

Mary Hudson
Principal Planning Officer
Oxfordshire County Council
County Hall
New Road,
Oxford, OX1 1ND

Our Ref: LRS/WAL/110
Your Ref: MW.0115/21

5th September 2022

Dear Mary

**Planning Application for the Extraction and Processing of Sand and Gravel on
Land at White Cross Farm, Wallingford, Oxfordshire.**

Whilst we are grateful for several positive comments in the ecology response from Haidrun Breith, Landscape Officer, on behalf of Ecology (dated 15 August 2022) we are most disappointed with the request that further information is now needed in respect of river condition assessment. Having discussed this aspect with our advisors, Windrush Ecology Ltd, we consider the suggested requirements to be unreasonable and disproportionate given the nature and detail of the proposals as well as the level of assessment that has taken place to date.

Our assessment work has had regard to the pre-application advice letter, some of which took the form of EIA scoping advice on the re-submission of a previously refused application.

As the re-submission application set out to address the previous reasons for refusal, that related to the proposed marina end-use, our restoration/end-use proposals have fundamentally changed, with a considerable emphasis now on soft end-uses, making an ecological improvement (as well as making best use of best and most versatile soils) and in that regard there has been robust and appropriately targeted ecological assessment work and carrying out of biodiversity metric calculations in accordance with good practice.

It now appears that, in our recent efforts to revise our restoration proposals to satisfy the MoD safeguarding requirements, whilst at the same time maximise biodiversity net gain in the long-term, we have given rise to the recent requests for further survey work and additional biodiversity net gain calculations concerning the river and riverbank.

In this regard it seems that our proposals to ecologically enhance land outside our development proposals boundary, i.e., the proposed establishment and management of an area of species rich neutral grassland within the 30-metre development stand-off zone from the river Thames – has led to this “requirement” for additional baseline assessment regarding river condition and a re-run of the biodiversity metric.

Having analysed the comments in the ecological response of 15 August with our advisors, Windrush Ecology, and having re-visited the guidelines, it appears we have brought into the consideration of your ecology team the river/river-bank and potential assessment of biodiversity river units as a consequence of this proposed neutral grassland establishment/enhancement (which is outside the development site) extending into a 10-metre zone adjacent to the river bank top – an area that is classed as the “riparian zone” by the Biodiversity Metric User Guidelines.

Having given careful consideration (with Windrush Ecology) to the points made in the ecological response of 15 August 2022 we consider that a combination of factors, including the nature of the revised proposals, the content of the Guidelines and the employment of ecological judgment, indicate that it is unjustified to insist on the carrying out of this further work.

In saying this we are not trying to be combative or unnecessarily resistant and we can see how the request potentially arises. We honestly consider though that a request to undertake this additional work at a late stage is a disproportionate requirement in view of the circumstances and evidence of the case.

In this regard it is quite clear that the proposed development – involving mineral extraction, backfilling, and restoration – is well distanced from the “riparian zone” referred to in the Biodiversity Metric User Guidelines. Our application details and assessment work have all made clear that the boundary to the development now stands off from the riverbank by 30 metres and therefore lies 20 metres beyond the edge of the riparian zone.

To stress, the re-submission of the application removed the marina end-use proposals to directly address the objections and reasons for refusal and as a consequence the area for proposed operational development only (rather than permanent built end uses – marina and associated infrastructure) stands well away from the river and the riverbank, and, therefore the riparian zone (the zone which appears from the 15 August response to inform the comments concerning carrying out a MoRPh survey extending 10 metres from the bank).

Our only reason for more recently including the establishment of neutral grassland along a section of the riparian zone (the other section being mainly occupied by mixed scrub which we propose to leave) was simply to enhance the restoration and maximise ecological/biodiversity benefit.

In any event, the works that are proposed, involving the sowing of seed and management of the grass long-term, can hardly be adversely impacting operations, particularly when one considers that such operations do not require the grant of planning permission. They are not classed as development and could be carried out at any time.

If the underlying concern of your ecological advisors is that the enhancement of grassland could impact the river/ riparian zone, or that we are attempting to inflate the restoration/biodiversity benefits by ecologically enhancing the development stand-off zone next to the river (including the riparian 10 metre zone) and this must therefore be counter balanced by accounting for the existing value of the riverbank and river, we consider that there may be a potential solution.

If we re-adjust the restoration plan (and the related habitat plan) so that no neutral grassland habitat is proposed to be established in the 10-metre riparian zone (which is located outside the development area of the revised application) this would appear to keep the riparian zone free of any type of proposals. In discussion with our ecological advisors this would buffer the river from any works, and thus remove any potential change to the river's condition (positive or negative) and subsequently remove the need to carry out a MoRPh survey of the river/riverbanks.

We would still propose to establish neutral grassland between the riparian zone and the boundary of the proposed mineral and restoration development as per our most recent revised restoration submission. To stress, this area of grassland establishment would lie outside our limit of extraction and restoration (i.e., the limit of our proposed operations) and outside of the riparian zone.

If we were to make this minor adjustment to the biodiversity enhancement in the development stand-off zone from the river, we would leave the existing bankside vegetation (located in the 10m riparian zone from the bank top) retained unaltered in the biodiversity metric calculations. An initial re-run of the metric calculations on this basis - by Messrs Windrush Ecology - indicates that we would still achieve a biodiversity net gain of 10.99%. This would appear to conform with the advice contained in the pre-application letter (6 May 2021) to achieve "a minimum 10% net gain in biodiversity" based on the advice of Louise Fox, the County Council's Ecology Officer.

Alternatively, the "river and streams metric (including the condition assessment)" – see Biodiversity Metric User Guidelines – would not need to be considered at all if, hypothetically, the red line boundary was pulled back by 10 metres from the riverbank top (as there are no development proposals in that zone). The consequence of doing this would be to lower the biodiversity baseline score for the site as the mixed scrub along the riverbank is currently contributing positively to the baseline score, but not the delivery of the overall net gain.

It is interesting to note that a re-run of the metric calculation shows that by excluding the 10-metre riparian zone from the assessment site the overall net gain increases from 14.24% (the score our latest restoration proposals achieve) to 14.98%, simply because the baseline score is less.

The Biodiversity Metric Guidelines do stress that “The metric is designed to inform decisions, not to override expert opinion” and that “Ecological principles still need to be applied”. The thrust and spirit of this guidance is that sound, sensible professional judgment should be applied rather than focussing mainly on the metric and biodiversity accounting outcomes.

As has been emphasised in this letter, the re-submission of the application last year, to address the objections to the marina end use, have seen the development pull back and disconnect from the river. The application details make clear the 30-metre stand off from the riverbank and the proposed screening and mitigation of potential short-term impacts users of the Thames Path during the temporary, phased operations proposed to take place in the eastern part of the site. The revised development proposals do not therefore have a direct relationship with the river, the riverbank or indeed the riparian zone.

The intention of our recent revisions to the restoration proposals and extending ecological enhancement into the river stand-off outside of the development area has simply been to maximise biodiversity benefit (which is surely the aim of the Guidelines) whilst avoiding compromising aircraft safety. As it seems that our best intentions result in a request/requirement for more survey and assessment work (adding to costs and delay late in the determination process) our suggested potential “solution” could be adopted, thus reducing overall practical biodiversity enhancement to overcome a debatable and in our opinion disproportionate technical requirement. In practical terms and having regard to the Guidelines advice on judicious use of the metric and the need for sound professional judgment, we consider that this approach would be just “silly” in all respects.

Both we and our advisors, Windrush Ecology, consider it would be in the overall interests of ecology and biodiversity net gain to leave the restoration scheme in its current form as this delivers the best outcome for all parties in real terms. It also takes proper account of the significant revisions that have been made to the development proposals and the stand-off and disconnection of the proposals from the river and the riverbank.

We would ask you to consider favourably this preferred course of action, rather than the carrying out of “expeditious” adjustments to the ecological enhancement and restoration scheme to avoid the riparian zone to counter what we believe is a potentially unjustified requirement for river/riverbank condition assessment and further metric calculation that do not reflect the spirit of the Biodiversity Metric Guidelines or the circumstances and detail of the application. In this respect, and as a final point, we would respectfully suggest that, given this is a re-submission application (with the marina development removed and the mineral and restoration operations standing 30 metres off the riverbank) the red line application boundary is somewhat “academic” when applying the Biodiversity Metric Guidelines as it is not drawn around the extent of the proposed mineral and restoration operations.

To be required to undertake additional work, late in the day, based on proposed enhancement work well outside the revised development/operational area, which only involves sowing seed and grassland management – to everyone's long-term benefit - seems harsh/unfair, particularly in view of the broad advice in the Guidelines that the "Metric" is not there to override professional judgment, which can take account of the overall circumstances described in this letter.

We hope it is clear that we have no intention to develop or impact the river, the riverbank or the riparian zone. Other than the potential to enhance the grassland adjacent to the river in the long-term, which can easily be dropped from the scheme (as explained above), our intentions and our proposals are to leave these areas well alone.

We trust you can look favourably upon the points set out in this letter and that we can simply leave the restoration scheme in its current form, without the need for further assessment, particularly in light of the positive comments received from your biodiversity colleagues as well as the MoD.

Please contact us if you have any queries in relation to the submitted information.

Yours sincerely,

A handwritten signature in blue ink, appearing to read 'S J Rees', with a stylized, cursive script.

S J Rees B.Sc., M.Sc., C.Geol, FGS, MIQ
for Greenfield Environmental