Crowmarsh
Parish Council

Closing Statement for Cholsey Parish Council, Crowmarsh Parish Council and Wallingford Town Council

Wendy Tobitt

Appeal Reference:	APP/U3100/W/25/3361505
Planning Application Reference:	MW.0115/21
Appellant	London Rock Supplies Ltd
Site	Land at White Cross Farm, Wallingford, Oxfordshire
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"
Refusal reason	Due to its location, the proposed development would have an adverse landscape and visual impact on the River Thames, the Thames Path National Trail and on the setting of the Chilterns National Landscape (Area of Outstanding Natural Beauty), contrary to the provisions of policy C8 of the Oxfordshire Minerals and Waste Local Plan – Part 1 Core Strategy and policy ENV1 of the South Oxfordshire Local Plan 2035.

Policy Overview

1. NPPF 2024 is clear that its policies and those of the local development plan should be taken as a whole. The application of policies that protect assets of importance provide a strong reason for restricting development.

2. The appellants sought to give precedence to Policy C8 of Oxfordshire Minerals & Waste Core Strategy over Policy ENV1 of the South Oxfordshire Local Plan 2035.

3. Planning authorities now have an active duty to conserve and enhance National Landscapes and their settings. It is our view there is no conflict between Policy C8 and Policy ENV1, and they should be read together.

The need for minerals

4. CCW accepts that Oxfordshire has less than a 7 year supply of minerals and therefore the benefit provided by the extraction of minerals from this site carries **great weight**.

5. We maintain our view that this proposal should comply with the requirement for a sequential test as set out in para 173 of the NPPF. However, the appellants argued that para 175 exempts them from this test. We do not believe this to be the case.

6. Part of bund 3 together with bunds 4 and 5 (3 and 5m high) and a considerable part of the exit road will be in flood zone 3b. Part of the access, bunds 1, 2, the temporary soil storage area, buildings, plant and part of bund 3 will be in flood zone 2. Despite some of these items being of a temporary nature it is not clear that they could be moved out of the flood zone in the event of a flood. In the discussion about planting on earth bunds to prevent dust it became clear that these features were intended to remain for more than a year and will be susceptible to winter flooding.

7. The appellants agreed they had not done any sequential tests to look for alternative sites, nor for alternative sites in relation to SOLP 2035 policy ENV2 part 3 (ii).

8. We know there are alternative sites available in Oxfordshire. Discussion took place about the Gill Mill extension. CCW also identified land in the Berinsfield/Drayton St Leonard and Culham SRAs where sites with a comparable or larger yield and very significant areas outside

the floodplain could be available. These sites are outside the Green Belt, but that designation is not a constraint to mineral extraction. It is likely therefore that the proposal would fail a sequential test.

Tranquillity, Landscape, Biodiversity

9. The southern part of the appeal site clearly meets the tranquillity description for protection as set out at NPPF para 198(b) and Planning Practice Guidance Noise para 008. PPG Minerals para 021 indicates that authorities should aim to restrict noise level increases at noise-sensitive properties to no more than 10 decibels during normal working hours.

10. Background noise levels for the River Thames and Thames Path were not taken, but publicly available comparator information suggests rural sound levels would be of the order of 25 – 35 decibels. Mr Furber suggested that noise levels for this area should be treated in the same way as residential properties i.e. up to 53 decibels or within the PPG 55 decibels limit; these could be 20 decibels higher than background levels for the River Thames and Thames Path and do not acknowledge the tranquil nature of the river or adjacent path and the receptors using them. The proposal will have a **substantial adverse effect** on the tranquillity of this part of the National Landscape and its setting.

Landscape

11. Loss of the long views across the fields to the escarpment of the Berkshire Downs would have a significant negative impact on people's enjoyment of the Thames Path for at least six years. This is not 'short-term' harm. In terms of the Magnitude of Visual Change it is at least 'medium-term' up to 10 years. Mr Woodward presented very detailed evidence in relation to landscape and demonstrated the proposals would have a substantial adverse effect on the setting of the Chilterns National Landscape, the River Thames and the Thames Path National Trail.

12. There is nothing 'short-term' or temporary about the impacts on biodiversity. Changes to the subsoil in the areas of Floodplain Grazing Marsh and BMV/agricultural land will be permanent. Changes to the habitats of plants, trees and wildlife will be permanent. Changes to views from the Thames Path will be permanent because the landscape will be totally different from what is there now.

Biodiversity

13. The appeal site contains important Priority Habitat, Floodplain Grazing Marsh within a Conservation Target Area. SOLP 2035 policy ENV2 part 3 (ii) is therefore relevant, and alternative sites for gravel extraction should have been investigated.

14. Whilst the appellants have drawn on the support of the OCC Biodiversity Officer CD10.10, she is clear that she cannot provide a view on whether the policy requirement has been met. When she wrote her comments, she did not have information about the types of inert material that would be used to infill.

15. The important point here is to protect the existing special habitat. Whilst the appellants argue that they will restore a larger area of Floodplain Grazing Marsh, this will not necessarily grow where the soil and underlying hydrological conditions are different from what is there now, or contaminated. In this context contamination means material that is not from the original soil.

16. Filling with inert material of unspecified origin, possibly gault clay, will irrevocably change the current soil structure. The biodiversity value of the habitat will be lost when soil is moved, stored and randomly redistributed over inert material. The restoration plans do not provide the high-quality restoration of Floodplain Grazing Marsh that is required by the Oxfordshire Local Nature Recovery Strategy for this site.

17. CCW expects the priority habitat of Floodplain Grazing Marsh to be considered positively when weighing the balance between on one hand extracting gravel and infilling with inert material, and on the other retaining a rare habitat that creates a landscape with high susceptibility to change.

18. It was noted at the site visit that the Phase A area had been the compound used by contractors building the bypass and bridge in the 1990s. This land is contaminated with concrete, metal and other materials left behind. This soil should not be re-used within the site.

19. The appeal proposal will completely destroy Priority Habitat and so will have a **substantial adverse effect**. This harm could be avoided by locating the development elsewhere, but as I've stated before, alternative sites have not been investigated.

Impact on Elizabeth House

20. Young children are particularly vulnerable to air pollution and Councillor Johnny Hope-Smith referred to a relevant UNICEF report on this. The Air Quality Assessment identifies that there will be a **slight adverse effect** on four nearby properties, including the children's nursey and pre-school at Elizabeth House.

21. The Assessment identifies that some features of the appeal proposal have a high dust potential, but assumes that all mitigation measures will be carried out. One assumption is that bunds will be seeded as soon as practical after formation. However, we learnt at the inquiry that bunds likely to be in place for less than 6 months will not be seeded, this therefore creates the opportunity for more dust pollution locally.

22. Councillor Hope-Smith highlighted that a 200m dust impact buffer zone is included in the OMWCS adjacent to the Oxford Meadows SAC. We believe it is equally appropriate to have a buffer zone around a children's nursery and pre-school.

Flooding and Pollution Risk

23. CCW is particularly concerned about the potential impacts of the restoration fill of the site and its impact both on the site's water storage capacity and the impedance of groundwater across the site.

24. The appellant expert witness Liam Toland stated during cross examination that given the geology of Oxfordshire, the main wastes likely to be used as infill on the appeal site would be clay from excavation of footings. If the main wastes used as infill are clays then the appellant's other expert witness John Young may have been mis-informed when he said that the restoration infill could potentially be of greater hydraulic conductivity than the sand and gravel currently in situ. The Hafrenwater Hydrological Impact Assessment (CD3.13) also confirms at item 6 that the infill material will likely have a lower hydraulic conductivity.

25. Voids between particles in sand and gravel generally vary between 25% and 46%. The appellants have said that 290,000 cubic metres of waste (mostly clay) is required to backfill the voids. Assuming the lowest value pore space of 25% this means that a water storage capacity of 72,500 cubic metres is lost or displaced. To give an analogy, this is the equivalent to 29 Olympic size swimming pools. This volume of water will have to go somewhere else on the floodplain during a fluvial flood event, and will increase flood risk.

26. Hafrenwater considered the hydrogeological impact of the appeal site post restoration in item 2.7.6 and item 6 of their Assessment (CD3.13). They assume that the restoration infilling of the adjacent New Barn Farm site (located hydraulically up gradient) will reduce the flow of groundwater towards the appeal site. Both quarries extract sand and gravel from the same aquifer.

27. Hafrenwater considered that any slight rise in groundwater levels caused by obstruction of flow by the restored quarry at New Barn Farm would be negated by the low groundwater velocities between the two sites caused by water having to flow around the restoration infill obstructions. In effect, Hafrenwater assume that the appeal site is in the shadow of the New Barn site in terms of groundwater flow, mounding and velocities, and so effects on groundwater at the appeal site would be negligible.

28. However, water always finds its own level and path of least resistance. What has been overlooked is there will be untouched sand and gravel deposits around and between the two sites that potentially could be where mounded groundwater is diverted. This includes highway land and could result in groundwater flooding on roads. The proposed restoration of the appeal site will aggravate both flood risk along the River Thames and flood risk locally to roads and homes from groundwater.

29. It is incorrect to suggest this impact is negligible over the extent of the wider floodplain. Both the NPPF and Planning Practice Guidance are clear that flood risk should not be increased elsewhere. If this proposal is allowed it will set a precedent for ignoring flood risk on other sites at a time when even installing small-scale areas of impermeable paving in domestic settings is not encouraged because of flood risk.

30. The restoration fill will have a **major adverse effect** on floodwater storage and on groundwater flows.

Impact on the environments of Wallingford, Cholsey and Crowmarsh

31. Wallingford and its environs in the parishes of Crowmarsh and Cholsey is of historical importance and attracts thousands of visitors a year. The cumulative impact of 2 gravel quarries and construction sites for over 1000 new homes do not present an attractive southern gateway to the town.

Conclusion

32. In the absence of a sequential test, the correct process for assessing the site's suitability for mineral extraction has not been followed.

Benefits

33. Gravel extraction on this site will make only a limited contribution to the local landbank for the 5 years of the quarry life. This benefit is nevertheless given significant weight.

34. Mr Woodward suggested that the benefit to biodiversity would be only minor after 15 years. But the major adverse impact on the Priority Habitat on the site would outweigh any potential benefit to biodiversity.

35. The proposed permissive path provides a limited benefit. It would take people from the Thames Path to a hazardous crossing point on the A329; there is no footway where it emerges on the southbound carriageway.

Harms

36. The cumulative impacts of the proposal on the following matters are substantial adverse on:

- The setting and landscape of the Chilterns National Landscape
- The environment and tranquillity of the River Thames and the Thames Path National Trail

37. There would be a substantial adverse impact on the important Priority Habitat on the appeal site which would be completely destroyed. Replacement habitat would not be the same as that which is lost.

38. The impact on the flood storage capacity of the site and groundwater flows would be substantial adverse and may result in both fluvial and groundwater flooding elsewhere in the locality.

39. The potential impact of additional noise and dust will have a slight adverse effect. There may be greater effects on the health of children attending Elizabeth House and potentially on the viability of that business.

40. Weighed in the balance the small benefits to the mineral supply position from extracting gravel, as set out by the Appellant on this sensitive site, do not justify the substantial harms and impacts on the natural environment, people using the Thames Path and River Thames, and the potential contamination of the soil and land with inert material. Quite simply this is the wrong place for gravel extraction.

The Inspector is requested to dismiss this proposal.