

Planning

Head of Service: Adrian Duffield



Listening Learning Leading

Via email

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25 June 2024

Ref: P24/S1674/CM

Your ref: MW.0115/21

Dear Ms Hudson,

**Re: Notice of Submission of Further Information in relation to:
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.**

Consultation End Date: 29 June 2024

At: Land at White Cross Farm, near Winterbrook

Thank you for consulting South Oxfordshire District Council (SODC) on the additional information submitted in support of the above referenced application.

SODC wrote to Oxfordshire County Council (OCC) on the 14 October 2021, 25 November 2021, 17 May 2022 and 15 April 2024 setting out the District Council's objections to the proposed development.

This letter covers issues relating to the additional information that has been submitted from the council's various specialist officers. I have set out each of these in turn:

Ecology.

As far as officers can determine, no updated ecological supporting information has been provided for this application. All the ecological supporting information for the proposals is now approximately three years old. However, due to decisions made by Windrush Ecology not to update some habitat and protected species in 2021 and 2019, some survey information is now considerably older:

- Bat activity surveys: last updated in 2019; five years old.



- Botanical surveys of the marshy grassland/Coastal and Floodplain Grazing Marsh along the Thames corridor: last updated in 2019; five years old.
- Breeding birds; last surveyed in 2016 (apart from barn owl inspections of the existing barn); eight years old.
- Wintering birds: last surveyed in 2016; eight years old.
- Reptiles: last surveyed in 2016; eight years old.

Guidance from CIEEM on the age of ecological survey data states that ecological information between 18 months and three years old is likely to require at least a site walkover to determine whether conditions have changed, while further surveys of particularly mobile species (such as bats, badger and birds) are increasingly likely to require update as the data approaches three years old. Beyond three years old, the guidance states that all information is likely to require updating. The view of my council's Ecologist is that since around three years have elapsed since any of the previous ecology surveys, this application requires a new, full EclA to support it. Building on the previous Ecology Officer comments (against SODC reference P24/S0746/CM), it is recommended that the new EclA includes (at a minimum) the results of an updated desk study, habitat and botanical surveys. Depending on the results of these (but considering the previous suitability of the site for protected species) surveys for roosting, foraging and commuting bats, badger, water vole and otter, breeding and wintering birds and reptiles are likely to be required.

Particular care will need to be given to assessing how much Priority Habitat (hedgerows, Coastal and Floodplain Grazing Marsh, etc) will be lost during the proposals, and to ensuring this is replaced like-for like in the restoration plan, in order for the proposals to be in line with Policy ENV2 of the South Oxfordshire Local Plan.

It is not clear whether the current application (a) represents a completely new submission, and if so (b) was submitted after 12 February 2024, at which point major developments became liable to demonstrate a minimum Biodiversity Net Gain of 10% under the Environment Act. If both are true, it will need to be accompanied by the national minimum submission-stage BNG information requirements. Even if statutory BNG does not apply, I recommend that an updated calculation is sought to replace the 2022 calculation, which uses the old Metric 3.0.

Finally, The Council's Ecologist has reviewed the 2021 Ecology Chapter of the ES. This comprises only five pages and is somewhat perfunctory, being lacking in both structure and detail. They do not consider that it follows the guidance for EclA set out by CIEEM (2018). In particular, the structure does not include clear, systematic statements of impacts for each receptor in the absence of mitigation, and there is no real assessment of the geographic significance of receptors or the scale, magnitude, direction, reversibility etc of impacts. Some details of proposed construction mitigation and built-in mitigation are given, but these are not clearly separated from each other and there is no statement of residual effects. On review, it is hard to determine whether or not there will be any significant effects on any receptor.

The District Council Ecologist therefore recommends this application is refused unless a more adequate EIA and up-to-date supporting information are submitted.

Landscape.

Planting shown in the restoration proposals has been reinstated as the original proposals set out on Landscape Masterplan LMP22-1, which is an improvement on the previous amendment, however previous comments remain. Due to the sensitive location of the site and the nature of the proposals, there would be adverse landscape and visual impacts, including adverse effects on the setting of the River Thames, the Thames Path and the Chilterns National Landscape. This would be contrary to Policy ENV1 of the SOLP and paragraph 182 of the NPPF.

Trees.

An updated strip phasing plan has been submitted (V5), some of the conflicts with root protection areas of existing trees shown to be retained have been addressed. However, there are still significant inconsistencies with the tree protection measures and standoffs shown in other plans.

It is essential for all of the plans to show a consistent layout, these must follow the tree protection measures outlined in the arboricultural report prepared February 2022.

An arboricultural method statement and tree protection plan written in accordance with BS 5837:2012 will be required prior to any works taking place should OCC officers look to support the application.

Conclusion

The additional information submitted in support of this application does not alter the fundamental objections the District Council has previously put forward in its substantive response of the 14 October 2021. I would ask that OCC Officers consider this supplemental letter and comments to the additional information in conjunction with the District Council's previous responses.

The conclusion remains the same as previously stated: that the proposed development is not in accordance with Policies ENV1 and ENV7 of the South Oxfordshire Local Plan and Policy E3 of the Cholsey Neighbourhood Plan. The benefits of the proposal do not outweigh the harm.

If the County Council is minded to approve the application I would request that the District Council is able to have input into the conditions attached to the scheme.

We would like to continue to work with officers at the County Council in assessing this planning application.

Yours sincerely,



Adrian Duffield
Head of Planning