

Planning

Head of Service: Adrian Duffield



Listening Learning Leading

Via email

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Abbey House, Abbey Close
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14 October 2021

Ref: P21/S3961/CM

Dear Ms Hudson,

Location: White Cross Farm, Wallingford

Proposal: 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. Any comments before the 16 October 2021.

Thank you for consulting the District Council on above application. I am still awaiting responses from the Council's internal specialist consultees and will write again with these in due course. However, in order to meet the 16 October 2021 deadline for a response I set out my assessment of the application so far. In summary, the District Council **Objects** to the proposed application for the reasons set out below.

There have been previous applications on this site for gravel extraction and restoration of the site as a 280-berth marina. The latest application for the site (MW.0033/18) was refused for multiple reasons relating to a lack of need for a marina; landscape impact; heritage impact; design; loss of best and most versatile agricultural land; accessibility for non vehicular modes of transport; impact on air quality, pollution and human health; flood risk; impact on groundwater and impact on the enjoyment of the existing recreational users of the river.

In their application, the applicant has stated that the reasons for refusal "focused particularly on the marina end-use, with limited concern raised over the enabling mineral development". I do not consider this to be an accurate representation as many consultees raised objection to both the marina and the mineral extraction element of the proposal.

Planning Policy

Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that planning applications must be determined in accordance with the development plan, unless material considerations indicate otherwise. Since the previous application was determined the South Oxfordshire Local Plan (SOLP) 2035 has been adopted. Below is the list of policies from the SOLP that I consider to be relevant to the consideration

of this application:

STRAT1: The Overall Strategy
WAL1: The Strategy for Wallingford
TRANS2: Promoting Sustainable Transport and Accessibility
TRANS4: Transport Assessments, Transport Statement and Travel Plans
TRANS5: Consideration of Development Proposals
TRANS7: Development Generating New Lorry Movements
INF4: Water Resources
ENV1: Landscape and Countryside
ENV2: Biodiversity – Designated Sites, Priority Habitats and Species
ENV3: Biodiversity
ENV4: Watercourses
ENV5: Green Infrastructure in New Developments
ENV6: Historic Environment
ENV7: Listed Buildings
ENV9: Archaeology and Scheduled Monuments
ENV11: Pollution – Impact from Existing and/or Previous Land Uses on New Development (Potential Receptors of Pollution)
ENV12: Pollution – Impact of Development on Human Health, the Natural Environment and/or Local Amenity (Potential Sources of Pollution)
EP1: Air Quality
EP3: Waste Collection and Recycling
EP4: Flood Risk
EP5: Minerals Safeguarding Areas
DES6: Residential Amenity
DES7: Efficient Use of Resources
CF1: Safeguarding Community Facilities

The site is within the Designated Area for the Cholsey Neighbourhood Plan (CNP), which was made (adopted) in April 2019 and therefore forms part of the Development Plan. The following policies in the CNP are relevant to the application:

CNP STRAT 1
CNP E1
CNP E2
CNP E3
CNP E4
CNP T1

Principle of Development

The Oxfordshire Waste and Minerals Local Plan Part 1 – Core Strategy Policy M4 clarifies the criteria of the most suitable locations for working aggregate minerals. In relation to these:

a) The quality and quantity of the resource

This is not my area of expertise but in comparing the amount of gravel to be extracted to the proposals at New Barn Farm, Cholsey, it seems relatively little gravel can be taken from the proposed site. The proposed site proposes around 15.5 hectares producing around 550,000 tonnes of gravel. In comparison, the extraction at

New Barn Farm, a short distance away will provide 2.5 million tonnes from a 34 hectare site. This means that the proposed site will be just under half the size of the New Barn site but will only provide less than a quarter of the gravel. I therefore question whether the amount to be extracted is that significant and whether it would be financially viable without the marina end use.

b) priority for extension to existing quarries;

This will be an entirely new quarry.

c) potential of restoration and after-use;

Restoration would involve the creation of biodiversity habitats including a small lake and wetlands area. However, the site already contains Conservation Target Areas and BAP Priority Habitats so I question how much of a benefit this restoration really is.

d) suitability and accessibility of the primary road network;

I leave this for the appropriate officers at the County Council to provide comment. However, Policy TRANS7 of the SOLP states that proposals for development leading to significant increases in lorry movements should only be permitted in locations where the increase can be accommodated on the surrounding road network, the opportunities for sustainable transport access have been maximised and the development does not result in adverse environmental effects on the surrounding area. I question whether it meets criterion one but it certainly doesn't meet two or three.

e) proximity to large towns and other locations of significant demand to enable a reduction in overall journey distance from quarry to market;

The site is located close to Wallingford, one of the market towns in the District, which will be seeing some growth. However, it is not the primary focus of growth for the area, which is the Science Vale area.

f) ability to provide more sustainable movement of excavated materials;

The only way to move excavated materials from this location is via road.

g) avoidance of locations within or significantly affecting an Area of Outstanding Natural Beauty;

The Chilterns AONB in this location starts on the western bank of the River Thames, therefore the site is immediately adjacent to, if not in some small part within, the AONB.

h) avoidance of locations likely to have an adverse effect on sites and species of international nature conservation importance and Sites of Special Scientific Interest;

The site is not near any such locations.

i) avoidance of locations likely to have an adverse effect on the significance of designated heritage assets;

There are three listed buildings associated with Carmel College on the other side of the River.

j) avoidance of, or ability to suitably mitigate, potential significant adverse impacts on:

i. locally designated areas of nature conservation and geological interest;

The site is within the Thames Wallingford to Goring Conservation Target Area.

ii. non-designated heritage assets;

None known.

iii. local landscape character;

Site is in the setting of the AONB and the setting of both Cholsey and Wallingford. The site is also very prominent from the A4130 as it is elevated as it crosses the River.

iv. water quality, water quantity, flood risk and groundwater flow;

Gravel extraction has the potential to alter the water quality and groundwater, given its location on the River Thames.

v. best and most versatile agricultural land and soil resources;

Grade 4 (Poor) closest to the River, Grade 2 (Very Good) closest to the A329.

vi. local transport network;

For OCC Highways Officers to comment.

vii. land uses sensitive to nuisance (e.g. schools & hospitals);

On the other side of the A329 Reading Road is a nursery and preschool, the site will be around 15m away. The nursery would be affected by noise and dust.

viii. residential amenity & human health; and

Approximately 250m to the east of the site is the former Carmel College, which has planning permission for conversion to 166 residential dwellings. This would be affected by both the gravel extraction and by the marina.

ix. character and setting of local settlements;

Site is close to Wallingford and Cholsey.

On the basis of this brief summary, I would suggest that the proposal is not in accordance with this policy and the principle of development is not supported.

Landscape Impact

Paragraph 176 of the NPPF affords great weight to conserving and enhancing landscape and scenic beauty in Areas of Outstanding Natural Beauty. It further states that "*development within their setting should be sensitively located and designed to avoid or minimise adverse impacts on the designated areas.*"

SOLP Policy ENV1 states that development affecting the setting of an AONB will only be permitted where it conserves, or where possible, enhances the character and natural beauty of the AONB. It also states that *South Oxfordshire's landscape countryside and rural areas will be protected against harmful development.*

Development will only be permitted where it protects, and where possible enhances, features that contribute to the nature and quality of South Oxfordshire's landscapes, in particular... the landscapes, waterscapes, cultural heritage and user enjoyment of the River Thames... areas or features of cultural and historic value... aesthetic and perceptual factors such as tranquillity, wildness, intactness, rarity and enclosure."

I would like to point out that the LVIA refers to the South Oxfordshire Landscape Character Assessment 2003 but a more update to date Character Assessment for

the District was published in 2017. The content of these documents is largely the same.

Throughout the LIVIA I consider that the impact of Stage A (gravel extraction) has been understated and the impact of Stage B (restoration) has been overstated. This is supported by the Council's Landscape Officer, who states that:

"The LVIA finds an effect of moderate adverse significance on the local landscape character type during the mineral extraction and restoration phases, and also an effect of moderate adverse significance on the AONB. The significance of benefits after restoration for the AONB is the same as the adverse effect, or in the case of the local landscape character type, the significance of the benefit after restoration is stated to be greater than the adverse effect during extraction; this seems unrealistic. Whilst restoration proposals represent some enhancement of the landscape, they are not dissimilar in form to the existing landscape structure. Visual effects during operation, even from the Thames Path within the site, are noted to be no higher than moderate adverse, with benefits after restoration again as high as adverse effects during extraction. There are noted to be no significant adverse effects. I did not find any photomontages to illustrate the effect of the proposals. Overall, benefits seem overstated and adverse effects understated."

Below are some examples of this:

The tranquillity of the site in the LVIA is assessed as being low to medium because of the noise generated by vehicle traffic. However, when the District Council's Landscape Officer visited the site in relation to the marina application, she found that *"The experience of using the Thames Path at this location is tranquil. The trail is not well maintained and the place seems somewhat wild as well. Although there is light background noise from roadway, the noise of bird calls and wind blowing through trees is strongly perceived in favour of road noise."*

The recreational values are assessed as Medium to High. As well as the users of the river mentioned such as leisure fishing and boating, this stretch of the river is very well used by rowers. In the vicinity of the site are the rowing clubs for Oxford University, Oxford Brookes University and Wallingford Rowing Club. This stretch of the River is therefore intensively used and I consider the recreational values to be high. Further to this are the walkers along the Thames Path and also people walking across the A4130 bridge, all of whom currently have a clear view and enjoyment of the site. This view will be adversely affected, not just by the extraction itself, but also by the new egress onto the A4130 that would be constructed and the trees required to be removed to enable this.

I do not agree with the LVIA Assessment of the site that it has "low intervisibility". And that the site has strong landscape boundaries. The site is clearly visible from the north, south and east. The strongest site boundary is the western boundary along the Reading Road, but there is clear visibility through the boundary hedge, particularly in the winter and at the site access. The site is very visible by a great many people along the A4130, the Thames Path and the River Thames itself. In light of all of the above, I would suggested that the overall effect of Stage A on the landscape character to be high adverse.

The Assessment of the Stage B has overestimated its beneficial effects on all counts. The creation of new shallow ponds and scrapes and associated sparse native vegetation structure may have a high beneficial magnitude when compared with how it will look after gravel extraction has taken place; however, the site currently has habitats that are characteristic of their location by the River, and these habitats are locally recognised. So I would suggest that they represent a low beneficial magnitude of effect at best. Similarly, the change to the landscape character should theoretically be minimal compared to how the site currently appears, as it is already characteristic of flood plain. Therefore the effect on landscape character should be neutral. I would not consider the addition of signage on the Thames Path to be a medium beneficial magnitude, rather a low beneficial magnitude. Overall I would suggest the magnitude of effect from restoration to be low beneficial. This needs to be reflected in Table Two Furthermore, given the immediate proximity of the Chilterns AONB I would expect the magnitude of impact on it during Stage A to be significantly higher than “Low Adverse”. The conclusions at paragraph 5.49 that there will not be a significant effect on the landscape character of the site during Stage A is clearly incorrect because the magnitude of effect has been underestimated.

As explained above, I consider that the users of the River have a High Susceptibility to change of Visual Receptor and a High Value of View, rather than Medium as expressed in the LVIA. Also, referred to above is the prominence of the site in views from the raised section of the A4130 Nosworthy Way, the value of which has a Low Assessed Value of View. I would suggest that this should be Medium because there are clear and open views of the site and the River as vehicles slow down to enter the roundabout and the River. Pedestrians along this stretch of the A4130 would also have a Medium Assessed Value of View given the openness of the view.

Given the importance of the River views in the setting of St Johns Baptist Church, as emphasised by Historic England in their response to the application, I would suggest that the Assessed Value of View should be High rather than Medium.

The suggested screening for the site includes bunds, strengthening of tree planting around the boundaries and temporary hay bales on the inner side of the Thames Path. I do not think much weight can be attached to these methods of screening. Given the temporary nature of the extraction, the strengthening of tree planting is unlikely to have a significant effect during the operational years. Hay Bales are unlikely to provide an effective screen for something that is 14m high and they also are unable to provide any kind of acoustic function. Whilst hay bales may be a regular occurrence in agricultural settings I think their placement so close to the river and the amount of them required to create a screen would be incongruous in views from the River and the Thames Path in particular. Bunds along to the south west of the site boundary will be incongruous, intrusive and will also not provide enough screening to cover the height of the plant machinery. Furthermore there has been no acknowledgement of the increased visual impact that the exit from the site onto the A4130 will have, particularly on users of that road.

SOLP Policy ENV1 states that development will only be permitted where it protects, and where possible enhances, features that contribute to the nature and quality of South Oxfordshire’s landscape, in particular trees (including individual trees, groups

of trees and woodlands), hedgerows and field boundaries. I will leave comments on the specifics of tree loss and restoration to the District Council's Forestry Officer but the proposal involves the loss of a significant number of trees, which is contrary to ENV1.

Overall I do not consider that the proposal will be in accordance with paragraph 176 of the NPPF or SOLP Policy ENV1. The development would not be sensitively located and is not designed to minimise adverse impacts on the Chilterns AONB. The development would be harmful to South Oxfordshire's landscape and countryside and would not protect or enhance the landscape, waterscape, cultural heritage and user enjoyment of the River Thames in particular. Furthermore it would not protect features of cultural and historic value or aesthetic and perceptual factors such as tranquillity and wildness.

In relation to the Cholsey Neighbourhood Plan, the proposal would not be in accordance with Policy CNP E3, which states that *"Development proposals should respect the landscape, waterscape, cultural heritage and user enjoyment of the River Thames, its tributaries, floodplains, the Rideway [sic] and the Thames Path. Insofar as planning permission is required proposals for mooring stages, posts, earthworks or river facing banks with piles and planking outside the built-up area boundary will not be supported."*

As the proposal would involve earthworks I would suggest that it is directly contrary to this policy and, as shown above, it would not respect the landscape etc. The supporting text for the policy explains that informal recreation is the main way that residents and visitors will enjoy the riverside area. Proposals that support this objective will be supported and proposals that cause damage to the riverside environment or its tranquil character will be resisted.

In previous assessments for the Oxfordshire Waste and Minerals Local Plan Part 2, the County's Landscape Officer recognised that the mineral extraction and marina previously proposed would adversely impact on the Chilterns AONB. It was stated that *"Overall the landscape and visual impact of this allocation is expected to be substantial due to permanent loss of characteristic features, the impacts on the Chilterns AONB, the impact on high-sensitive users of the Thames Path and the River Thames, and adjacent roads, and the potential impact on the separation between settlements. Site has also potential to affect the setting of the North Wessex Downs AONB (eg through activity and lighting)."*

Some of these effects are no longer relevant as the marina is proposed, but the impacts on the Chilterns AONB, the users of the Thames Path and River Thames, adjacent roads and separation between settlements remain relevant for this application. Therefore the site is still contrary to policy and unsuitable for mineral extraction.

The Council's Landscape Officer has provided the following conclusion in relation to the development:

"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 AONB. The LVIA finds a moderate adverse effect on the AONB during extraction, this would conflict with policy ENV 1 of the Local Plan which gives the highest level of protection to AONB's, development in or affecting the setting of an AONB is only permitted where it conserves and where possible enhances the character and natural beauty of the AONB. There would also be conflict with the aim of Policy ENV 1 to protect the countryside, including the landscape and user enjoyment of the River Thames. The temporary nature of the proposals does not necessarily overcome these conflicts. The site is not allocated and has come forward in advance of the new Oxfordshire Minerals and Waste Plan, it has not been considered against possible alternative sites, which may be less sensitively located and have less adverse landscape and visual impact."

Heritage

I support the comments made by Historic England in relation to the setting of the listed buildings at Carmel College, particularly in the assessment of other sites suitable for sand and gravel extraction. SOLP Policy ENV7 states that proposals that affect the setting of a listed building will be expected to conserve, enhance or better reveal those elements which contribute to the heritage significance and/or its setting and should respect any features of historic interest, including the historic context such as its setting.

The representation from Historic England emphasises the importance of the river setting in revealing the significance of the grade II* boathouse and grade II listed Church of St Johns. Such significant engineering works within the setting will not be conserved, enhanced or better revealed and it will not respect the setting as a feature of historic context. Though hay bales are proposed to screen the development from the river, this is woefully inadequate in mitigating the harm caused by the development on the setting of the listed buildings.

SOLP Policy ENV7 also states that development proposals that would result in less than substantial harm to the significance of a listed building will be expected to minimise harm and avoid impacts; and should identify any demonstrable public benefits or exceptional circumstances in relation to the development proposed. The Committee Report for the previous application MW.0033/18 stated that there was a need for sharp sand and gravel at that point in time and therefore great weight should not be given to the ability of the proposed development to contribute to Oxfordshire's land bank. Further reserve will be allocated in the Oxfordshire Minerals and Waste Local Plan: Part 2 (Site Allocations) (OMWLP Part 2), which is currently assessing sites for suitability. This site has been submitted as part of that process and its suitability will be weighed against alternative sites. In previous site assessments for the OMWLP Part 2 the site has been categorised as unsuitable for development as it is contrary to the South Oxfordshire Core Strategy (which was part of the Development Plan at the time). This remains the case and other sites will be less constrained and therefore more suitable for development.

Environmental Concerns

The Council's Environmental Health Officers will comment on this in more detail but I would like to raise a few concerns. The Noise and Air Quality Assessments were both done more than five years ago, which means that the baseline against which to

assess the proposals is out of date. This should be updated to more accurately reflect the current situation.

Both of the assessments include mitigation measures that are vague and cannot be controlled or enforced against in order to keep effects to a minimum. For example, in the Air Quality Assessment it states that the on-site transportation is said to have a small-scale impact, but this is based measures such as vehicle speeds, and the maintenance of roads. Similarly, the Noise Assessment refers to measures such as minimising drop heights of materials, starting up plant and vehicles sequentially. Whilst these sorts of measures might be best practice they cannot be relied upon to mitigate against harmful effects and a worst case scenario should be considered without these measures.

The Air Quality Assessment refers to Elizabeth House as a residential property, which is incorrect as it is a nursery and preschool with over 135 children in attendance. The effects of the extraction on the nursery, and on so many sensitive receptors, has therefore not been properly assessed. It also states that the site is 73m from Elizabeth House, when it is actually more like 60m. Furthermore, the woodland area at the front of the nursey is regularly used by the children for forest school, and therefore the receptors will spend extended periods of time within 15m of the site, which is not recognised in the Noise or Air Quality Assessments.

Conclusion

South Oxfordshire District Council objects to the proposed mineral extraction at White Cross Farm. The site is not necessary to meet the sharp sand and gravel targets going forward. The process for deciding on the most suitable site for mineral extraction should be through the OMWLP Part 2 and the site assessment process, which will look at all of the alternatives together. This site has several constraints, which mean that it is unlikely to be the most suitable site. Furthermore, I do not believe that the site will yield a significant amount of minerals to justify the harm the proposal would cause.

The site is situated on the banks of the River Thames, immediately adjacent to the Chilterns AONB and within it setting. The proposed development would be harmful to the Chilterns AONB, the landscape character of the site and would be visually intrusive to users of the River, the Thames Path and the elevated sections of the A4130. The submitted LVIA underestimates the impact of the gravel extraction and overestimates the benefits of the mitigation proposed and of the restoration of the site. The proposed development is contrary to SOLP Policy ENV1 and CNP Policy E3 and planning permission should be refused.

The River Thames and its banks have historical significance in the setting of the three listed buildings at Carmel College. Such significant engineering works within the setting will not conserved, enhance or better reveal it and it will not respect the setting as a feature of historic context. The development would not minimise harm and avoid impacts. Furthermore, no public benefits or exceptional circumstances have been presented in relation to the proposed development. The proposal is therefore contrary to SOLP Policy ENV7.

Concerns are also raised regarding the adequacy of the submitted Noise Assessment and Air Quality Assessment as they were undertaken five years ago and therefore do not provide an up-to-date baseline in assessing the application. The Air Quality Assessment fails to recognise that opposite the site is a nursery and preschool, not a residential development, and that these children spend a high proportion of their time outside, in some cases just 15m from the site. Both assessments set out mitigation measures that are unenforceable and therefore cannot be taken into account in assessing the impact of the proposals.

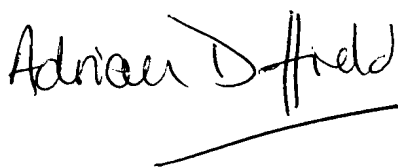
Overall I consider the harm of the proposal significantly outweighs the benefits and therefore planning permission should be refused.

I am sure that you have already done so, but I would recommend that the Environment Agency, Natural England and Thames Water are consulted on the proposals. As requested, the District Council did not carry out any external consultations. However, we have received 46 comments from local residents at the time of writing. These responses can be found on the Council's website here:

<https://data.southoxon.gov.uk/ccm/support/Main.jsp?MODULE=ApplicationDetails&REF=P21/S3961/CM>

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. Please do not hesitate to contact Katherine Pearce if you require any further assistance.

Yours sincerely,

A handwritten signature in black ink, reading 'Adrian Duffield', with a horizontal line underneath.

Adrian Duffield
Head of Planning