

RESPONSE TO

3RD ROUND OF CONSULTATION ON

PLANNING APPLICATION MW.0039/16

BY HILLS QUARRY PRODUCTS LTD

FOR

THE EXTRACTION OF SAND, GRAVEL AND CLAY, CREATION OF A NEW ACCESS, PROCESSING PLANT, OFFICES WITH WELFARE ACCOMMODATION, WEIGH BRIDGE, CONCRETE PLANT AND SILT WATER LAGOON SYSTEM WITH SITE RESTORATION TO AGRICULTURE AND NATURE CONSERVATION INCLUDING LAKES WITH RECREATIONAL AFTERUSES AND THE PERMANENT DIVERSION OF FOOTPATH 171/15 AND CREATION OF NEW FOOTPATHS, AT FULLAMOR PLANTATION, CLIFTON HAMPDEN

ON BEHALF OF BACHPORT

(BURCOT AND CLIFTON HAMPDEN FOR THE PROTECTION OF THE RIVER THAMES)

AUGUST 2017

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1. INTRODUCTION

- 1.1. This response to the 3rd round of consultation on the planning application MW.0039/16 by Hills Quarry Products ('the applicant') for a new sand and gravel quarry at Clifton Hampden, is made on behalf of Bachport (Burcot And Clifton Hampden Protection Of The River Thames).
- 1.2. Bachport is an organisation that was formed in 2010 to represent Clifton Hampden and Burcot Parish Council further to the identification of land southwest of Clifton Hampden as a potential new area for sand and gravel extraction within the Oxfordshire Minerals sites issues and options consultation paper. This is the land to which the current application relates. Bachport now also represents the views of Long Wittenham, Appleford and Culham Parish Councils.
- 1.3. This response augments and needs to be considered in conjunction with the response made by Bachport in May 2016 and March 2017, which commented on a wider number of issues relevant to determination of the application.

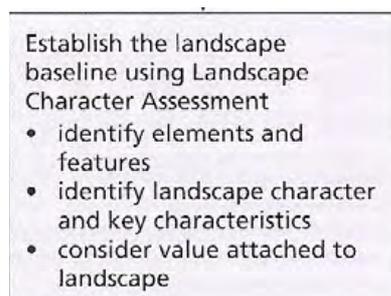
2. LANDSCAPE AND VISUAL IMPACT

- 2.1 Bachport has previously raised serious concerns about omissions, inadequacies and a lack of consistency in the previous two iterations of the Landscape and Visual Impact Assessment (LVIA) - Chapter 7 of the Environmental Statement (ES), and these concerns have not been remedied in the latest version. As a result Bachport considers that the LVIA is not a thorough or robust document upon which any reliance should be placed in determining the true landscape and visual effects of the proposed development, and that through its shortcomings it in fact demonstrates the significant harm that will be caused to the distinct and historic landscape character of this part of the River Thames corridor and to the visual amenity of the local community and visitors to the area.

The Baseline Landscape Character

- 2.2 The starting point for any assessment of the likely effects of a proposed development on the local landscape must surely be for a proper understanding of the existing baseline character to be established. Indeed the "Flowchart of steps in assessing landscape effects", at Appendix A – Methodology for assessing landscape and visual impact significance, of the LVIA, identifies this requirement as an initial step. The relevant box of the flowchart is reproduced below.

Figure 1:
Establishing the Landscape Baseline



- 2.3 The preamble to the flowchart describes it as the “fundamental process for predicting landscape effects of a development”, yet the LVIA still does not follow this fundamental process. There is no description of the area in landscape terms as it is perceived by the author - a matter raised by Bachport in both previous consultation responses¹. As a consequence there can be no confidence that the author of the report properly understands the true character and value of the local landscape.
- 2.4 This lack of appreciation of the real landscape context is further evidenced by the manner in which the components in this step in the process (as set out in Figure 1 above) have (or have not) been addressed in the LVIA.
- 2.5 The methodology at Appendix A to the LVIA clarifies (page 2) that any published landscape character assessments (LCAs) are used, and supplemented where necessary with additional survey, the purpose being to identify the elements and features, landscape character and key characteristics (emphasis added). Nevertheless the LVIA continues to entirely dismiss the published South Oxfordshire Landscape Assessment (SOLA) - rather than supplement it, and to use other landscape studies only selectively.
- 2.6 The dismissal of SOLA is predicated on the requirement (of GLVIA3) that existing assessments should be critically reviewed in terms of quality, age and suitability (see also page 2 of the methodology at Appendix A to the LVIA). However, the LVIA acknowledges that SOLA is Supplementary Planning Guidance and current evidence base to the emerging South Oxfordshire Local Plan. It is therefore not out of date, and must be of suitable quality, otherwise it cannot be produced as an evidence base document to a Local Plan (paragraph 158 of the NPPF). Rather than reviewing SOLA in terms of its quality, age and suitability, what the LVIA actually does (paragraphs 2.37 – 2.41) is to select specific characteristics of one of the relevant landscape subtypes – the “flat floodplain pasture” (which relates to a wider area) and to claim that these do not apply to the application site, therefore concluding that SOLA does not assist in characterisation of the site and setting.
- 2.7 Comments have previously been given (paragraph 2.13 of Bachport May 2017 response) as to why these specific criticisms are not supported by the evidence. But it is important to stress, as has been identified by Anthony Stiff of Anthony Stiff Associates (ASA) who is a chartered member of the Landscape Institute, that there is consistency between the landscape character descriptions in the different documents of SOLA and the Oxfordshire Wildlife and Landscape Study (OWLS). Notably OWLS also refers to the pastoral and tranquil character of the riverside/floodplain area.²
- 2.8 With regard to tranquillity in particular, additional text has been provided in the LVIA (paragraph 2.75) to say that a sense of tranquillity requires an absence of traffic noise, which would seem to be a further attempt to explain why the site is assumed (erroneously) not to be tranquil. Road traffic on the A415, train movements and motorised boat traffic on the river are

¹ Paragraph 9.6 of May 2016 Bachport response and paragraph 2.18 of March 2017 Bachport response

² See for example paragraphs 3.25, 3.27, 3.87 and 3.88 of the ASA report at Appendix 4 to May 2016 Bachport response

cited as the source of the disturbance to the area. However, the area of tranquil landscape is quite some considerable distance from the A415 and railway line (about 250 metres and 750 metres respectively). Furthermore the background noise readings for properties at Fullamoor show low background noise levels, which would indicate that these properties closer to the A415 are not being disturbed by road noise. Noise emissions decrease considerably over distance³ and road or rail noise would therefore be barely perceptible (about the equivalent of the background noise level in a quiet bedroom) at the nearest point of the flat floodplain pasture landscape subtype to the road - reinforcing its characterisation as tranquil. (Motorised boat traffic is intermittent and subject to a speed limit of 8 kilometres per hour, so does not generate any material noise nuisance).

- 2.9 In addition, however, the LVIA does not mention the other SOLA landscape subtype that relates to the application site area, namely “the semi-enclosed farmed hills and valley area”, which has key characteristics that are typical of the application site, such as:
- a strong structure of hedgerows and trees which provide clear definition of field pattern;
 - predominantly intensive arable land use but some pockets of permanent pasture occur, particularly around settlements and on steeper hillsides;
 - predominantly rural character;
 - landform and landscape structure create enclosure and reduce intervisibility.
- 2.10 There is no acknowledgment in the LVIA either that the “flat floodplain pasture” SOLA landscape subtype has been assigned the highest enhancement strategy of “Conserve”. Page 3 of SOLA clarifies that “this strategy applies where the landscape is of particularly high scenic quality, is unspoilt, retains a strong, intact landscape structure and sense of place, and often contains areas or features of ecological or cultural heritage significance. In these landscapes, conservation is an overwhelming priority in order to maintain landscape character and quality.” (Emphasis added).
- 2.11 The lack of consideration of this established landscape strategy for the area is a careless omission in considering the value attached to the landscape (final bullet of Figure 1 above). However, more significantly, there has been no discussion whatsoever of the landscape policy CSEN1 of the South Oxfordshire Core Strategy, which gives specific protection to the landscape of the River Thames corridor. Paragraph 2.44 onwards of the LVIA in establishing landscape value concludes that that there are no landscape designations applying to the site itself (only Green Belt and the AONB beyond the site).
- 2.12 The South Oxfordshire Core Strategy was adopted in December 2012 and is therefore NPPF compliant. The provision in Policy CSEN1 Landscape follows the Framework advice which now in relation to landscape is that the planning system should aim to protect and enhance valued landscapes (paragraph 109), and that distinctions should be made between the hierarchy of international, national and locally designated sites (paragraph 113) – as policy CSEN1 does. The River Thames corridor is a specifically mentioned and therefore a (locally

³ The standard reduction for this source of noise is 6dB per doubling of distance from the source. Absorptive ground results in an additional reduction of 1.5dB per doubling of distance and a break in line of sight can also result in a 5dB reduction.

designated) valued landscape. The supporting text to the policy also confirms that it is noted for its unspoilt peace and tranquillity, and it is identified as a key environmental asset.

- 2.13 The special protection afforded to this area by policy CSEN1 has previously been brought to the attention of the applicant not only by Bachport, but also by South Oxfordshire District Council in their consultation responses.

The Existing Tree and Hedgerow Structure and Field Patterns

- 2.14 Key elements or characteristics of this valued landscape are the existing trees and hedgerows. As has been previously identified from historic maps⁴, the vast majority are of great age having marked the field boundaries for over 200 years, with the remainder having origins more than 100 years old. According to the Hedgerows Regulations these are important hedgerows (being more than 30 years old, situated on land associated with or adjacent to a Scheduled Monument, or an integral part of a field system pre-dating the Inclosure Acts (1896)). They are therefore, both by virtue of their importance as countryside hedgerows and in marking historic field boundaries, rare and highly valuable landscape elements.
- 2.15 The statement at paragraph 2.65 of the LVIA that most of the plantation trees are much younger than 120 years is entirely misleading. Part of the poplar plantation west of Sandy Bury may be less than 120 years old (it is not shown on the 1930s aerial photos⁵), but there was some mature woodland west of Sandy Bury at this time, that has been enveloped by the poplar plantation. Furthermore the area of Sandy Bury has been woodland for centuries – as shown on the historical maps of the area⁶. Indeed this is one of the locations where Bachport has previously identified that there are notable mature trees missing from the tree survey.⁷
- 2.16 In recognition of the value of these landscape elements the landscape and biodiversity strategy guidelines of OWLS are to:
- give priority to safeguarding, maintaining and enhancing the species-rich hedgerows with trees;
 - to safeguard and enhance tree-lined watercourses; to strengthen the field pattern by planting up gappy hedges;
 - and to promote environmentally-sensitive maintenance of hedgerows.
- 2.17 For the Terrace Farmland Landscape type, the key recommendation of OWLS is to strengthen and enhance pattern of hedgerows, hedgerow trees and tree-lined watercourses. It needs to be noted that in order for something to be maintained or strengthened it must first exist – replacement is not the same as maintaining or strengthening.
- 2.18 The application scheme, however, runs directly counter to this guidance by proposing removal of all of the tree groups and hedgerows and most of the individual trees within the extraction

⁴ Paragraph 9.13 of May 2106 response and paragraphs 3.18 and 3.19 of March 2017 Bachport response

⁵ Paragraph 9.13 of May 2016 Bachport response

⁶ Appendix 1 of March 2017 Bachport response

⁷ Paragraph 3.4 of March 2017 Bachport response

boundary. It is noted that there are misleading references within the LVIA, which imply that the hedgerows and woodland are being “maintained” or “strengthened”. For example:

- Under the narrative of Table 7.5 it is said that the field pattern will be strengthened where possible with locally appropriate river valley species, yet the fact of the matter is that they will be extinguished by removal.
- At paragraph 2.69 there is the following statement: “The valued features within the site are the hedges and woodland, which are being retained, replaced and strengthened where possible.” Clearly this is not accurate. These features – which the LVIA author here also accepts as valuable – within the working area are in fact being removed, not retained or strengthened.
- Paragraph 2.77 confirms that fewer hedgerows are being replaced than are being removed – 265 linear metres of existing hedgerows, are to be permanently lost without any replacement, when they should be safeguarded and enhanced.
- At paragraph 3.30 it is stated that the replacement planting will “maintain the orthogonal field pattern.” It does not do this, but creates a new, younger and different one.

2.19 It is best and common practice in mineral applications to retain the main tree and hedgerow structure in order to respect the landform components in areas that have less landscape value than the application site. Paragraph 6.38 of the emerging Minerals and Waste Core Strategy clarifies that development should seek to preserve existing trees wherever possible. This application on the other hand proposes uprooting old established field boundaries with great historic and biodiversity significance, thereby destroying the inherent local landscape character. There is no explanation in the application documents as to why it would not be possible to retain the existing main tree and hedgerow structure (working around it), and there appears to be no real acknowledgment or recognition in the LVIA of the harm that will be caused to the landscape through this proposed course of action, when it is in any event an unnecessary measure (and not common or best practice) in pursuing the objective of mineral extraction.

2.20 Section 197 of the Town and Country Planning Act 1990 places a duty on the local planning authority to ensure that in granting planning permission adequate provision is made for the preservation or planting of trees. If there are trees on an application site, this must mean first and foremost retain those trees where it is appropriate, and then to require new planting as an enhancement (because of the accepted value of trees). In this case given the high value of the local landscape, the contribution these trees make to the value of the landscape and the landscape character assessment guidance that seeks to preserve the existing trees and hedgerow, it is very appropriate that the existing main tree and hedgerow structure should be retained.

2.21 Conversely it is not acceptable for the applicant to take the approach of obliterating all of this mature planting, on the basis simply that it will be replaced. In so doing the harm is two-fold, through the loss of established and important historic field boundaries protected also for their wildlife interest, and the significant impact on local landscape character by the radical loss of key elements and opening up of the land to views of widespread disturbance through mineral extraction.

- 2.22 As a consequence of the opening up of these views (and to mitigate the loss of the natural screening) bunds are proposed to be introduced. As with the failure to assess properly the landscape impact of the widespread loss of existing mature trees and hedgerow there is no analysis in the LVIA of the landscape impact of the proposed screening bunds, which due especially to their unusually vast size would be highly alien features in any landscape, but particularly so in this one.
- 2.23 Moreover, the new planting will take a very long time to reach the same stage of maturity, with ongoing significant harm to the local landscape character occurring.

Vale Farmland Landscape Receptor

- 2.24 The LVIA now does include an assessment of the predicted effects on the OWLS Vale Farmland Landscape Type. The account given shows, however, a selective comprehension of the nature of this receptor. It is described as a heavily disturbed landscape with low value. Conversely Table 4 of the ASA Landscape and Visual Impact report⁸ correctly identifies that it is an agricultural landscape – though with intrusive features such as the busy Abingdon Road and the imposing Culham Science Centre – and is elevated with views over the application site, and ascribes the value that should be attached to the landscape as medium. This landscape receptor contains both Fullamoor properties and parts of the Clifton Hampden conservation area, and the value and setting of these heritage assets are not taken into account in the assessment of effects of the proposed development on the landscape.

Conclusions on the Landscape Effects

- 2.25 The consequence of this failure to appreciate properly the importance and value of the local landscape character has led to underestimating the predicted effects of the proposed development on the landscape. It is noted that the potential significance of landscape effect in Table 7.1 has been downgraded from major adverse (in the October 2016 LVIA) to now be moderate/major adverse, and for the Vale Farmland (previously not assessed) to be only minor. No doubt this is because the magnitude of change does not identify the wholesale removal of the trees and hedgerow structure or the introduction of huge incongruous bunding, the full extent and type of the landscape influenced, and the effects informing the judgement have removed any concept of the area having any scenic beauty. (The final bullet point of paragraph 2.79 of the LVIA has been changed from “Temporary intrusion to scenic beauty” (as it was at paragraph 2.69 of the October 2016 LVIA) to “Temporary loss of the perceptual experience of open countryside”).
- 2.26 This non-appreciation of the true baseline landscape character has also sanctioned an approach to devising a scheme that does not in any way reflect or properly consider the intrinsic value of the area. The inference is that provided the application scheme includes restoration proposals (as opposed possibly to the land being laid waste after mineral extraction) that is all that is required. For example paragraph 2.67 of the LVIA relies on an

⁸ Appendix 4 of May 2016 Bachport response

excerpt from paragraph 4.75 of the emerging Minerals and Waste Core Strategy, which states that restoration to original land-use may not always be the best option or possible, to justify the substantial changes to landform and landcover that are proposed.

- 2.27 However, the sentence preceding the one relied upon at paragraph 4.75 of the emerging Minerals and Waste Core Strategy clarifies that the restoration of each mineral working site should be determined on its individual merits and circumstances. Emerging minerals and waste policy C8: Landscape also requires that proposals for minerals development demonstrate that they respect and where possible enhance local landscape character and are informed by landscape character assessment. In the circumstances of this proposal the relevant landscape character assessment (and up-to-date Local Plan landscape policy) informs the applicant that this is a valued landscape which is to be conserved and that the hedgerows and trees should be retained. This is not a case where substantial changes to landform or landcover that alter the baseline landscape character, such as are proposed, are acceptable.

Visual Amenity

- 2.28 In addition to any lack of assessment in landscape terms of the immense bunds proposed to be installed around the site, which would be entirely discordant within the landscape, there continues to be no attempt to address the significant level of visual intrusion they would cause. The cross-section plans showing their proposed construction demonstrates, as was feared in the previous comments⁹, that they would be too steep and high for mowing, so could not be properly maintained, and at the proposed inclines of 1 in 1 over such heights would be prone to slumping and unstable. The “Photographs of Hills Mown Bunds” do not show bunds anywhere near the size of the 7 – 10 metre ones proposed at the application site. Likewise the comparison with bunds at Chinham Farm Quarry made at paragraph 3.20 of the LVIA, that are said to be acceptable to the Mineral Planning Authority, cannot be supported. The bunds proposed at the application site are almost triple the size of the three metre bunds at Chinham Quarry and are therefore not remotely similar. They would be the height and length of a long row of three storey houses and would be highly prominent in the landscape and visually intrusive.
- 2.29 Moreover, they will not provide any screening to mitigate the visual intrusion caused by the disruption to the local landscape, or to offset destruction of the setting of the heritage assets of Fullamoor Farmhouse and Clifton Hampden Conservation Area, which derive significance either from direct intervisibility with or transition into this highly scenic landscape area.
- 2.30 The additional text at paragraph 3.20 (formerly paragraph 3.18) confirms that the bunds at Fullamoor would still be below the level of the farm (at the toe of the terrace), so it cannot be claimed that they could provide any screening effect of the visual disturbance caused by operations to the Fullamoor properties. Indeed it has now been made clear, at paragraph 3.51, that the purpose of the bunds to the Fullamoor properties is for acoustic screening - as opposed to screening views, (which confirms that without such visually intrusive measures

⁹ Paragraphs 2.7 – 2.9 of March 2017 Bachport response

there would be a noise nuisance as a result of the proposed site operations). The photomontage provided by the Fullamoor residents¹⁰ shows that there would be clear views into the workings across a wide extent of the proposed site. The comment in the fourth comment of the table to Viewpoint 17 of the LVIA under the heading “Proposed development” that the “Foreground grassed bund will obscure most of the available view” is clearly incorrect.

- 2.31 With regard to the Clifton Hampden Conservation Area, Bachport has already commented¹¹ how the extremely high (partial) bunding along the eastern boundary of the site would have a harmful impact on its setting. It is now furthermore clear that these bunds will have a highly unnatural appearance with 1 in 1 slopes rising to a narrow ridge at the top, and over such heights would be difficult to maintain, presenting a scruffy, poorly vegetated perspective for Clifton Hampden.
- 2.32 In light of all of this it is extremely doubtful that the judgments of visual effects in the LVIA, which have now inexplicably downgraded the visual disturbance experienced (in summer/autumn) for the Fullamoor receptors to be as low as only minor adverse (paragraph 3.51 and viewpoints 17 and 18), are based on any truly objective analysis of the likely effect on local visual amenity.
- 2.33 Indeed it is apparent from a comparison of the many revisions that have been made to the analysis tables of various viewpoints over the three iterations of the LVIA, that the conclusions as to the degree of sensitivity of the receptor, magnitude of change, and significance of visual impacts have differed considerably - even though there have been no notable changes to the scheme that would affect the outlook from the receptors – and that no confidence whatsoever can therefore be placed in the veracity of the assessments that have been made. In particular it is entirely apparent that far too much credit has been given to:
- a. the rate of replacement planting maturing – almost as if it would offer the same positive effects as retaining the existing mature tree and hedgerows; and
 - b. the proposed restoration scheme being beneficial – rather than it actually representing a radical change to landscape character.
- 2.34 Moreover, no account in the assessment of effects has been taken anywhere of the visual (or landscape) impact of the unnaturally shaped silt lagoons which would be entirely alien in this landscape, yet are to be retained without any remediation or lessening of their disharmonious appearance, but which is in fact to be compounded by the requirement for wire mesh fencing and warning signs - as now acknowledged in Planning Statement Appendix C. It is also noted that no timescale is given for these silt lagoons to develop (naturally) into wet woodland - without any assistance or management. It is, however, apparent that it would take an extremely long time, because the description as to how this is expected to happen in Planning Statement Appendix C, is that eventually the wet woodland species will out-compete the reed marsh plants (which have previously also naturally colonised the lagoons) for light and space and ultimately for soil moisture. It is extremely doubtful that they would have become

¹⁰ Appendix A of May 2016 Hendeca response

¹¹ Paragraph 10.6 of May 2016 Bachport response

woodland features even at 15 years post restoration and therefore they would present an unkempt and unsightly intrusion across a large area – some 6.6 hectares (ha) in size - over an extensive period of time.

- 2.35 Furthermore the LVIA now appears to be justifying the harm to local visual amenity on the basis that it is sometimes not possible with mineral developments to mitigate all visual impacts, and that a strategy has been taken to reduce as far as possible the significant adverse effects that cannot be prevented or avoided (paragraph 3.52). This is, however, simply not the case. The most obvious means of mitigating the harm would be to retain all the mature and significant hedgerow and tree cover at the site, which would at least provide either continued screening or filtering of views of workings beyond, rather than the complete opening up of views across the site that is proposed by the removal all of this vegetation cover. The visual mitigation measures identified in paragraph 3.53 are shrewdly separated into Development Stages and use the word “retention” in relation to existing trees and hedgerow, which of course may be true for the duration of the particular Development Stage, but would not be the position as workings progress, and do not accurately reflect the visual impact of the proposed development.

Flood Compensation Feature

- 2.36 Some details of the “flood compensation feature” are now provided at paragraphs 2.57 and 3.28 of the LVIA, though one description refers to the removal of sand and gravel and the other to subsoil strata, so it is now not clear whether this is an engineering operation or a further area of mineral working. Either way the development is one that requires planning permission, and for which full details are required in order to be able to assess properly the impact of the extent of the development. However, there is still no plan available of the location of the proposed development. The description in the LVIA clarifies that the area of the development will cover 1.8 ha, that it will be as much as 1.5 metres deep, and that it will be in the northeast corner of the application site, i.e. directly in front of Warren Farm Cottage and adjacent to public footpath 171/15. It is therefore far from an insignificant area of further disturbance and impact, and to purport as is done (at paragraphs 2.57 and 3.28) that it would have no effects on the appearance or character of the field or wider landscape, and not be a potential source of major adverse visual effects, cannot be justified.

3. TREES AND HEDEGROW

- 3.1 Bachport has previously raised a number of concerns about the impact of the applicant’s proposal on the trees and hedgerows at the site. The applicant appears to have completed an Arboricultural Impact Assessment (AIA) after the ES was submitted and so the assessment has not informed the development and restoration proposals. All of the woodland, many individual trees and all of the hedgerows within the extraction boundary are scheduled for removal under the applicant’s scheme, to be replaced with new woodland and hedgerows as restoration progresses.

- 3.2 The applicant has submitted a further document entitled Response to Arboricultural Consultation of Feb 2017, in which specific assurances were sought in regard to the retention of all veteran, A and B category trees. The following statements have been provided in the applicant's reply:
- The AIA did not identify any veteran trees.
 - The proposals have been amended [Feb 2017] in light of the AIA advice with retention of certain A and B trees, taking into account the delivery of the restoration proposals and avoiding undue sterilisation of the mineral resource.
- 3.3 It is not clear from these replies that the answers are from SJ Stephens who conducted the survey, or whether they are from the applicant's agent. The AIA by SJ Stephens does not make any mention of veteran trees, and so while it is correct to say the AIA did not identify any veteran trees, this answer is ambiguous. Bachport would expect to see a response by SJ Stephens to the questions raised, with evidence of the presence or absence of veteran features of the mature A and B trees that informed his opinion.
- 3.4 Consequently the applicant has not addressed the concerns Bachport has previously raised¹², namely that the AIA is not comprehensive; that it is inconsistent in its grading and categorisation of trees for retention and removal; that it does not make any consideration of the presence of veteran trees and important hedgerow.
- 3.5 Furthermore there is a conflict between these replies and the information provided in the previous versions of the plans and the LVIA consulted upon in February 2017, which had been amended to refer to and make provision for veteran trees, for example:
- Revision A to drawing no.: C6_LAN_007 showing the restoration scheme was made for "Retention of Veteran trees". (The isolated retention of these trees during working phases is also apparent in Revision A to drawing nos.: C6_LAN_005 and 006 for Development Stages C and D).
 - The words "some of which are judged to be 'veteran'" were added after the first sentence of paragraph 2.7 of the October 2016 LVIA. These words have now been removed from the equivalent paragraph (2.9) of the June 2017 LVIA.
 - The words "Retention of several veteran trees" were added to the mitigation measures in Table 7.1 of the October 2016 LVIA. 'Veteran' has now been changed to 'mature' in the June 2017 LVIA.
 - The words "and several veteran trees within the excavation area" were added after "Retention and protection of all peripheral woodland belts" at the first bullet of mitigation measures of paragraph 2.70 of the October 2016 LVIA. 'Veteran' has now been changed to 'mature' in the June 2017 LVIA (equivalent paragraph is 2.80).
- 3.6 In the absence of further information from the applicant, Clifton Hampden and Burcot Parish Council have contacted a leading expert on veteran trees, David Lonsdale and asked him to review the applicant's AIA, together with the survey conducted by Ringrose Tree Services on

¹² Paragraphs 3.4 – 3.22 of March 2017 Bachport response

behalf of Bachport¹³, and the applicant's further arboricultural response. David Lonsdale is eminently qualified to provide an opinion on this matter, being well known to arborists as a respected author on this subject. A copy of his CV is included at **Appendix 1**.

- 3.7 On reviewing this information David Lonsdale has indicated he would like to visit the site to conduct a walkover survey to consider a number of individual trees, woodland and hedgerow and provide a further opinion on the presence or absence of veteran trees, and an opinion on the biological and ecological importance of the trees and hedgerow scheduled for removal on the site. This method of survey is not intrusive, requiring no more than one day to complete and requiring access to the field margins.
- 3.8 The applicant has been approached for the necessary permission to allow Mr Lonsdale to access the site for this survey, but has refused permission without substantiating their grounds for this refusal. It is regrettable that the applicant has taken this stance and the Parish Council has written to the County Council to request that, in the absence of any change of heart by the applicant, the Planning and Regulation Committee members are made fully aware of all relevant facts including this correspondence with the applicant before considering this application. A copy of this letter is included at **Appendix 2**.
- 3.9 Bachport is of the view that further AIA assessment at this stage is to the benefit of all parties when considering this application. If the applicant is confident that the work carried out by their professional advisor is robust there is nothing for them to be concerned about, and if there are aspects that have been overlooked these can be considered before the application reaches committee. We would like to point out that the applicant's initial professional reports in the areas of archaeology, landscape, agriculture, noise and bats, have all been shown to have underestimated the environmental impact of these areas following further objective evaluation by qualified experts.

4. NOISE

- 4.1 There has been no new information provided in this round of consultation on noise to address items missing from the Council's Regulation 22 request. The applicant has still not provided any detailed information on the proposed nature of noise controls for temporary works. Bachport continues to maintain an objection that it has not been demonstrated that the proposed activities will not generate an unacceptable level of disturbance to local sensitive receptors¹⁴.

¹³ Appendix 5 of May 2016 Bachport response

¹⁴ As set out in more detail at Section 13 of May 2016 Bachport response and Section 4 of March 2017 Bachport response

5. BEST AND MOST VERSATILE (BMV) AGRICULTURAL LAND

- 5.1 Following consultation responses from Bachport and Natural England, the applicant has submitted further revisions to ES Chapter 5 Agriculture. The site is now described as comprising 98.7 ha of agricultural land and 6.2 ha of existing woodland (previously 99.6 ha and 4.7 ha respectively) and has increased in overall size by 0.6 ha (paragraph 2.1). On restoration the site will be restored (paragraph 3.8) to 42.4 ha of agricultural land, 49.7 ha of water and lowland meadow and reed marsh, and 9.6 ha of reed marsh and wet woodland (previously 42.4 ha, 39.4 ha and 13.3 ha respectively). It is not clear why these changes have materialised.
- 5.2 The revised chapter shows extensive changes to the Agricultural Land Classification map dated March 2017 in the 'Additional Matters' to the main report, in particular the extent of Grade 2 and 3a land, classified as Best and Most Versatile (BMV) north of the hedgerow running eastwards of Sandy Bury.
- 5.3 On the basis of this revised information the applicant has stated (paragraph 3.9) that there are 62.5 ha of BMV land within the site, an increase of 13.5 ha over the 49 ha stated previously. Of this 44 ha is said to be in the disturbed land (paragraph 3.10), contrasted with 33 ha previously stated. However, the only area showing any increase in BMV land on the (Mar/2017) Agricultural Land Classification Map is within the working area, so the increase must be of the same order as for the wider application site, i.e. an additional 13.5 ha, giving a total of 46.5 ha (not 44 ha).
- 5.4 With regard to potential loss of BMV land, a further 5.6 ha of lowland meadow is now identified to be restored to have BMV quality (paragraph 3.33), even though this land will not be used for agriculture, as its primary purpose is lowland meadow habitat to ensure there is no net loss in biodiversity on site following restoration. The inclusion of this additional BMV land (not previously identified) increases the amount of restored BMV land according to the applicant's assessment to 29.1 ha. However, even on this basis this produces a permanent loss of 17.4 ha of BMV not 15 ha, as now stated at paragraph 3.39 (i.e. 46.5 ha – 29.1 ha).
- 5.5 Moreover, the applicant's revised assessment continues to discount some land to the immediate north of the hedgerow running east of Sandy Bury and which Bachport contends, for reasons set out in later paragraphs, is BMV land and should not be downgraded because it falls within flood zone 3. Taking this additional land into account as BMV, and using direct measurements from the site plans, the measured area of BMV land within the extraction area is 48.4 ha¹⁵ of which 23.5 ha is restored to BMV agriculture, (as per paragraph 3.8 of ES Chapter 5) resulting in a net loss of at least 24.9 ha of BMV land to agriculture¹⁶. Bachport does not agree that it is acceptable to include the soils restored to lowland meadow in the assessment of restored BMV land, as these cannot be used for agriculture without a net loss of biodiversity on the site.

¹⁵ See Appendix 2 of March 2017 Bachport response

¹⁶ Paragraph 5.1 of March 2017 Bachport response identified this as 25.8 ha, because our measurements show the restored fields and strips either side of the access road to be 22.6 ha in total – as shown on Appendix 1 to the response

- 5.6 The applicant has acknowledged that on the basis of their revised assessment there are sufficient soils to restore at least 40 ha of BMV land, mostly Grade 2. The applicant has not provided any evidence why they have discounted restoring 40 ha of the site to agriculture, in particular whether there is a shortfall of fill that has informed their proposal as requested by Natural England in their response of 23rd February 2017.
- 5.7 The applicant has stated that all the soils in the south of the site are still considered subgrade 3b and are therefore not BMV land. These soils were graded 3b in the previous assessment based on their wetness characteristics, which failed to consider the CaCO₃ component which could classify the soils as 3a on wetness (see paragraph 5.4 of March 2017 Bachport response). The applicant is now suggesting (in Appendix 5A - 'Additional Matters raised by Natural England' to revised ES Chapter 5) that the soils should be considered subgrade 3b on the basis that they fall within flood zone 3 (FZ3).
- 5.8 Natural England raised a query in their response of February 2017 regarding 'information on the frequency and duration of any flooding in line with published ALC criteria (MAFF 1988)... and whether this is a relevant grading factor to be considered for this site'. The applicant has stated 'Flood risk is a factor that affects the land quality at Fullamoor' and continues 'Some profiles that are inherently Grade 2 or Subgrade 3a but within Flood Zone 3 have been downgraded for this reason'. They have applied this logic to all the land between the River Thames and the drainage ditch which runs from Sandy Bury to the eastern edge of the site, and also along the northern side of the ditch", without consideration that some of the land in this area is actually in flood zone 2 (FZ2) and provided Grade 2 and 3a soil samples. Therefore it is clear the applicant has continued to overstate the amount of subgrade 3b land and understate the quantity of BMV land lost on the site.
- 5.9 Notwithstanding the omission of the land by the river in FZ2 from the calculation of BMV land, the decision to downgrade all the remaining land in FZ3 is not supported by the flood evidence required in the MAFF Guidance. FZ3 corresponds to a flood event probability of 1 in 20 years, which MAFF attributes as 'very rare' in frequency, and would not in itself merit downgrading the land to 3b according to the guidance (see MAFF Guidance 1988 Table 2 and Table 3). The tables from the MAFF guidance are reproduced at **Appendix 3**.
- 5.10 MAFF guidance states 'The after effects of inundation depend in part on soil type and will generally be more serious on impermeable soils'. As the soils are underlain by deep deposits of sand and gravel this would not apply in this case. The guidance further states 'Most weight should be given to the long-term predicted risk, or the return periods used in the design of flood protection schemes rather than to the average incidence of flooding in recent years, which may have been influenced by atypical climatic conditions'. For the whole area of land to be downgraded to 3b the entire area of land would have to flood for an extended period of more than four days every 3-9 years, or for a shorter period of time every 1-3 years in winter.
- 5.11 Clifton Hampden Parish Council is well aware of the flood pattern of this area as public footpath 171/15 to the Thames path crosses the area of land in question. While parts of the

zone closest to the river (within 25-40m of the riverbank, and therefore mostly not within the proposed extraction area) are 'frequently' flooded under the MAFF definition during the winter, they are 'rarely' flooded in the summer. This land area has however been accounted for in Bachport's previous assessment as an area of 3b soils¹⁷.

- 5.12 The wider area designated FZ3, much of which falls within the extraction area up to and north of the identified hedgerow has been subject to only three significant flood events in the last 20 years - one in the summer and two in the winter. This flooding has primarily been confined to the land south of the ditch. The summer flooding of July 2007 was 'short' in duration and would be classified as 'very rare' in frequency according to the MAFF definition. This does not correspond with the MAFF requirement for grading 3b for summer flooding. The two winter floods in the last 20 year period were in the winter of 2012/13 and 2013/14. One was 'medium' in duration, and one was 'long' in duration, and would be at best classified as 'occasional' in frequency. Again this does not meet the MAFF criteria for Grade 3b on winter flooding. During all three flood events the land noted as lying in FZ2 was entirely free of floodwater including most of the land in FZ3 between hedgerows 1 and 2 (as marked on the drawing C6_LAN_001) and on either side of the public footpath between them. For these reasons Bachport does not agree with the applicant's assessment, that because these soils lie in the area designated FZ3 that they are not considered BMV.
- 5.13 Bachport therefore continues to disagree with the applicant's assessment of the amount of BMV agricultural land on the site. All land north of the hedgerow, and a further area of land south of the hedgerow should be considered BMV, in particular the land identified in FZ2.
- 5.14 Furthermore, given the applicant's decision to downgrade agricultural land quality on the basis that it is within the main flood zone, it does not follow that the loss of 1.8 ha of BMV land by creation of the flood compensation feature in the northeast corner of the site, which is Grade 2, is not accounted for in the applicant's calculations. The function of the flood compensation area is to create additional flood plain storage (see paragraphs 2.57 and 3.28 and Table 7.5 of the LVIA) thereby increasing its flood risk and making it down gradable in agricultural value according to the applicant's logic for other land within the extraction area.
- 5.15 Bachport also does not accept the applicant's proposal to assess the permeability of the restored agricultural soils within the proposed five year aftercare period. There is every evidence that the soils are likely to become waterlogged due to the use of impermeable restoration materials beneath them and that a drainage scheme will be required, some of which will need to drain into the northern ditch, as evidenced in the response by Natural England of February 2017 and previously by GWP consultants.¹⁸ The delayed addition of a drainage scheme to a later date will cause further disruption to the reinstatement of the land following restoration, as well as further intrusive noise and visual disturbance to the residents immediately to the north of the site, and for this reason the additional drainage should be a condition of the restoration scheme, as required by Natural England.

¹⁷ Appendix 2 of March 2017 Bachport response

¹⁸ Paragraphs 14.11 and 14.21 of May 2016 Bachport response and Table 3 of March 2017 Bachport response

6. WATER MANAGEMENT ISSUES

6.1 As has been identified at paragraph 2.34 above the newly submitted Planning Statement Appendix C identifies a requirement for wire mesh fencing and warning signs around the silt lagoons. This is in order to deter trespass, because, as explained “The surface of the silt lagoons will remain inaccessible for management because the silts will not safely support the weight of people or machines”. Bachport previously raised concerns¹⁹ regarding the safety of the two restored silt lagoons, which lie adjacent to the public footpath and in close proximity to the residential properties north of the site at Fullamoor. The applicant has now acknowledged the necessary requirement of fencing and warning signs, but no consideration has been given, in light of these requirements, of the proximity of these long-term hazardous features to the public rights of way or local residential property.

7. WILDLIFE HABITATS

7.1 A number of survey requirements identified in the Council’s Regulation 22 request remain outstanding as identified in the table below.

Table 1: Response to the Biodiversity Requirements of the Regulation 22 Request

Regulation 22 Biodiversity Requirement	Response
Wintering Bird	No additional surveys undertaken
Dormouse	No additional surveys undertaken
Field margins	Completed
Bats	Completed
Water voles and otter	Completed
Map of breeding bird survey results	No additional surveys undertaken or map provided
Great crested newts	No additional surveys undertaken

7.2 No attempt has been made by the applicant to resolve the gaps in data regarding the use of the site by wintering and breeding birds. Due to the continued lack of survey data and mapping, there is no appropriate assessment of the impacts of the proposed development on breeding birds. The removal of all of the woodland, many individual trees and all of the hedgerows within the extraction boundary has the potential to result in significant direct impacts to breeding birds. Disturbance during the life of the quarry will also result in indirect disturbance as will the long-term implementation of the bird management plan. In summary, there continues to be no appropriate quantification of the impact of the proposed development on breeding birds in terms of numbers and diversity and impacts on vulnerable or protected species.

¹⁹ Paragraphs 9.8 and 14.28 of May 2016 Bachport response

8. TRAFFIC

- 8.1 Despite previous concerns expressed by Bachport regarding the rigour of the Transport Assessment (TA), the applicant has not provided any further assessment of the traffic controlled signal junction at Clifton Hampden. This was a requirement in the Scoping Opinion issued in June 2014 by OCC in response to the applicant's proposal prior to the development of their ES. Traffic is consistently ranked as the issue of highest concern for the villages and the signal-controlled junction at Clifton Hampden is the source of considerable congestion and traffic delay on the A415, with traffic queues frequently extending beyond the quarry access during peak periods on the eastbound carriageway.
- 8.2 The Highways Authority has recently raised an objection to the proposed access arrangements for a new sand and gravel quarry at New Barn Farm, Cholsey, and requires further information. In the request for further information issued to the New Barn Farm applicant (13/07/17) the additional information is sought because the "County Council are of the opinion that due to the type of traffic utilising the access (large slow moving HGVs) and the high flows and speeds of traffic on the A4130, more so during peak times, then a merging taper is required".
- 8.3 Bachport sincerely hopes that the Highways Authority will now apply the same level of scrutiny to the proposed access for this application site, which does not have a merge taper, as well as requiring the applicant to provide a detailed assessment on the implications of HGVs on local traffic flow and in particular through the Clifton Hampden junction. The eastbound A415 is frequently congested from the traffic junction in Clifton Hampden beyond the quarry access, (unlike the A4130 Wallingford Bypass) and will be very sensitive to any HGV flow from the proposed access onto or off the A415, as well as the flow of vehicles through the junction.

Appendix 1 - CV of Dr D Lonsdale (removed from this version
but submitted in full to OCC)

Appendix 2 to *curriculum vitae* of David Lonsdale: list of arboricultural and principal publications

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APPENDIX 2

LETTER DATED 21 JULY 2017 FROM CLIFTON HAMPDEN PARISH COUNCIL

CLIFTON HAMPDEN PARISH COUNCIL

c/o 6 Greystones Court

Kidlington

Oxon

OX51AR

Tel 01865379645

Email clerkatcliftonhampden@gmail.com

21st July 2017

OCC Planning

County Hall

Oxford

Dear Ms Thompson

Fullamoor Quarry Application

I write at the request of Clifton Hampden Parish Council to draw the County Planning Authority's attention to the Council's concerns that some of the trees on the application site are veteran trees and therefore are biologically or ecologically important within the site such that their removal could not be satisfactorily mitigated under the applicants current proposals. While the Parish Council is aware that the Applicant has submitted a tree survey regrettably the Parish Council believes that these crucial aspects were not covered in it, and in making this comment the Parish Council is mindful that, in 2014 the Applicant stated the report prepared by their Archaeologist indicated nothing on site of historical value, when, following an extensive survey by Historic England a bronze Age cemetery covering 25 hectares was added to the list of Scheduled Monuments and that, in April 2016 the Applicant submitted an Agricultural Land Assessment as part of its EIA that has been shown to have incorrectly assessed the amount of Best and Most versatile Agricultural Land on the site.

Partly due to these concerns the Parish Council recently made a request to the Applicant for permission for David Lonsdale , instructed by the Parish Council to have access to the site to prepare a report on the trees on the site , which the Land owner has regrettably refused on the basis that "In view of the unauthorised access onto the land over the past two years and the existence of a professional arboricultural assessment the landowners are not prepared to grant access. " I would advise you that no complaint has been made at any time to the Parish Council that unauthorised access to the site has occurred, and a request for the allegations to be substantiated has been

brushed off. Having investigated this suggestion the Parish Council understands that the only access utilised by its consultants has been the public right of way which passes through the site. David Lonsdale is a leading expert in Ancient and Veteran trees and is well known to arborists for his work in this field. David has looked at the information already submitted and identified around 40 trees for further investigation. His survey would take less than one day on the site, would in no way be intrusive, and would require access to the field margins. I attach a copy of his CV for your information.

Clifton Hampden Parish Council, being aware of significant discrepancies in the information contained in reports submitted to you feels that it is important for Oxfordshire County Council's Development Control Committee to be fully aware of all relevant facts before considering this application, and very much regrets the stance taken by the Applicant. If there is anything you can do to facilitate access the Parish Council would be very grateful. In the meantime would you please draw the attention of the Committee to this correspondence when they come to consider this application.

Yours Sincerely

Anne Davies

Clerk to the Parish Council

APPENDIX 3

MAFF GUIDANCE 1988 TABLE 2 AND TABLE 3

Agricultural Land Classification of England and Wales

Table 2 Grade according to flood risk in summer

Grade/ Subgrade	Flood limits	
	<i>frequency</i>	<i>duration</i>
1	very rare	short
2	rare	short
3a	very rare	medium or long
	or rare	medium
	or occasional	short
3b	rare	long
	or occasional	medium
4	occasional	long
	or frequent	short or medium
5	frequent	long

Table 3 Grade according to flood risk in winter

Grade/ Subgrade	Flood limits	
	<i>frequency</i>	<i>duration</i>
1	rare	short
2	rare	medium
	or occasional	short
	or rare	long
3a	occasional	medium
	or frequent	short
	or occasional	long
3b	frequent	medium
	or frequent	long
4	frequent	long

The terms used in Tables 2 and 3 are defined as follows:

Season	summer - mid March to mid November winter - mid November to mid March
Duration	short - not more than 2 days (48 hours) medium - more than 2 but not more than 4 days long - more than 4 days

Agricultural Land Classification of England and Wales

Frequency	very rare - not more than once in 15 years rare - once in 10 to once in 14 years occasional - once in 3 to once in 9 years frequent - more than once in 3 years
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