

**OXFORDSHIRE MINERALS AND WASTE LOCAL PLAN
CORE STRATEGY**

**PART 1 – CORE STRATEGY
PROPOSED SUBMISSION DOCUMENT**

**SUBMISSIONS ON BEHALF
OF
MR PETER POWER**

EYNSHAM MILL

SEPTEMBER 2015



1.0 INTRODUCTION

- 1.1 This response to the Oxfordshire Minerals and Waste Local Plan: Part 1 - Core Strategy Proposed Submission Draft (August 2015) (“the Submission Document”) is made on behalf of Mr Peter Power of Eynsham Mill, Lower Road, Eynsham, OX29 4EJ. It follows on from and should be read in conjunction with the submissions made by Kemp & Kemp on behalf of Mr Power in 2014 in response to the earlier Consultation Draft.
- 1.2 Mr Power’s landholding extends in all to some 36.76 hectares (91 acres). It comprises the Eynsham Mill Hamlet (EMH) and Nature Reserve and is situated alongside and to the west of the Evenlode River in the neck of a flood plain bordered by the 65 metre OAD contour and is approached by a 500 metre drive/causeway from the South West at not less than 64 metres OAD. The whole site is located in Flood Zone 3. Over the centuries to the present day the land and flood defence walls around Eynsham Mill have been built up to withstand flooding from the North at a level of 63.92 metres AOD (see the plan at **Appendix 1**).
- 1.3 EMH is a historic and stunning hamlet and is unique in being located in the heart of a flood plain (see the aerial photograph at **Appendix 2**). There are four residential properties: Eynsham Mill, Eynsham Mill Cottage, Bridge Cottage and Isis Cottage. Eynsham Mill is statutory listed Grade II (List Entry Number 1198409). There are also two other listed structures. These are the bridge and attached weir wall (List Entry Number 1368246) and a separate bridge (List Entry Number 1283836).
- 1.4 The area in which Eynsham Mill is located also has a long history of settlement and is rich in archaeological remains.

2.0 THE COUNCIL’S APPROACH

- 2.1 Having regard Eynsham Mill’s location in the neck of a flood plain and its status as a designated heritage asset, we welcome the references at paragraph 3.4 on pages 33 – 34 of the Submission Draft under the heading ‘*Minerals Key Objectives*’ to the need to minimise flooding (objective vi) and to protect

“Oxfordshire’s communities and natural and historic environments (including important landscapes and ecological, geological and archaeological and other heritage assets) from the harmful impacts of mineral development (including traffic)” (objective viii).

2.2 We note from the Oxfordshire Minerals and Waste Development Scheme (Sixth Revision) December 2014 that the Minerals and Waste Local Plan will comprise two main parts:

- Part 1 – Core Strategy; and
- Part 2 – Minerals and Waste Allocations

2.3 This is an improvement on the fifth revision to the Scheme, which envisaged a single document; and which did not think it would be necessary to produce a separate minerals and/or waste site allocations document. We welcome this revised approach.

2.4 We note that a Proposals Map will be prepared to show any proposals that are “geographically defined, including specific minerals and waste site allocations...”. The Scheme is not explicit but our assumption is that the Proposals Map will accompany Part 2, the Minerals and Waste Allocations. It is relevant to point out however that notwithstanding the proposal for a two-part Plan, the Council has trailed extensively where sand and gravel extraction might be located by inviting landowners and operators to ‘nominate’ potential sites and by then publishing lists and plans of those sites. Two such sites have been nominated close to EMH: nomination sites SG-08 and SG-20. These sites are identified on the plan at **Appendix 3**.

2.5 Against this background, we note that Policy M3 identifies the principal locations for aggregate minerals extraction and confirms that “specific sites for working aggregate minerals” will be identified within the strategic resource areas in the Minerals & Waste Local Plan: Part 2 – Site Allocations Document.

2.6 Policy M3 is permissive in its construction i.e. it states that permission will be granted provided that the criteria in Policy M4 are met. We note that the criteria

are different to those that appeared in the Consultation Draft. In particular, we note and welcome criterion i), which *inter alia* requires sites for working aggregate minerals to avoid locations that are likely to have an adverse effect on sites and species of international nature conservation importance and Sites of Special Scientific Interest; and which, in the case of locations within the Eynsham/Cassington/Yarnton part of the Thames, Lower Windrush and Lower Evenlode Valleys area, requires that it must be demonstrated that there will be no change in water levels in the Oxford Meadows Special Area of Conservation and in other areas.

- 2.7 We support criterion j), which requires that mineral workings should avoid locations likely to have an adverse effect on designated heritage assets including Conservation Areas and sites that are on archaeological assets. Criterion k) is also welcomed, especially the references to avoiding locally designated areas of major conservation; areas of local landscape character; areas where there could be an adverse impact on water quality, water quantity, flood risk and ground water flow; and areas where there would be adverse impacts on character and setting of local settlements.
- 2.8 We note that core Policies C1 – C11 are carried over from the Consultation Draft and, having regard to the particular characteristics of EMH, we welcome the retention of Policy C3 (Flooding), Policy C4 (Water Environment), Policy C8 (Landscape) and Policy C9 (Historic Environment and Archaeology).
- 2.9 We also note and welcome the changes to Policy C5 (Local Environment, Amenity and Economy); in particular, we welcome the comprehensive list of matters that need to be taken into account in assessing whether proposals for minerals and waste development will have an acceptable or unacceptable adverse impact. We also support the reference to the inclusion, where necessary, of appropriate separation distances or buffer zones between minerals and waste developments and occupied residential property or other sensitive receptors and note that where mitigation measures are required, they shall be determined on a site-specific, case-by-case basis.
- 2.10 Against the background of the planning policy framework discussed above, and accepting that Part 1 of the Minerals & Waste Local Plan does not consider

site-specific allocations, it is nonetheless appropriate (given EMH's sensitivity to minerals and waste development) to consider the implications of permitting sand and gravel extraction in close proximity to the EMH.

3.0 THE IMPLICATIONS OF PERMITTING SAND AND GRAVEL EXTRACTION IN CLOSE PROXIMITY TO EYNSHAM MILL

3.1 EMH is sited on the Evenlode about 2.5 km north-west of its confluence with the Thames, at a point where the flood plain is about 1 km wide. There is a mill pond and a leet is led off from the river some 250 metres upstream to produce the head required to drive the wheel. The river is braided and there are four streams, drains or leets virtually parallel on the valley floor at this point. In total there are four residential properties within the broader curtilage of EMH (see plan at **Appendix 1**).

3.2 Until 1995, the Isis Fish Farm was located on the south side of Mill Lane. This has now been turned into a stunning nature reserve, which attracts large numbers of important and rare bird species, including Barn & Little Owl - Kingfisher - Yellow, Grey & Pied Wagtail – Red Kite - Common Buzzard - all species of Tit including Long Tailed - all species of Woodpecker - Song & Mistle Thrush - Waxwing - Little Egret - Green, Greater and Lesser Spotted Woodpecker - A wide variety of waterfowl including Goosander, Smew, Wigeon, Tufted - Mandarin, Breeding colonies of Snow & Barnacle geese and Common Shelduck the latter migrating to the Heligo Island and being possibly the only inland breeding colony in the UK. The Nature reserve is also home to about 20 Roe deer, otters and badgers.

Heritage Issues

3.3 As stated above, there are three listed buildings/structures on the site of Eynsham Mill all of which are statutorily listed Grade II. These are designated heritage assets. The area in which EMH is located also has a long history of settlement and is rich in archaeological remains.

3.4 At about the turn of the first millennium B.C., climatic changes and increased farming contributed to the formation of flood plains in the Thames Valley and its

tributaries. A large enclosure at Cassington is thought to have been a late Iron Age settlement of some complexity. Under Roman occupation, the first terrace gravels were probably intensively farmed for cereals, with the floodplain used for pasture. By the mid-5th century A.D. the Saxons had introduced strategic control points in the form of small settlements, including one at New Wintles Farm and one at Purwell. In the Pre-conquest period to 1066, Eynsham was a small market town, probably surrounded by small farmsteads, the locations of which have not been confirmed.

- 3.5 By the Domesday Survey of 1086, Eynsham was held by the Bishop of Lincoln. In around A.D. 105, a Benedictine Abbey was built in the village and there was a mill where Eynsham Mill stands today. During the Medieval period, the Abbots of Eynsham Abbey continued to own the mill and carried out engineering works to keep the River Evenlode at bay. There were three small crofts occupying the riverside from the mill-house up to the Hanborough Parish boundary.
- 3.6 In the post-medieval period from about 1530 to 1800, the mill changed from grinding corn to making white paper, which was used in the printing of bibles in Oxford. There was a fire in 1756, after which the mill house was rebuilt, although part still bears the date 1691. The construction of a canal from the Thames to Cassington provided improved transport efficiency in this period.
- 3.7 In the modern period from about 1800 onwards, the main house block was added to the earlier building, and new machinery placed Eynsham Mill in the forefront of technical innovation at the time. In 1881, over 100 people were employed there. The 1913 Ordnance Survey edition shows the close relationship between Eynsham and the mill via Mill Lane/Mill Street.
- 3.8 It was not until the competition from coal powered industrial plants began to marginalise such sites that Eynsham Mill lost its important position in the local economy. Paper making gave way to board manufacture in the late 19th century and by 1918 manufacturing at the Mill had ceased. In 1919, the Mill was acquired by J.A Shankland Ltd and used for glue and grease manufacture. Subsequently, the company was declared bankrupt and the Mill was sold by the receivers in 1926. The machinery is thought to have stood derelict until the

Second World War, when it was cannibalised, and the demolition rubble used in building work at RAF Brize Norton.

- 3.9 All the restoration and maintenance work carried out at EMH over the last 40 years has been undertaken by the present owner Mr Peter Power. The restoration work was carried out using traditional methods and good quality stone, which resulted in the aesthetic quality of all the major buildings on the site being retained. The sensitivity of the restoration work is underlined by the fact that the main house and other structures were listed after those works had been completed.
- 3.10 While trees and hedgerow vegetation obscure distant views during the summer months, the landscape setting of EMH is generally level and open with the land north of the Mill lane causeway being bounded to the north by exposed arable fields, which are part of sand and gravel nomination site SG-08.
- 3.11 Having regard to the foregoing, it is beyond doubt that Eynsham Mill is an important designated heritage asset; that it has an important role in the history of the nearby village of Eynsham; and that in this context, its open and rural setting is central to its significance.
- 3.12 Paragraph 126 in the National Planning Policy Framework (NPPF) requires Local Planning Authorities (LPAs) to set out in their Local Plans a positive strategy for the conservation and enjoyment of the historic environment, including heritage assets most at risk. Paragraph 129 then requires LPAs to identify and assess the particular significance of any heritage asset that may be affected by a development proposal, including development affecting the setting of the asset.
- 3.13 Paragraph 132 in the NPPF is also relevant; it states that “when considering the impact of proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation” (our emphasis).
- 3.14 The heritage section in the NPPF applies to both plan-making and decision-taking. Moreover, the principles of this section of the NPPF are founded in the

Planning (Listed Buildings and Conservation Areas) Act 1990, sections 16 and 66 of which place a legal obligation on LPAs when considering planning applications for development that affects a listed building or its setting to have regard to the desirability of preserving the building or its setting.

- 3.15 There is no evidence in the Submission Document or the accompanying evidence base that in formulating Part 1 of the Minerals & Waste Local Plan and defining the broad extent of the Eynsham, Cassington and Yarnton Area of Search (Figure 9) the Council has had proper regard to its obligation in law to consider the desirability of preserving the setting of Eynsham Mill; nor is there any evidence to suggest that the Council has had regard to the requirements of the NPPF in so far as designated heritage assets are concerned.
- 3.16 The Plan's failure to properly address the heritage issue insofar as it relates to a designated heritage asset such as Eynsham Mill goes to its soundness: **as drafted, Figure 9 is unsound** to the extent that, even at its small scale, it includes land in the broad area of search where there is no realistic prospect of permission being granted for sand and gravel extraction.
- 3.17 The solution is to amend Figure 9 so as to exclude from the Minerals Key Diagram the land in Area 6 (the Thames, Lower Windrush & Evenlode Valleys – Standlake to Yarnton) that is located in nomination site SG-08, ideally in its entirety, but at the very least up to the 65 metre AOD contour, which is located to the north-west of EMH. (see the plan at **Appendix 1**).
- 3.18 This is not a new issue: it was a major consideration back in 1991 when Smith & Sons (Bletchington) Limited applied for planning permission to extract sand and gravel on land that broadly coincides with the boundaries of the land north of the A40 (i.e. former nomination sites SG-08 and SG-20).
- 3.19 In response to the Smiths application Mr Power commissioned RPS Clouston to review the proposal. A copy of that review is attached at **Appendix 4** and most of it is still relevant today. The RPS Clouston review made the case for a 250 metre stand-off or buffer zone between EMH and its outlying cottages any areas of extraction and buffers of 100 metres and 350 metres respectively between the proposed areas of extraction and New Wintles Farm and the

north-east edge of Eynsham. The buffers were justified not only on the basis of the need to protect the setting of the designated heritage assets; they were also designed to guard against undue disturbance from noise, dust and odour and other harm to the residential amenities of the occupants of the various residential properties that make up the EMH.

3.20 In our submission, the case for such stand-offs or a buffer is as compelling today as it was in 1991.

Hydrological Issues

3.21 The EMH Hamlet is situated alongside and to the west of the Evenlode River in the neck of a flood plain bordered by OS Survey contours 65 metres and is approached by a 500 metre drive/causeway from the South West at not less than OS 63.8 as shown on the plan at **Appendix 1**. Over the centuries to the present day the land and flood defence walls around Eynsham Mill have been built up to withstand flooding from the north at a level of OS 63.92 metres (see attached EA Survey at **Appendix 5**).

3.22 The water flows of the Evenlode to the north are contained within their banks up to a level 0.69 metres and a flow of 13.1 M3/Sec on the Cassington “A” Weir Gauge (CWG). **Appendix 6** shows the CWG daily mean levels for 10 years starting 01/09/2005 together with daily mean flow rates at critical levels. At the red line there will be “Substantially Flooded Fields” as illustrated by the Environment Agency (EA) “Flood Map for Planning” **Appendix 7**. Above or near to the purple line the water meadow will be in “High Flood”.

3.23 Once the CWG level reaches 0.69M the vast majority of the flow above the Green line must pass through Eynsham Mill Bridge adjoining Bridge Cottage. For example, the differential flow between the green and the purple line is 10M3/Sec. On 26/11/12 the mean showed a differential from the Green line of 14.8M3/Sec but the peak for the day could have been as much as 20M3/Sec so that the flow flowing under the bridge at peak was probably about 15M3/Sec or more.

- 3.24 Hydrologists are now focused on the July 2007 flash flood, which was an extraordinary example of the above. The daily CWG showed 0.955M & 26.6M3/Sec. However, records of EA-AMAX show an estimated 1.29M & 75.5M3/Sec which is a differential over the Green line of 62.4M3/Sec. EMH's land height and flood defences to the north were 100% successful. However, the old bridge was completely destroyed and has now been reinstated in stone with side wings and proper concrete foundations.
- 3.25 It is important to appreciate that because of EMH's location and the causeway, once CWG level reads 0.69 metres up the vast majority of further increasing flooding must pass through the proposed gravel fields to the west and flow through Eynsham Mill Bridge. **If there is any obstruction to the flow, it could have very serious consequences for the hamlet.**
- 3.26 Sand and Gravel extraction on nominated sites SG-08 and SG-20 would inevitably require excavations below the level of the existing water table (The tables appended to the Council's updated SFRA show that 31.46% of SG-08 and 98.05% of SG-20 lie within Flood Zone 3). This in turn would require the working pits to be de-watered, with the displaced water potentially being pumped into the surrounding water courses, all of which are controlled by Mr Power. This is highly likely to affect adversely the flow rates in those water courses which, in turn, could well lead to further flooding issues at Eynsham Mill. There are also concerns about pollution, especially as all four households within the hamlet have household wells.
- 3.27 The effect of surface water flooding also needs to be taken in to account. The hydrology and levels in and around EMH are such that in times of flood the fields around the hamlet that are within nomination site SG-08 will be permanently flooded for some considerable time and could not be worked without constant pumping (see EA Risk of Surface Water Flooding Map at **Appendix 8**). This provides further support for the argument that there should be no gravel working below the 65 metre AOD contour.
- 3.28 In our written response to the previous Consultation Draft Plan we made the point that at that time the Council was relying on a Strategic Flood Risk Assessment (SFRA) carried out undertaken in 2010.- and expressed the view that

that work was out of date and could not be relied upon in terms of assessing the acceptability or otherwise of the Areas of Search. We also made the point that, by its very nature, an SFRA is too broad brush to properly assess the impact that potential sand and gravel extraction in a wide “Area of Search” might have on a particularly sensitive site such as Eynsham Mill.

3.29 We applaud the Council’s decision to commission a new SFRA and welcome the fact that it drills down to specific sites, not least because its findings support our concerns about the effect that sand and gravel extraction on site nominations SG-08 and SG-20 would have on the water environment around Eynsham Mill. With particular regard to nomination site SG-20, we have concerns about flood water backing up in to EMH if it cannot escape under the A40.

3.30 As with the heritage issue, the hydrological environment at and surrounding EMH is such, even at this strategic stage in the Local Plan process, as to provide a cogent argument against the inclusion of the land within the Area 6 “Area of Search” comprising nomination site SG-08; and, if the cumulative impact of both the heritage and flooding issues is considered, which it must be, the case for the exclusion of this land becomes compelling.

Other Matters

3.31 There are a number of other reasons why the inclusion of EMH and the surrounding land in an “Area of Search” for sand and gravel extraction is wholly inappropriate. These are listed below:

- The entrance to EMH is on a dangerous bend where there is poor visibility. It is difficult therefore to see how a safe point of access into and out of SG-08 [and SG-20] could be achieved off Lower Road;
- Access into and out of that part of SG-20 lying immediately north and south of the A40 would require a major new junction on the A40, which would impede the free flow of traffic on this busy road;

- There are electricity pylons crossing site SG-08 which further reduce the developable area;
- The prevailing wind comes from the west and will carry dust directly from that part of nomination site SG-08 lying to the west of EMH directly over the hamlet;
- There are public footpaths and bridleways crossing the site; and
- The current broad areas of search approach will 'blight' nearby settlements and properties until such time as planning applications are brought forward and in having pre-determined where sand and gravel extraction can take place through Policy M3 and the "area of search" identified on the plan at Figure 9, the Council will find it difficult resist those applications.

4.0 SUMMARY AND CONCLUSIONS

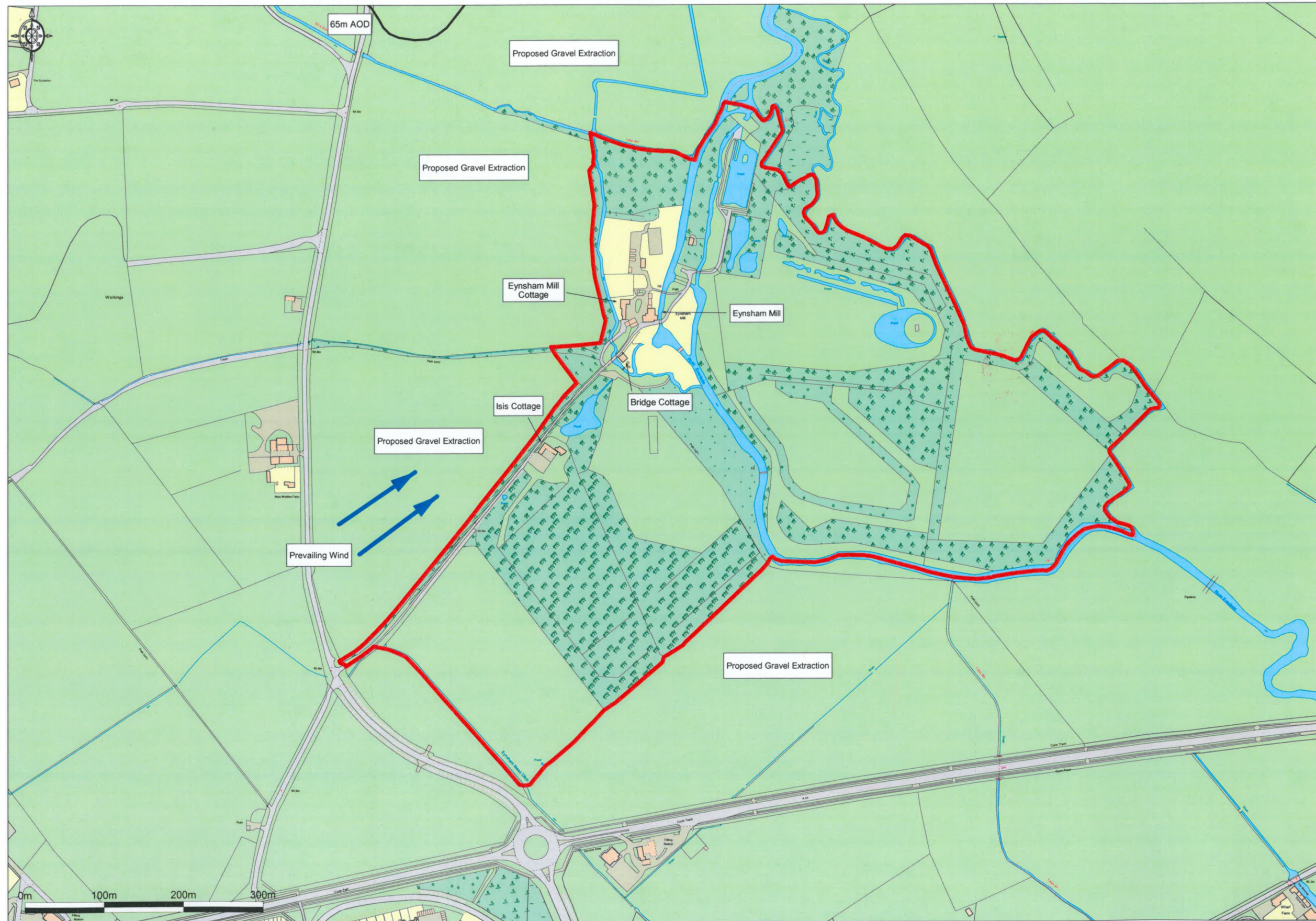
- 4.1 The Eynsham Mill Hamlet (EMH) and Nature Reserve and is situated alongside and to the west of the Evenlode River in the neck of a flood plain bordered by OS Survey 65 metre contour and is approached by a 500 metre drive/causeway from the south West at not less than 64 metres OAD.
- 4.2 EMH is a historic and stunning hamlet and is unique in being located in the heart of a flood plain. There are three listed buildings/structures within the EMH all of which are statutorily listed Grade II.
- 4.3 It is beyond doubt that EMH is an important designated heritage asset; that it has an important role in the history of the nearby village of Eynsham; and that in this context, its open and rural setting is central to its significance.
- 4.4 EMH is located in Flood Zone 3 and is acutely susceptible to any changes to the local water environment. Extracting sand and gravel from the fields around EMH will permanently change that local water environment and on the

evidence of past flooding events, is highly likely to increase the risk of flooding in and around the hamlet.

- 4.5 The effect of surface water flooding is also a material consideration. The hydrology and levels in and around EMH are such that in times of flood the fields around the hamlet that are within nomination site SG-08 will be permanently flooded for some considerable time and could not be worked without constant pumping.
- 4.6 Sand and gravel extraction in the three fields to the West of EMH (part of site nomination SG-08) would adversely affect the setting of the Grade II listed EMH and is impractical from a flooding perspective.
- 4.7 In short, the three fields west of EMH are not developable. This land should therefore be deleted from the Area 6 “Area of Search” shown on Figure 9. **Failure so to do would again render that part of the Plan unsound and would mean that Eynsham Mill is unfairly and unnecessarily “blighted” for years to come.**

Appendix 1: Eynsham Mill and Surrounding Land

Eynsham Mill Site Plan



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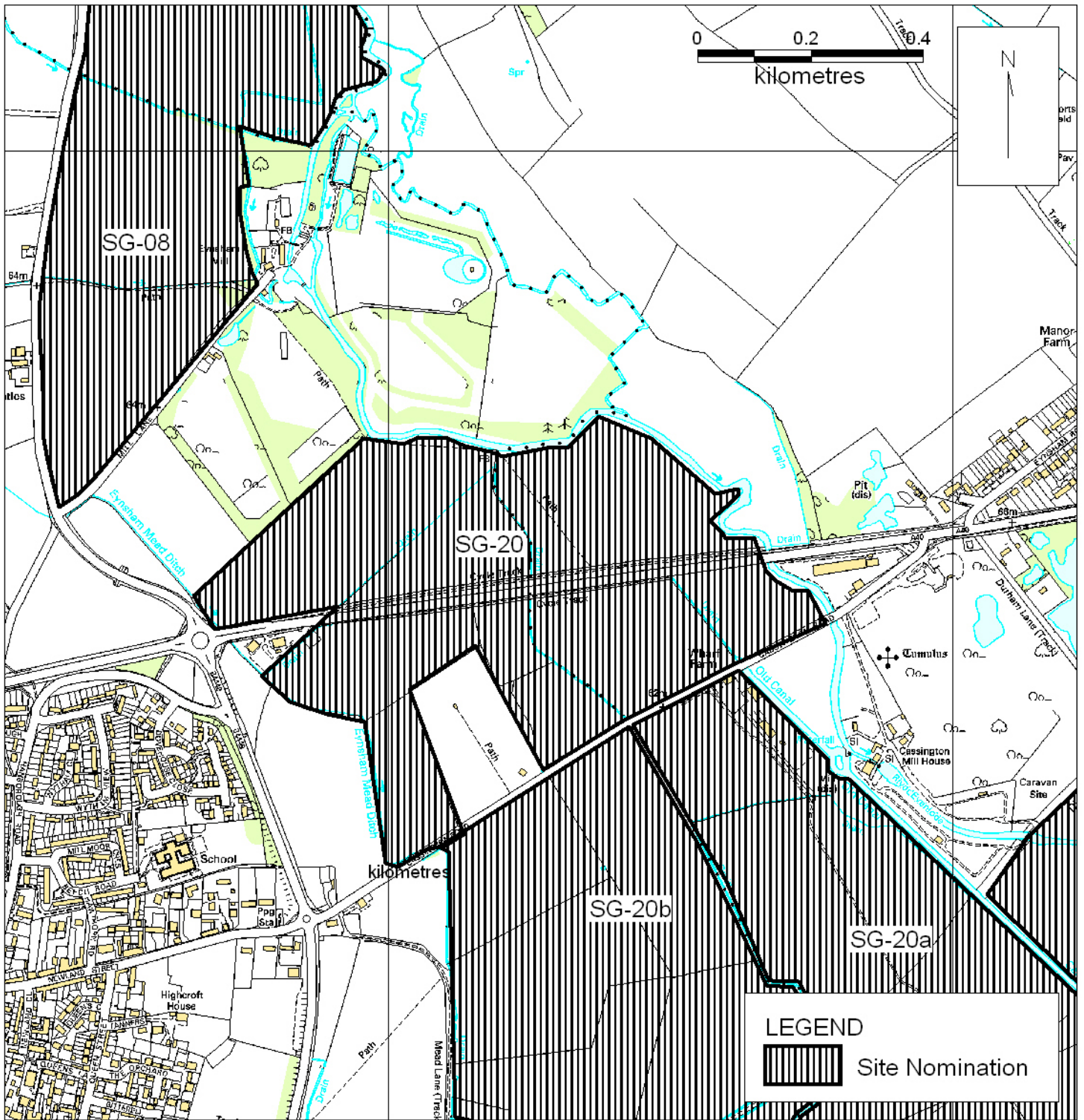
Scale 1:5000 at A3



Appendix 2: Balloon Image



Appendix 3: Sites SG08 and SG20



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