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Environment Agency

Ms Mary Hudson
Oxfordshire County Council
Planning Implementation
County Hall New Road
Oxford
Oxfordshire
OX1 1ND

Our ref: WA/2021/129358/06-L01
Your ref: MW.0115/21

Date: 24 January 2024

Dear Ms Hudson

***Amended Plan* 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, Wallingford, Oxfordshire

Thank you for reconsulting us on this proposal. Further to our previous responses (the latest being letters with reference WA/2021/129358/05-L01, dated 24 May 2023 and letter with reference WA/2021/129358/05-L02 dated 7 June 2023) we have received and reviewed additional information:

- Waste Recovery Plan Version 1 (Westbury Environmental, 10 November 2023)
- Flood Risk Assessment Wallingford Mineral Workings Revision D (Edenvale Young, 14 November 2023)
- Letter from Joe Craddock, Westbury Environmental to Simon Heaton, ref 23/021a LT01, dated 9 November 2023.

Environment Agency Position

We have reviewed the information provided and **remove our objections** to the application. Previously raised issues regarding fluvial flood risk and offsite detriment have been addressed, and a Waste Recovery Plan has been submitted which sets out:

- That a landfill permit is not being sought. A recovery permit is being sought.
- There are planning obligations to progressively restore the site back to mainly original ground levels to deliver agriculture and nature conservation.
- The quantity of imported waste material needed for the progressive restoration operations.

- A list of waste types to be used for the restoration operations.
- Details on meeting quality standards and pollution control.

The proposed development will only meet the National Planning Policy Framework's requirements in relation to flood risk, ground water, and biodiversity, if the following **planning conditions** are included.

Condition 1
The use hereby approved shall be for the recovery of wholly inert waste only and shall not include or permit any use for landfill.

Reason 1
To avoid an inappropriate use of land in flood zone 3b.

Further information relating to condition 1
The Environment Agency understands that the planning application does not propose a landfill operation (for site restoration), but a recovery operation. The Environment Agency expects restoration operations at this site to be covered by a deposit for recovery permit, and we understand that an application for a deposit recovery permit is currently under consideration by our National Permitting Service. Because of the site's location within the high risk flood zone, and thus an area where planning policy considers landfill operations to be inappropriate, the Environment Agency remains particularly concerned to ensure that restoration activities at this site take place strictly in accordance with the conditions of a deposit for recovery permit for the site rather than a landfill permit.

Condition 2
The development shall be carried out in accordance with the submitted flood risk assessment (ref EVY00972, Revision D, dated 14 November 2023 by Edenvale Young and the following mitigation measures it details:

- Stockpiles, earth bunds, offices, welfare facilities and a weighbridge will be located Flood Zone 1.
- 30 metre standoff from the River Thames. No works to take place within 30m.
- Excavation to be undertaken in ten stages and phased sequentially. The works will proceed systematically with areas excavated and then backfilled in sequence.

These mitigation measures shall be fully implemented in accordance with the scheme's timing/phasing arrangements. The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.

Reason 2
To prevent flooding elsewhere in line with paragraph 173 of the National Planning Policy Framework.

Condition 3
The development hereby permitted must not be commenced until such time as a detailed restoration scheme has been submitted to, and approved in writing by, the local planning authority. This shall include a topographical survey of the baseline and the restoration scheme shall show restored ground levels to ordnance datum. There shall be no raising of ground levels above the baseline level.
The scheme shall be fully implemented and subsequently maintained, in accordance with the scheme's timing/ phasing arrangements, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

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Reason 3
To ensure that there are no detrimental impacts to flood storage or flood flow routes, in line with paragraph 173 of the National Planning Policy Framework.

Further information relating to condition 3

The proposed programme of works involves the phased excavation and backfilling of holes within the flood plain to extract sand and gravel. The proposed excavation will provide additional flood storage during the different phases. The excavation will occur over ten phases as shown in Figure 2.2 of the flood risk assessment (FRA). Figure 2.3 shows the final restoration plan. The restoration scheme includes a wet woodland and reedbed below original ground levels. The restored site will include an area of sunken wet woodland to the north. This area is proposed to be left 0.5m below the adjacent land level to provide flood risk and biodiversity benefit. Also, the creation of damp meadow with open ditching connecting to the River Thames is proposed. This restoration is shown on plan ES 21-6 named conceptual restoration. This plan does not include ground levels to ordnance datum. We would recommend that a plan or scheme is submitted showing the ground levels for the restored scheme. We would wish to see a level survey to Ordnance Datum and proposed finished ground levels before the topsoil is stripped.

Condition 4
The development hereby permitted may not commence until a monitoring and maintenance plan in respect of groundwater and surface water, including a timetable of monitoring and submission of reports to the Local Planning Authority, has been submitted to, and approved in writing by, the Local Planning Authority. Reports as specified in the approved plan, including details of any necessary contingency action arising from the monitoring, shall be submitted to, and approved in writing by, the Local Planning Authority.

Reason 4
To ensure that the site does not pose any further risk to the water environment, specifically private water supplies, by managing any groundwater issues and completing all necessary long-term mitigation measures. The proposed development presents a risk to groundwater which is particularly sensitive in this location because the proposed development site is within 50 metres of a known borehole used for the supply of water for human consumption.

Further information relating to condition 4

The ‘Hydrogeological and Hydrological Assessment for a Proposed Sand and Gravel Quarry at White Cross Farm, Wallingford Report’ (3174/HIA) and 'Further info March '22 - Part 6 Groundwater' submitted in support of this planning application provides us with confidence that it will be possible to suitably manage the risks posed to groundwater resources by this development. Further detailed information will however be required before any development is undertaken. It is our opinion that it would place an unreasonable burden on the developer to ask for more detailed information prior to the granting of planning permission but respect that this is a decision for the Local Planning Authority. In light of the above, the proposed development will be acceptable if a planning condition is included requiring submission and subsequent agreement of further details as set out above. It is crucial that the weekly monitoring proposed in section 5.1.1 of the HIA (3174/HIA) is carried out. A monitoring borehole will need to be placed between the abstractor and the quarry, or if possible, use GM16/6 & GM16/7. We would also need to see that monitoring is continued post dewatering to ensure

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groundwater levels have stabilised. Trigger levels and protection mitigation measures will also need to be defined.

Condition 5
The development hereby permitted shall not commence until a monitoring plan in respect of the deposition of waste, including a timetable of monitoring and submission of reports to the local planning authority, has been submitted to, and approved in writing by, the local planning authority. Reports as specified in the approved plan, including details of any necessary contingency action arising from the monitoring, shall be submitted to, and approved in writing by, the local planning authority.

Reason 5
To ensure that the site does not pose any further risk to the water environment by managing any ongoing contamination issues and completing all necessary long-term remediation measures. This is in line with paragraph 180 of the National Planning Policy Framework.

Further information relating to condition 5

Groundwater monitoring (including baseline monitoring) along the perimeters of the site will be essential, particularly along the Eastern edge of the site alongside the River Thames, to ensure that any impacts to controlled waters from the site are detected. In order to achieve this, ample space for multiple monitoring positions must be considered along the eastern margin of the infill and restoration area.

Condition 6
No development shall take place until a Construction Environmental Management Plan (CEMP) that is in accordance with the approach outlined in the Environmental Statement, has been submitted to and approved in writing by the local planning authority. This shall deal with the treatment of any environmentally sensitive areas, their aftercare and maintenance as well as a plan detailing the works to be carried out showing how the environment will be protected during the works. Such a scheme shall include details of the following:

- The timing of each phase of the works.
- The measures to be used during mineral extraction and restoration in order to minimise environmental impact of the works including potential disturbance of semi-natural habitats and protected species.
- The measures to be used during the development in order to minimise pollution of the River Thames and the wet ditches and other wetland habitats/features on the site, for example from surface water run-off.
- Details of the lighting scheme that should include measures to minimise light spill into the 30m buffer to the River Thames and the semi-natural habitats, as recommended in the Ecological Appraisal.
- A map or plan showing habitat areas to be specifically protected during the works and how they will be protected, for example through temporary fencing.
- Any necessary mitigation for protected species. This should include additional protected species surveys as recommended in the Ecological Appraisal.
- Extraction and construction methods.
- Information on the persons/bodies responsible for particular activities associated with the CEMP that demonstrate they are qualified for the activity they are undertaking.

The works shall be carried out in accordance with the approved CEMP.

Reason 6
This condition is necessary to ensure the protection of wildlife and supporting habitat and secure opportunities for the enhancement of the nature conservation value of the site in line with national planning policy. This is important to protect the River Thames itself and the habitats along the river corridor as well as the wetland habitats including marshy grassland and wet ditches that will be retained throughout the mineral extraction and restorations works.

This approach is supported by paragraphs 180 and 186 of the National Planning Policy Framework (NPPF) which recognise that the planning system should conserve and enhance the environment by minimising impacts on and providing net gains for biodiversity. If significant harm resulting from a development cannot be avoided, adequately mitigated, or as a last resort compensated for, planning permission should be refused.

Condition 7
No development shall take place until a scheme for a detailed Restoration Strategy and Landscape Management Plan, including long-term design objectives, management responsibilities and maintenance schedules, shall be submitted to and approved in writing by the local planning authority. This shall be carried out in accordance with an approved timetable for implementation.
The following elements should be included in the Restoration Strategy and Landscape Management Plan:

- Details of the soils used for the restoration of each phase. The proposed new semi-natural habitats, including the marshy grassland/floodplain grazing marsh, will establish better and retain their botanical diversity if only the subsoil is returned to the site. This is due to having a lower nutrient load than topsoil that encourages competitive plant species to dominate.
- Details of the planting/seeding plan for each of the newly created semi-natural habitats and the semi-natural habitats that will be retained and enhanced, e.g. the marshy grassland at the north east corner of the site. These should have a greater variety of forb/herb species and a larger percentage than is currently proposed. They should all be native species of UK (and preferably local) provenance appropriate to this location.
- Details of the design of the proposed wetland features such as the scrapes, ditches and ponds, including cross-sections.
- Details of the appropriate management/maintenance schedules for the new semi-natural habitats during the establishment phase (generally 1-2 years for grasslands) and for the longer-term, to retain their diversity.
- Details of the methods used to enhance the botanical diversity of the retained marshy grassland. It is necessary to understand how additional species will be introduced and be able to compete with the existing plants species, especially the coarse grasses.
- Details of the long-term ecological and landscape management of the finally restored site, including maintenance schedules for the semi-natural habitats.
- The named person(s) or organisation(s) responsible for the long-term management of the semi-natural habitats.

Reason 7
This condition is necessary to conserve and enhance the natural features and character of the site and to both offset the impact on wildlife experienced during the working of the minerals and to maximise the opportunity for securing positive benefits for nature conservation once mineral workings cease.
This approach is supported by paragraphs 180 and 186 of the National Planning Policy

Framework (NPPF) which recognise that the planning system should conserve and enhance the environment by minimising impacts on and providing net gains for biodiversity. If significant harm resulting from a development cannot be avoided, adequately mitigated, or as a last resort compensated for, planning permission should be refused

Advice to applicant - Requirements under Environmental Permitting Regulations 2016

This development may require an environmental permit under the Environmental Permitting (England and Wales) Regulations 2016, Regulation 12. We are aware that the applicant has submitted a request for pre-application advice for a Deposit for Recovery Permit from the Environment Agency's National Permitting Service. The applicant has indicated that they do not wish to apply for a landfill consent and their proposed use of the site is for waste recovery.

The Environmental Permitting (England and Wales) Regulations 2016 state that permitted sites should not harm human health or pollute the environment. The operator is therefore required to have measures in place which will:

- prevent pollution
- ensure that there is no harm to human health, the quality of the environment, or the surrounding amenity
- ensure that there is no offence to a human sense or damage to material property

We would likely reject any permit application which did not include this information.

The proposed deposit for recovery site will require a permit under Regulation 12 of the Environmental Permitting Regulations (England and Wales) 2016. We will consider the following areas of potential harm when assessing the permit:

Management - evidence that the operator has an environmental management system, will install site security and be adequately financed. We will consider implications for multiple operator installations and how the operator will deal with accidents.

Operations - evidence that the operator has considered the entire operational life cycle, including the design of its facility and its construction (engineering), the day to day operation of the site (including how they will confirm they are only accepting wastes appropriate for this site) and how they plan to close the site and manage it to prevent pollution during the aftercare phase once the operation stops.

Emissions and monitoring - evidence that the operator will manage permitted emissions to water, air and land to prevent or where that is not possible, reduce pollution. Evidence that the operator has procedures in place to manage the impact of odour, noise and pests, and that emissions from the site will be monitored to confirm that mitigation measures are effective.

The submitted 3174/HIA, section 7.2.11, has alluded to the potential need for an artificially enhanced geological barrier. The operator may need to incorporate a geological barrier at the base and sides. Low permeability geological barriers are required to provide long-term protection of groundwater. The close proximity of this site to the River Thames, and the direct continuity with shallow groundwater means that there is high sensitivity to any water quality changes that might result from the waste; geological barriers will help to mitigate the potential risks. The specification of the barrier can be determined and secured with an environmental permit. Further advice can be found here Engineering construction proposals for deposit for recovery - GOV.UK

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(www.gov.uk).

During our assessments we will consider the inflow of water from the River Thames into the excavation areas. We would need to see that the applicant has considered placing an engineered barrier parallel with the River Thames to prevent inflow during phase excavations. This would reduce the dewatering requirements and impact to the environment.

Advice to Planning Authority – Groundwater Flooding

Management of groundwater flood risk is the responsibility of the local lead flood authority (LLFA). The proposal to restore the site by backfilling *with material that will likely have a lower hydraulic conductivity than the superficial deposits*, along with the required highly impermeable geological barriers at the sides (and base, and cap) of each of the waste phases, may affect groundwater flows by acting as a barrier. The proposed restored site may reduce the available groundwater pathways along the western bank of the River Thames. This could change groundwater levels and may affect the risk of localised groundwater flooding.

The LLFA may need to request further information from the applicant as to the need, if any, for mitigation such as additional drainage systems. Any drainage systems proposed for such structures must be capable of allowing groundwater flows to bypass the structure without any unacceptable change in groundwater levels to prevent the increased risk of flooding. Any such further information will need to be assessed by the LLFA and not the Environment Agency. The Environment Agency's N9 Groundwater Position Statement states that proposals must not cause an unacceptable change in groundwater levels or flow.

Advice to Applicant – Environmental Permit

The Environmental Permitting (England and Wales) Regulations 2016 require a permit or exemption to be obtained for any activities which will take place:

- on or within 8 metres of a main river (16 metres if tidal)
- on or within 8 metres of a flood defence structure or culverted main river (16 metres if tidal)
- on or within 16 metres of a sea defence
- involving quarrying or excavation within 16 metres of any main river, flood defence (including a remote defence) or culvert
- in the floodplain of a main river if the activity could affect flood flow or storage and potential impacts are not controlled by a planning permission

For further guidance please visit https://www.gov.uk/guidance/flood-risk-activities-environmental-permits or contact our National Customer Contact Centre on 03708 506 506 (Monday to Friday, 8am to 6pm) or by emailing enquiries@environment-agency.gov.uk.
The applicant should not assume that a permit will automatically be forthcoming once planning permission has been granted, and we advise them to consult with us at the earliest opportunity.

Final comments

Thank you again for consulting us. Our comments are based on the best available data and the information as presented to us.

In accordance with the planning practice guidance (determining a planning application, paragraph 019), please notify us by email within two weeks of a decision being made or application withdrawn. Please provide us with a URL of the decision notice, or an electronic copy of the decision notice or outcome.

Should you require any additional information, or wish to discuss these matters further, please do not hesitate to contact me on the number below. Please quote our reference number in any future correspondence.

Yours sincerely

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Planning Advisor

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