institute of Environmental Assessment and Management in 2013 (3rd edition). The methodology set out is almost universally used for landscape and visual impact assessment.

In order to foster high quality development that respects, maintains, or enhances, local landscape character and distinctiveness, Natural England encourages all new development to consider the character and distinctiveness of the area, with the siting and design of the proposed development reflecting local design characteristics and, wherever possible, using local materials. The Environmental Impact Assessment process should detail the measures to be taken to ensure the building design will be of a high standard, as well as detail of layout alternatives together with justification of the selected option in terms of landscape impact and benefit.

The assessment should also include the cumulative effect of the development with other relevant existing or proposed developments in the area. In this context Natural England advises that the cumulative impact assessment should include other proposals currently at Scoping stage. Due to the overlapping timescale of their progress through the planning system, cumulative impact of the proposed development with those proposals currently at Scoping stage would be likely to be a material consideration at the time of determination of the planning application.

The assessment should refer to the relevant [National Character Areas](#) which can be found on our website. Links for Landscape Character Assessment at a local level are also available on the same page.

#### **4. Access and Recreation**

Natural England encourages any proposal to incorporate measures to help encourage people to access the countryside for quiet enjoyment. Measures such as reinstating existing footpaths together with the creation of new footpaths and bridleways are to be encouraged. Links to other green networks and, where appropriate, urban fringe areas should also be explored to help promote the creation of wider green infrastructure. Relevant aspects of local authority green infrastructure strategies should be incorporated where appropriate.

#### **Rights of Way, Access land, Coastal access and National Trails**

The EIA should consider potential impacts on access land, public open land, rights of way and coastal access routes in the vicinity of the development. Consideration should also be given to the potential impacts on the adjacent Thames Path National Trail and nearby Ridgeway National Trail. The National Trails website [www.nationaltrail.co.uk](http://www.nationaltrail.co.uk) provides information including contact details for the National Trail Officer. Appropriate mitigation measures should be incorporated for any adverse impacts. We also recommend reference to the relevant Right of Way Improvement Plans (ROWIP) to identify public rights of way within or adjacent to the proposed site that should be maintained or enhanced.

#### **5. Soil and Agricultural Land Quality**

Impacts from the development should be considered in light of the Government's policy for the protection of the best and most versatile (BMV) agricultural land as set out in paragraph 112 of the NPPF. We also recommend that soils should be considered under a more general heading of sustainable use of land and the ecosystem services they provide as a natural resource in line with paragraph 109 of the NPPF.

### **Soils, Land Quality and Reclamation**

Soil is a finite resource that fulfils many important functions and services (ecosystem services) for society, for example as a growing medium for food, timber and other crops, as a store for carbon and water, as a reservoir of biodiversity and as a buffer against pollution. It is therefore important that the soil resources are protected and used sustainably.

The following issues should therefore be considered in detail as part of the Environmental Statement:

1. The degree to which soils would be disturbed/harmed as part of this development and whether any 'best and most versatile' agricultural land would be affected.

If required, an agricultural land classification and soil survey of the land should be undertaken, normally at a detailed level (eg one auger boring per hectare supported by pits dug in each main soil type), to confirm the soil physical characteristics of the full depth of soil resource ie 1.2 metres.

For further information on the availability of existing agricultural land classification (ALC) information see [www.magic.gov.uk](http://www.magic.gov.uk). Natural England Technical Information Note 049 - [Agricultural Land Classification: protecting the best and most versatile agricultural land](#) also contains useful explanatory information.

2. Proposals for handling different types of topsoil and subsoil and the storage of soils and their management whilst in store.

Reference could usefully be made to [MAFF's Good Practice Guide for Handling Soils](#) which comprises separate sections, describing the typical choice of machinery and method of their use for handling soils at various phases. The techniques described by Sheets 1-4 are recommended for the successful reinstatement of higher quality soils.

3. The method of assessing whether soils are in a suitably dry condition to be handled (ie dry and friable), and the avoidance of soil handling, trafficking and cultivation during the wetter winter period.

4. A description of the proposed depths and soil types of the restored soil profiles; normally to an overall depth of 1.2 m over an evenly graded overburden layer.

5. The effects on land drainage, agricultural access and water supplies, including other agricultural land in the vicinity.

6. The impacts of the development on farm structure and viability, and on other established rural land use and interests, both during the site working period and following its reclamation.

7. A detailed Restoration Plan illustrating the restored landform and the proposed afteruses, together with details of surface features, water bodies and the availability of outfalls to accommodate future drainage requirements.

Further relevant guidance is also contained in the [Defra Guidance for Successful Restoration of Mineral and Waste Sites](#).

As identified in the NPPF new sites or extensions to new sites for peat extraction should not be granted permission by Local Planning Authorities or proposed in development plans.

## **6. Air Quality**

Air quality in the UK has improved over recent decades but air pollution remains a significant issue; for example over 97% of sensitive habitat area in England is predicted to exceed the critical loads for ecosystem protection from atmospheric nitrogen deposition ([England Biodiversity Strategy](#), Defra 2011). A priority action in the England Biodiversity Strategy is to reduce air pollution impacts on biodiversity. The planning system plays a key role in determining the location of developments which may give rise to pollution, either directly or from traffic generation, and hence planning decisions can have a significant impact on the quality of air, water and land. The assessment should take account of the risks of air pollution and how these can be managed or reduced. Further information on air pollution impacts and the sensitivity of different habitats/designated sites can be found on the Air Pollution Information System ([www.apis.ac.uk](http://www.apis.ac.uk)). Further information on air pollution modelling and assessment can be found on the Environment Agency website.

## **7. Climate Change Adaptation**

The [England Biodiversity Strategy](#) published by Defra establishes principles for the consideration of biodiversity and the effects of climate change. The ES should reflect these principles and identify how the development's effects on the natural environment will be influenced by climate change, and how ecological networks will be maintained. The NPPF requires that the planning system should contribute to the enhancement of the natural environment 'by establishing coherent ecological networks that are more resilient to current and future pressures' (NPPF Para 109), which should be demonstrated through the ES.

## **8. Cumulative and in-combination effects**

A full consideration of the implications of the whole scheme should be included in the ES. All supporting infrastructure should be included within the assessment.

The ES should include an impact assessment to identify, describe and evaluate the effects that are likely to result from the project in combination with other projects and activities that are being, have been or will be carried out. The following types of projects should be included in such an assessment, (subject to available information):

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

## **4. Ecologist Planner (OCC)**

### **Comments**

1. I agree with the report's conclusions that a separate chapter in the EIA would be required for ecology. The site contains potential UK Priority Habitat and there are records of protected species present in the immediate area. It is in a sensitive location for ecology, adjacent to the River Thames and within a Conservation Target Area.



2. I would encourage the applicant to follow the guidance provided in the consultation response from Natural England on the information that would be expected in the ecology chapter of the EIA.

3. I consider that potential indirect impacts, such as noise, dust, and hydrology & geohydrology should be assessed in relation to ecology and biodiversity, especially regarding the River Thames and other watercourses and habitats in the area.

4. The EIA should identify protected, notable or priority species, designated sites, important habitats or other biodiversity features on or adjacent to the development site.

5. Part of the site has been identified as potential UK Priority Habitat Coastal & Floodplain Grazing Marsh. Therefore, the ecological assessment should thoroughly assess this habitat and its value.

6. The site and its surroundings include records of protected and notable species and therefore surveys will be required. From the applicant's report I understand that surveys are being carried out. These should follow best practice guidance and be submitted with any application.

7. Survey reports should state whether the proposed works, including after-use of the site, have the potential to impact on a European protected species and result an offence is under the Habitats Regulations 2010. If an offence is likely, the applicant will need a licence from Natural England and OCC must consider whether a licence from Natural England is likely to be given before granting planning permission.

8. Further general advice on biodiversity and planning in Oxfordshire can be found in this guidance document:

<https://www.oxfordshire.gov.uk/cms/content/planning-and-biodiversity>

Also, in the Local List of Information Requirements, although this is not specifically for EIA development:

<https://www.oxfordshire.gov.uk/cms/content/forms-planning-applications>

## **Assessment & Mitigation**

I recommend that the applicant follows the advice provided by Natural England in their consultation response.

For example, the EIA should identify protected, notable or priority species, designated sites, important habitats or other biodiversity features on or adjacent to the development site. Desk study information is available from the Thames Valley Environmental Records Centre (<http://www.tverc.org/>).

Input should also be sought from local experts and relevant organisations.

The ecology chapter should assess the potential direct and indirect impacts on designated and local sites and protected and priority habitats and species.

Where potential UK BAP priority habitat or potential habitat for protected species is identified further surveys will be required (phase 2 habitat and protected species surveys) to determine what biodiversity is present and the potential impacts of the development. The EIA should answer the following questions:

1. What species are involved?
2. What is the population level (or area) likely to be affected by the proposal?
3. What is the impact of the proposal on protected species/ UK BAP priority habitat?
4. Is the impact necessary or acceptable?
5. What can be done to mitigate the impact?



## 6. Will a licence be required from Natural England?

The EIA should include survey reports for habitats and species. However, surveys relating to badgers or certain bird species should be provided in a confidential annex. The EIA should state whether the proposed works have the potential to impact on a European protected species and result in an offence under the Habitats Regulations 2010. If an offence is likely, the applicant will need a licence from Natural England and OCC must consider whether a licence from Natural England is likely to be given before granting planning permission.

Protected species surveys may only be valid for 12 months, so if works are planned to occur more than 12 months after the date of the initial survey then the survey will need to be updated at a later stage.

## Restoration Proposals

I am concerned that the site potentially contains UK Priority Habitat, also that proposed restoration is to a marina, which could result in a net loss in biodiversity.

In addition to appropriate mitigation and compensation, the applicant should explain how the development would result in a net enhancement in biodiversity.

The site itself contains potential UK Priority Habitat and is within the Thames Wallingford to Goring Conservation Target Area so the restoration proposals should be designed to contribute towards meeting the targets of that CTA and not to prevent achieving potential for habitat connectivity. Targets of the CTA include:

1. Lowland fen, reedbed (and swamp) – management.
2. Wet woodland - management.
3. Floodplain grazing marsh – management (and there may be potential to extend the area).

I would encourage the applicant to consider a restoration to nature conservation and to habitats complementary to those in the CTA.

## 5. Transport Development Control (OCC)

The approach set out is reasonable. As noted in the submission, a Transport Assessment would be provided; this should not only consider access and traffic impact but must include matters relating to Public Rights of Way across and adjacent the site.

## 6. Environmental Health Officer (SODC)

I have very strong concerns that noise, dust and vibration from the development will have an undue negative impact on nearby residential properties.

Further information will be needed in relation to the residential areas of Carmel College, Elizabeth House, Coachman Cottage, the lodge, Mead Furlong, Mill Lodge, Riverside, and residential properties in Reading Road and Wallingford Road, to the north of the site.

The methodology applied to assess the noise, dust and vibration arising from these works.

The mitigation put in place to address the impacts of these items.

I will also need further information on the duration the works will be carried out for, the times and days of operation, the plant and operations involved.

What impacts this will have to general amenity to the immediate location and what mitigation will be provided.

## 7. Environment Agency

We agree that there should be chapters within the ES on Ecology and nature conservation, and Surface water and groundwater.

We would wish to see fluvial flooding also considered within the FRA and water quality issues assessed within the chapter. Impacts on the Water Framework Directive objectives should be included.

Should this application be granted permission, we have some suggestions for the marina which it would be good to highlight at this early stage.

- The mooring structures should allow boats to rise and fall with river levels to ensure safety during flood conditions
- We would like to see the facilities available for public use, the fuel, pump out and slipway in particular. We understand there would be a charge but it would be very beneficial if they were available to the public.
- We would like to see a percentage approximately 10% of the moorings available for short stay visiting boats.
- We would like to see a percentage of the mooring platforms long enough to accommodate narrowboats which are becoming more and more popular on the river. A 70ft narrowboat requires a 20 metre mooring platform.
- All boats moored in the marina will need to be appropriately registered to be on Thames water and this should be a condition in their mooring agreement. This is
- also beneficial to the marina as registered boats must have up to date insurance and a boat safety certificate.

Under policy 23 of the Thames Waterway Plan 2006-2011 we will support the creation of new residential boat moorings in off-river basins with suitable facilities. We would not want to see the marina full of residential boats leaving no spaces for recreational boat moorings therefore a set percentage of the overall capacity of the marina would have to be agreed for residential moorings.

## 8. South Oxfordshire District Council

No Comments Made.

## 9. Rights of Way (OCC)

A public footpath runs north-south along the western bank of the River Thames. This footpath forms part of the Thames Path National Trail.

As stated in Para 4.5.4 it is proposed not to alter the alignment of this route but there will be a footbridge required to cross the newly created marina entrance.

The Countryside Access Team would want to be consulted at an early stage with regards to the design and alignment of any new structure. This is essential as any change to the definitive line may require a diversion. Also, we would want to see a crossing which was DDA compliant and suitable for such a well-used public right of way.

Our standard conditions should also be taken into account:

- i. Temporary obstructions. No materials, plant, temporary structures or excavations of any kind should be deposited / undertaken on or adjacent to the Public Right of Way that may obstruct or dissuade the public from using the public right of way whilst development takes place.

Reason: To ensure the public right of way remains available and convenient for public use.

- ii. Route alterations. No changes to the public right of way direction, width, surface, signing or structures shall be made without prior permission approved by the Countryside Access Team or necessary legal process.

Reason: To ensure the public right of way remains available and convenient for public use.

- iii. Improvements to routes: Public rights of way through the site should be integrated with the development and improved to meet the pressures caused by the development whilst retaining their character where appropriate.. No improvements may be implemented without prior approval of the Countryside Access Team.

Reason: To ensure the public right of way through the development retains character and use as a linear corridor and is able to integrate with the development.

#### 10. Lead Flood Authority (OCC)

I have gone through the proposals and the following is my concerns and what we need information on (some of this they already propose to do):-

1. During the excavation how will they dewater the excavation?
2. Any pumped outflow will need to go through settling tanks so as not to pollute the river with silt (these will need to be substantial)
3. Noise of pumps
4. Full FRA required
5. Wheel washing facilities for vehicles leaving the site
6. Maintenance of existing highway drainage at site entrance during period of works, or additional drainage requirement
7. Monitoring boreholes outside the area of the site to prove the dewatering is not affecting the surrounding countryside
8. Measures to stop vehicle pollution entering the river from the machines working on the site.
9. How do they propose to stop river flood waters entering the site during floods, most of the site is within the flood plain (if they let the site flood, pollution to the watercourse could occur when flood recedes or during flood event)
10. If they propose a flood bund what compensation area do they propose?

#### 11. BBOWT

Thank you for consulting the Berkshire, Buckinghamshire and Oxfordshire Wildlife Trust (BBOWT) on the above planning application. As a wildlife conservation charity, our comments relate specifically to the protection and enhancement of the local ecology on and around the application site.

We recommend that the CIEEM Ecological Impact (EcIA) Guidelines are followed in undertaking ecological work for the EIA. A desktop study should be undertaken to identify existing ecological records, including a data search from the Thames Valley Environmental Records Centre (TVERC). A Phase 1 habitat survey undertaken at an appropriate time of year should identify any priority habitats (as listed under Section 41 of the Natural Environment and Rural Communities Act 2006), and further vegetation survey should be undertaken if any priority habitats are identified. TVERC habitat mapping suggests there may be BAP priority floodplain grazing marsh present. A number of species surveys are mentioned within the Scoping Report which seems reasonable, although reference should also be made to existing records to inform the scope of the surveys.

The EIA should assess impacts during construction, operation and following restoration. Given the location of the site within the Thames Wallingford-Goring CTA, it is disappointing that the proposed restoration does not appear to provide much scope for delivering biodiversity enhancements. The emerging Minerals and Waste Local Plan seeks delivery of biodiversity net gain through restoration of minerals sites and the EIA should assess whether this can be achieved. Impacts of the proposed marina on ecology, including the river and associated species should be included within the EIA.