

Comment for planning application MW.0115/21

Application number	MW.0115/21
Name	Dr Michael Stubbs - Chilterns
Address	The Chilterns Conservation Board The Lodge Station Road Chinnor Oxon OX39 4HA
Type of Comment	Objection
Comments	

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
Land at White Cross Farm, Reading Road, Cholsey, Oxfordshire
MW.0115/21
CCB Objection

The Chilterns Conservation Board (CCB) previously objected to the marina / inert fill restoration proposal (reference MW.0033/18 and CCB's objection dated 1st June 2018). For ease of reference, we set that out below.

The same policy framework is largely in place, including the same statutory and policy protection for the AONB, including the duty of regard in the CROW Act at section 85 and in the Minerals and Waste Local Plan. What has changed is the adoption of a new SODC South Oxfordshire Local Plan in December 2020 and policy ENV 1, a new AONB Management Plan 2019-2024 and the additional reference to the setting of the AONB in the July 2021 NPPF at its 176. In essence, the setting of the AONB is highly material and great weight can be attributed to this when the planning authority come to strike the planning balance on the merits.

This proposal harms the AONB during the operational and restoration periods. Harm to the setting will be clear, with a denuded and quasi- industrial landscape juxtaposed with the AONB. Walkers along the Thames Path will experience an AONB highly protected landscape on one side of the Thames and an extensive minerals extraction on the other. Some glimpsed views will be apparent from The Ridgeway national trail as it passes through Mongewell, albeit the former Carmel College will screen some of these views. Nevertheless and when taken overall the setting of the AONB will be harmed and great weight must be attributed to this.

Further, alternatives exist, and the site is not allocated in the Waste and Minerals Local Plan. This site is part of a wider area of search for a yet to determine site selection process. The AONB will be a key criterion in such site selection. Clearly when the Chilterns Conservation Board is consulted on that part 2 site selection document, we will push for alternative and less harmful sites. This application is thus premature. Harm follows to the AONB.

To update the previous policy position, we would also now identify

The NPPF (2021) at 176, The scale and extent of development within all these designated areas should be limited, while development within their setting should be sensitively located and designed to avoid or minimise adverse impacts on the designated areas.

The AONB Management Plan 2019-2024 on matters of setting, DP4 In the setting of the AONB, take full account of whether proposals harm the AONB. For example, development of land visible in panoramic views from the Chilterns escarpment, or which generates traffic in or travelling across the AONB, or which increases water abstraction from the chalk aquifer, thereby reducing flow in chalk streams. A development outside the AONB boundary can cause harm to the AONB, even if it is some distance away. The local authority's legal duty towards the AONB⁴⁹ applies when a proposal affects land in the AONB, regardless of where that effect originates (inside or outside the AONB). We have produced special advice in a Position Statement on Development Affecting the Setting of the Chilterns AONB⁵⁰. The setting of the AONB is not a geographic zone that can be mapped, nor does it cover a set distance from the AONB boundary. Tall structures like chimneys that break the skyline or large growth proposals even far away can have an impact on the AONB, and so fall within the setting. Adverse impacts are not only visual, a noisy development may impact adversely on the tranquillity of the AONB even if

not visible from the AONB. We consider that the setting of the Chilterns AONB is the area within which development and land management proposals (by virtue of their nature, size, scale, siting, materials or design) may have an impact, either positive or negative, on the natural beauty and special qualities of the area.

SODC Local Plan Policy ENV1: Landscape and Countryside 1. The highest level of protection will be given to the landscape and scenic beauty of the Chilterns and North Wessex Downs Areas of Outstanding Natural Beauty (AONBs): Development in an AONB or affecting the setting of an AONB will only be permitted where it conserves, and where possible, enhances the character and natural beauty of the AONB; Development in an AONB will only be permitted where it is appropriate to the economic and environmental wellbeing of the area or promotes understanding or enjoyment of the AONB; Major development in an AONB will only be permitted in exceptional circumstances and where it can be demonstrated to be in the public interest; and Development proposals that could affect the special qualities of an AONB (including the setting of an AONB) either individually or in combination with other developments, should be accompanied by a proportionate Landscape and Visual Impact Assessment. AONB Management Plans will be a material consideration in decision making.

Our previous interpretation of landscape character and LVIA matters still applies.

The Chilterns Conservation Board would submit that a refusal of consent based on AONB matters is robust and justified by the landscape evidence and policy / legislative protections. The site's location within an area of future site selection is a broad and ill-defined concept and one that must carry very little weight when placed alongside the negative impacts upon the manifestly negative impacts upon the AONB.

The CCB is grateful for the opportunity to submit these comments. We would also ask that the North Wessex Downs AONB be consulted on this application. Many thanks.

Previous CCB Comments

Planning Application to allow the development of an offline River Thames marina basin with fixed and floating pontoon moorings for approximately 280 boats, slipway, secure and public car parking, refuelling and pump-out dock, refuse and recycling area, marina office and caf, toilet and shower block and laundry facilities, boat hire building, picnic and barbeque area, open water area, circular footpath, boat workshop, new footbridge and creation of new grazing marsh, grassland, pond, reedbed and wet woodland habitat with a construction phase involving the extraction and processing of sand and gravel, the importation of inert fill and the construction of new site accesses, landscaping and screening bunds.

Land at White Cross farm, Reading Road, Cholsey, Oxfordshire

OCC reference: MW.0033/18

CCB Objection

1st June 2018

Thank you for consulting the Chilterns Conservation Board (CCB). CCB raises objection on the grounds that this application harms the setting of the AONB by introducing a dramatic land-use change that is both discordant with the landscape character of the AONB boundary and involves much ephemeral buildings and development that detracts from the open and undeveloped countryside setting of the River Thames and Chilterns AONB. CCB asks that in considering the planning balance that the Waste and Minerals Authority give full weight to the landscape policies that protect the setting of the AONB, namely CSEN1 of the SODC Core Strategy and M4 (section g) of the Minerals and Waste Local Plan and L7 of the AONB Management Plan (setting of the AONB). We also ask that weight is attributed to the CCB Position Statement on Setting, as is appropriate. CCB notes that the application is for sand and gravel extraction with inert fill prior to the implementation of the marina. The planning statement makes the point (10.3.1) that the business model is based on the assumption that sand and gravel will be extracted. The planning authority should, in our judgment, determine this application on the merits of the proposed Marina. Whether or not this site is suitable for sand and gravel extraction should not be a relevant matter in the creation of a post-extraction marina because ordinarily restoration would involve a return to agricultural use.

We are aware that the North Wessex Downs AONB is also impacted and an assessment will also be required for this neighbouring AONB.

CCB raises objection on the following grounds:

1.0 Landscape Impacts

1.1. The application site adjoins and slightly overlaps (at its north-eastern boundary) the Chilterns AONB. The AONB boundary is defined by the Thames and a close landscape relationship is drawn within its setting. The original South Oxfordshire Landscape Study (by Atlantic Consultants) defines this as landscape within the River Thames corridor and one attributed key characteristic (amongst many) is the 'intimate, pastoral and tranquil

character with some 'arcadian' qualities along the Thames close to settlements and riverside parklands (eg. Mongewell)' The Planning and development issues as identified lead on the point that 'Large-scale development of any kind will be inappropriate within open countryside areas and along the river corridors. The ability of the landscape to accommodate small-scale development will depend upon: the potential impacts on distinctive landscape and settlement character and settlement character; the potential impacts on intrinsic landscape quality and valued features and the overall quality sensitivity of the landscape to change; the visual sensitivity of the receiving landscape. The landscape evidence base for the new local plan also includes the new SODC Landscape Character Assessment September 2017 (by Lepus Consultants) and the OWLS: Oxfordshire Wildlife & Landscape Study. Both documents reinforce the importance of landscape character and the need for appropriate development. The consequential overlap between River Thames Corridor and the Central Vale Fringes (Character Area 6) follows the base of the Chiltern escarpment and form a transitional zone between the chalk uplands and the low-lying clay vale and River Thames floodplain. The AONB to the east of the current application site predominantly falls within Character Area 6 and there is a clear landscape relationship between the uplands - clay vale and River Thames floodplain. At the very junction of 4 and 6 in proximity of this application the combination of floodplain / parkland and amenity landscape creates a pastoral quality of considerable value and sensitivity. Users of the Thames Path and visitors to Mongewell Park appreciate this combination and inter-relationship between these landscape character areas. The applicant's Landscape and Visual Impact Assessment (LVIA) at its 6.1.12 accepts the high sensitivity for users of the Thames Path. Further, the applicant's own photomontages submitted as photo C (view adjacent to Thames Path) illustrates this relationship.

The submitted supporting planning statement does not address the AONB setting relationship in any great detail and the Environment Statement (at 11.3.1 and 11.4.1) concludes that with mitigation there will be no significant impact on landscape character. We assume that reference to the River Trent at 11.4.1 is in error. The LVIA does include consideration of the AONB Management Plan (at its 2.8.7) but when concluding on landscape sensitivity makes the point that (at 5.9.13 - Table 2) impacts on the Chilterns AONB 'will be of a low magnitude and with a slight adverse effect (and no lower than that)'. CCB do not accept this and the applicants' assessment gives insufficient attention to visual impacts and landscape character impacts - especially where the landscape character areas overlap and where they adjoin. The setting of the AONB is given insufficient attention or is glossed over. The magnitude of change is high and negatively so and the landscape and visual impacts must be assessed as medium at the very least. The setting of the Chilterns AONB

In our judgment the setting of the AONB is negatively affected. The relevance of this issue is supported by both Development Plan policy CSEN 1 and M4 (g) and in the AONB Management Plan at Policy L7: The quality of the setting of the AONB should be conserved by ensuring the impact of adjacent development is sympathetic to the character of the Chilterns and at Policy L5: Developments which detract from the Chilterns' special character should be resisted.

The CCB Position Statement is material (available at <http://www.chilternsaonb.org/conservation-board/planning-development/position-statements>) and states that (paragraph 14). 'The setting of the Chilterns AONB does not have a geographical border. The location, scale, materials or design of a proposed development or land management activity will determine whether it affects the natural beauty and special qualities of the AONB. A very large development may have an impact even if some considerable distance from the AONB boundary. However, the distance away from the AONB will be a material factor in forming a decision on any proposals, in that the further away a development is from the AONB boundary the more the impact is likely to be reduced'.

Paragraph 15 of the position statement gives examples and as (we have underlined issues of significant concern). Blocking or interference of views out of the AONB particularly from public viewpoints or rights of way; Blocking or interference of views of the AONB from public viewpoints or rights of way outside the AONB; Breaking the skyline, particularly when this is associated with developments that have a vertical emphasis and/or movement (viaducts, chimneys, plumes or rotors for example); The visual intrusion caused by the introduction of new transport corridors, in particular roads and railways; Loss of tranquillity through the introduction of lighting, noise, or traffic movement; Introduction of significant or abrupt changes to landscape character particularly where they are originally of a similar character to the AONB; Change of use

of land that is of sufficient scale to cause harm to landscape character; Loss of biodiversity, particularly in connection with those habitats or species of importance in the AONB; Loss of features of historic interest, particularly if these are contiguous with the AONB; Reduction in public access and detrimental impacts on the character and appearance of rural roads and lanes, and Increase in air or water pollution.

Development Plan Policy and legislation to protect the Chilterns AONB.

CCB asks that great weight is given to the Minerals and Waste Local Plan Policy (Sep 2017) M4 at criterion (g) 'avoidance of locations within or significantly affecting an Area of Outstanding Natural Beauty'. The areas of search set out in Policy M3 do not afford a blanket approach to the granting of extraction consents but instead frames a qualified criterion based methodology. Of course these policies apply to the extraction of minerals and in this case the post-development proposal is the most harmful element. This element of the application has to be determined against SODC, National and CCB policies. Restoration policies such as Policy M10 'Restoration of mineral workings' would not apply.

The proposal is contrary to:

The AONB Management Plan 2014-2019 at L5 and L7 (as above) - dealing with the Chiltern's special character and the setting of the AONB.

Section 85 (i) of the Countryside and Rights of Way (CROW) Act - 'In exercising or performing any functions in relation to, or so as to affect, land in an area of outstanding natural beauty, a relevant authority shall have regard to the purpose of conserving and enhancing the natural beauty of the area of outstanding natural beauty' - This applies to the small section within the AONB.

Paragraph 115 of the National Planning Policy Framework (NPPF) - 'Great weight should be given to conserving landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to landscape and scenic beauty' - This applies to land within and outside, which exerts an impact on the special character and qualities of the AONB.

Policy CSEN 1 of the Local Plan (SODC Policy CSEN1 Landscape at (ii) - 'High priority will be given to conservation and enhancement of the Chilterns and North Wessex Downs Areas of Outstanding Natural Beauty (AONBs) and planning decisions will have regard to their setting. Proposals which support the economies and social well-being of the AONBs and their communities, including affordable housing schemes, will be encouraged provided they do not conflict with the aims of conservation and enhancement.'

We also would link the relationship between Local Plan policy C3 and R9 to the protection of the Chilterns. C3 requires that Policy C3 'The distinctive character of the River Thames and its valley and the settlements on its banks will be maintained and, where appropriate, enhanced. Proposals for any form of development which detracts from its special character will not be permitted and R9 at (i) where it states that 'In considering proposals for recreational development associated with the River Thames and its valley, the overriding aim will be to preserve the river environment and landscape. To this end: (i) new permanent moorings or new hire bases will not be permitted: temporary and overnight moorings for visitors will be permitted in suitable locations where no environmental damage is caused and where proper access and other facilities are available'.

Conclusions.

The assessment of this application in the LVIA fails to give appropriate weight to the setting of the AONB.

The Chilterns Conservation Board wishes to raise an objection to this application, which is harmful to the AONB and which significantly falls short of the policy and the legislative duties that attribute great weight and importance to the conservation of landscape and scenic beauty within and affecting an AONB. These duties are given a particularly enhanced status in the determination of planning applications. That status requires that planning applications result in the conservation and enhancement of the special qualities. In this case those special qualities are manifest in the landscape character setting and boundary configuration of the River Thames and the relationship between the Thames and Central Vale character areas. The development proposed here is major and of substantial magnitude involving a land-use change that is out of character and discordant and with a manifestation of inappropriate development covering a refuelling office, caf, toilets, 220 car parking spaces, 320 berths, security fencing and CCTV cameras. This application cannot possibly satisfy policy and would be significantly harmful to the enjoyment of the Chilterns, whether walking within it (especially in Mongewell) or when walking the Thames Path and in the appreciation of its riparian

AONB setting. The application papers generally conclude that this proposal has a benign effect on landscape character and visual impact. This cannot be correct and CCB raises objection that the marina proposal is harmful and contrary to policy.

The Chilterns Conservation Board recommends that planning permission is refused for reasons that this development is harmful to the setting of the AONB and significantly detracts from the special qualities of the AONB.

Yours sincerely

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Attachments