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Matthew Swinford
Cherwell District Council
Public Protectn & Development
Bodicote House
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Banbury
Oxon
OX15 4AA

Your Ref: 20/02446/F
Our Ref: APP/C3105/W/21/3280416

28 January 2022

Dear Mr Swinford,

Town and Country Planning Act 1990
Appeal by W A Adams Partnership
Site Address: Glebe Farm, Boddington Road, Claydon, Oxon, OX17 1TD

I enclose for your information a copy of the third party correspondence on the above appeal(s).

If you have any comments on the points raised, please send 2 copies to me no later than 11 February 2022. You should comment solely on the representations enclosed with this letter.

You cannot introduce new material or put forward arguments that should have been included in your earlier statement. If you do, your comments will not be accepted and will be returned to you.

Comments submitted after the deadline will not be seen by the Inspector unless there are extraordinary circumstances for the late submission.

Yours sincerely,

Bridie Campbell-Birch
Bridie Campbell-Birch

Where applicable, you can use the internet to submit documents, to see information and to check the progress of cases through the Planning Portal. The address of our search page is - www.planningportal.gov.uk/planning/appeals/online/search

OXFORDSHIRE COUNTY COUNCIL'S REVISED REGULATION 122 COMPLIANCE STATEMENT

Location:	Glebe Farm, Boddington Road, Claydon, Banbury
Planning Ref:	20/02446/F
Appeal Ref:	APP/C3105/W/21/3280416
Proposal:	Formation of inland waterways marina with ancillary facilities building, car parking, access and associated landscaping including the construction of a new lake.
Date:	26/01/2021

1. INTRODUCTION

- 1.1. Oxfordshire County Council (OCC) considers that the proposed development of a marina basin that will provide mooring for up to 192 narrow boats is unacceptable without an agreement under Section 106 of the Town and County Planning Act 1990 (S106) which is required to mitigate the demands which will be placed on infrastructure and services as a result of the development. This statement by OCC provides the justification for its requirements for a contribution towards rights of way, the justification for an administration & monitoring fee and the requirements for the required Section 278 works.
- 1.2. This statement replaces the previously submitted 12th January 2022 Regulation 122 Statement.
- 1.3. This revised Regulation 122 statement supplements the formal response by OCC dated 20th October 2020 to the consultation by Cherwell District Council (CDC). The amendments are summarised as follows
 - a) the removal of the population and education information section
 - b) the inclusion of the text relating to the required Section 278 works.
- 1.4. We understand from Cherwell District Council that there was a week extension of time granted by the Planning Inspectorate for the submission of documentation and that the revised deadline for submission is the 27th January 2022.
- 1.5. R122(2) of the Community Infrastructure Levy (CIL) regulations 2010 (as amended) introduced three tests for S106 agreements which must apply if a planning obligation is to constitute a reason for granting planning permission. It should be, a) necessary to make the development acceptable in planning terms, b) directly related to the development and c) fairly and reasonably related in scale and kind to the development. The purpose of this statement is to show that the requested contributions comply with the requirements of the three tests.

2. **INFRASTRUCTURE CONTRIBUTIONS:**

- 2.1. OCC considers that the development would have a detrimental impact on the local services it provides unless the contributions sought are provided as set out below:

Type of Contribution	Contribution	Indexed-linked
Public Rights of Way	£10,000	Baxter June 2018
Total	£10,000	Baxter June 2018

Table 1: Infrastructure Contributions

2.2. **The County Council Administration and Monitoring Fee – £120**

- 2.3. The above contributions save for the Administration and Monitoring Fee are to be indexed-linked to maintain the real values of the contributions so that they can in future years deliver the same level of infrastructure provision as currently required.

3. **TRANSPORT CONTRIBUTION**

3.1. **Relevant Policies:**

National Planning Policy Framework (2021)

i. **Paragraph 104**

Transport issues should be considered from the earliest stages of plan-making and development proposals, so that:

- a) the potential impacts of development on transport networks can be addressed;
- b) opportunities from existing or proposed transport infrastructure, and changing transport technology and usage, are realised – for example in relation to the scale, location or density of development that can be accommodated;
- c) opportunities to promote walking, cycling and public transport use are identified and pursued;
- d) the environmental impacts of traffic and transport infrastructure can be identified, assessed and taken into account – including appropriate opportunities for avoiding and mitigating any adverse effects, and for net environmental gains; and
- e) patterns of movement, streets, parking and other transport considerations are integral to the design of schemes, and contribute to making high quality places.

ii. **Paragraph 105**

The planning system should actively manage patterns of growth in support of these objectives. Significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes. This can help to reduce congestion and emissions, and improve air quality and public health. However, opportunities to maximise

sustainable transport solutions will vary between urban and rural areas, and this should be taken into account in both plan-making and decision-making.

iii. Paragraph 110

In assessing sites that may be allocated for development in plans, or specific applications for development, it should be ensured that:

- a) appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location;
- b) safe and suitable access to the site can be achieved for all users; and
- c) any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.

iv. Paragraph 112

Within this context, applications for development should:

- a) give priority first to pedestrian and cycle movements, both within the scheme and with neighbouring areas; and second – so far as possible – to facilitating access to high quality public transport, with layouts that maximise the catchment area for bus or other public transport services, and appropriate facilities that encourage public transport use;
- b) address the needs of people with disabilities and reduced mobility in relation to all modes of transport;
- c) create places that are safe, secure and attractive – which minimise the scope for conflicts between pedestrians, cyclists and vehicles, avoid unnecessary street clutter, and respond to local character and design standards;
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- e) be designed to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations.

v. Paragraph 113

All developments that will generate significant amounts of movement should be required to provide a travel plan, and the application should be supported by a transport statement or transport assessment so that the likely impacts of the proposal can be assessed.

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i. Policy 3

Oxfordshire County Council will support measures and innovation that make more efficient use of transport network capacity by reducing the proportion of single occupancy car journeys and encouraging a greater proportion of journeys to be made on foot, by bicycle, and/or by public transport.

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and planned infrastructure, provides new or improved infrastructure and reduces the need to travel and supports walking, cycling and public transport.

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Oxfordshire County Council requires the layout and design of new developments to proactively encourage walking and cycling, especially for local trips, and allow developments to be served by frequent, reliable and efficient public transport. To do this, we will:

- secure transport improvements to mitigate the cumulative adverse transport impacts from new developments in the locality and/or wider area, through effective travel plans, financial contributions from developers or direct works carried out by developers;
- identify the requirement for passenger transport services to serve the development, seek developer funding for these to be provided until they become commercially viable and provide standing advice for developers on the level of Section 106 contributions towards public transport expected for different locations and scales of development.....

Also paragraphs 89, 92, 133, 136, 218, 238

LTP4 Bus Strategy – Figure 2; paras 25 and 28

Also paragraphs 138, 150, 158, 232

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Policy INF 1 (Infrastructure) of the adopted Cherwell Local Plan 2011-31 states that *“Development proposals will be required to demonstrate that infrastructure requirements can be met including the provision of transport, education, health, social and community facilities.”*

3.2. Public Rights of Way Contribution: £10,000 to be index linked from June 2018 (Baxter) Towards access improvement and mitigation measures on the footpaths to east and south of the site (Footpath 170/6/20 and Footpath 170/3/10). This would fund surface improvement, signage and furniture along the routes between the development and Claydon.

(a) Necessary to make the development acceptable in planning terms

The development will affect the existing Rights of Way in the vicinity of the site due to the amount and frequency of increased use.

A proportional contribution is sought towards improving the quality of the footpath that runs to the east and north of the site particularly to fund the surface improvements, signage and associated furniture along the route.

(b) Directly related to the development

With increased use of the footpath associated with this development the scheme is therefore necessary to mitigate the cumulative impact of the development to make it acceptable in planning terms. The site has had a desk assessment to both

assess the current situation and look at how public use could be protected and enhanced. With the development site at the centre, the logical and realistic public rights of way network likely to be affected is considered.

(c) Fairly and reasonably related in scale and kind to the development

The proposed off-site measures are in the form of a reasonable financial contribution to allow the Countryside Access Team to plan and deliver improvements with third party landowners in a reasonable time period and under the Rights of Way Management Plan aims.

OCC Highways Contact:

Rashid Bbosa
Senior Transport Planner
Transport Development Control

4. Section 278 Requirements

- (a) A new bellmouth access to Boddington Road as shown indicatively on drawing reference number ADAMCM-1-1-005 Revision A
- (b) Localised widening of Boddington Road to provide passing places as shown indicatively on drawing reference number 25958_03_020_01.5 Revision A

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5. THE COUNTY COUNCIL'S ADMINISTRATION AND MONITORING FEE

= £120

Regulation 122 (2A) of the Community Infrastructure Levy (CIL) Regulations 2010 (as amended) now makes it clear that a monitoring fee can be charged to monitor planning obligations provided:

- (a) the sum to be paid fairly and reasonably relates in scale and kind to the development; and
- (b) the sum to be paid to the authority does not exceed the authority's estimate of its cost of monitoring the development over the lifetime of the planning obligations which relate to that development."

The fee meets these tests because:

In order to secure the delivery of the various infrastructure improvements, to meet the needs arising from development growth, OCC needs to monitor Section 106 planning obligations to ensure that these are fully complied with. To carry out this work, the County Council has set up a Planning Obligation Team and so charges

an administration/monitoring fee towards funding this team of officers. The work carried out by the Planning Obligations Team arises solely as a result of OCC entering into Section 106 Agreements in order to mitigate the impact of development on the infrastructure for which OCC is responsible. OCC then has a resultant obligation to ensure that when money is spent, it is on those projects addressing the needs for which it was sought and secured. The officers of the Planning Obligation Team would not be employed to do this work were it not for the need for Section 106 Obligations associated with the development to mitigate the impact of developments.

OCC has developed a sophisticated recording and accounting system to ensure that each separate contribution (whether financial or otherwise), as set out in all S106 legal agreements, is logged using a unique reference number. Systematic cross-referencing enables the use and purpose of each contribution to be clearly identified and tracked throughout the lifetime of the agreement.

This role is carried out by the Planning Obligations Team which monitors each and every one of these Agreements and all of the Obligations within each Agreement from the completion of the Agreement, the start of the development through to the end of a development and often beyond, in order to ensure complete transparency and financial probity. It is the Planning Obligations Team which carries out all of the work recording Agreements and Obligations, calculating and collecting payments (including calculating indexation and any interest), raising invoices and corresponding with developers, and thereby enabling appropriate projects can be delivered. They also monitor the corresponding obligations to ensure that non-financial obligations, on both the developer and OCC are complied with.

To calculate fees OCC has looked at the number of Agreements signed in a year, the size and nature of the various Obligations in those Agreements, and how much work was expected in monitoring each Agreement. From this, OCC has calculated the structure/scale of monitoring fees that would cover the costs of that team. This was then tested to see whether or not the corresponding fees associated with X number of agreements at Y contributions, would be sufficient to meet the costs; the answer was yes. It is relevant to note that the team costs, (against which the current fees were assessed) were established when there were only two officers in the Planning Obligation Team. There are now five officers. The team is therefore now bigger than when the fees were originally calculated.

The monitoring fee of £120 does not exceed the authority's estimate of its cost of monitoring the development over the lifetime of the planning obligations which relate to that development. The fee therefore meets the tests of Reg 122 (2A).

**OXFORDSHIRE COUNTY COUNCIL'S
REGULATION 122 COMPLIANCE STATEMENT**

Location:	Glebe Farm, Boddington Road, Claydon, Banbury
Planning Ref:	20/02446/F
Appeal Ref:	APP/C3105/W/21/3280416
Proposal:	Formation of inland waterways marina with ancillary facilities building, car parking, access and associated landscaping including the construction of a new lake.
Date:	12/01/2021

1. INTRODUCTION

- 1.1. Oxfordshire County Council (OCC) considers that the proposed development of a marina basin that will provide mooring for up to 192 narrow boats is unacceptable without an agreement under Section 106 of the Town and County Planning Act 1990 (S106) which is required to mitigate the demands which will be placed on infrastructure and services as a result of the development. This statement by OCC provides the justification for its requirements for a contribution towards primary education, secondary education, public transport services, public transport infrastructure, rights of way, traffic regulation order and also justification for an administration & monitoring fee.
- 1.2. This statement supplements the formal response by OCC dated 20th October 2020 to the consultation by Cherwell District Council (CDC).
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2. INFRASTRUCTURE CONTRIBUTIONS:

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2.3. The above contributions save for the Administration and Monitoring Fee are to be indexed-linked to maintain the real values of the contributions so that they can in future years deliver the same level of infrastructure provision as currently required.

3. **Population Assessment**

3.1. Contributions are assessed in accordance with the population likely to be generated by the proposed development, and the likely demands that this additional population would place on local infrastructure and services. Such assessment is made using the county's population forecasting tool, which uses the results of the 2008 Oxfordshire Survey of New Housing to generate a population profile of new development, taking into account:

- a) The locations of the development (by district)
- b) The scale and dwelling mix of development
- c) An allowance for attendance of children at non-state funded schools

3.2. The contributions below are based on Oxfordshire's Strategic Housing Market Assessment (SHMA) :

- 5 x one bed dwellings
- 10 x two bed dwellings
- 18 x three bed dwellings
- 7 x four bed dwellings

3.3. It is estimated that the proposed development would generate a net increase of 104.46 additional residents including:

- 12.29 primary school pupils
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4.1. **Relevant Policies:**

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monitoring the development over the lifetime of the planning obligations which relate to that development. The fee therefore meets the tests of Reg 122 (2A).

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Oxfordshire County Council will seek to ensure through cooperation with the districts and city councils, that the location of development makes the best use of existing and planned infrastructure, provides new or improved infrastructure and reduces the need to travel and supports walking, cycling and public transport.

iii. Policy 34

Oxfordshire County Council requires the layout and design of new developments to proactively encourage walking and cycling, especially for local trips, and allow developments to be served by frequent, reliable and efficient public transport. To do this, we will:

- secure transport improvements to mitigate the cumulative adverse transport impacts from new developments in the locality and/or wider area, through effective travel plans, financial contributions from developers or direct works carried out by developers;
- identify the requirement for passenger transport services to serve the development, seek developer funding for these to be provided until they become commercially viable and provide standing advice for developers on the level of Section 106 contributions towards public transport expected for different locations and scales of development.....

Also paragraphs 89, 92, 133, 136, 218, 238

LTP4 Bus Strategy – Figure 2; paras 25 and 28

Also paragraphs 138, 150, 158, 232

Cherwell Local Plan 2011-31

Policy INF 1 (Infrastructure) of the adopted Cherwell Local Plan 2011-31 states that *“Development proposals will be required to demonstrate that infrastructure requirements can be met including the provision of transport, education, health, social and community facilities.”*

4.2. Public Rights of Way Contribution: £10,000 to be index linked from June 2018 (Baxter) Towards access improvement and mitigation measures on the footpaths to east and south of the site (Footpath 170/6/20 and Footpath 170/3/10). This would fund surface improvement, signage and furniture along the routes between the development and Claydon.

(a) Necessary to make the development acceptable in planning terms

The development will affect the existing Rights of Way in the vicinity of the site due to the amount and frequency of increased use.

A proportional contribution is sought towards improving the quality of the footpath that runs to the east and north of the site particularly to fund the surface improvements, signage and associated furniture along the route.

(b) Directly related to the development

With increased use of the footpath associated with this development the scheme is therefore necessary to mitigate the cumulative impact of the development to make it acceptable in planning terms.

The site has had a desk assessment to both assess the current situation and look at how public use could be protected and enhanced. With the development site at the centre, the logical and realistic public rights of way network likely to be affected is considered.

(c) Fairly and reasonably related in scale and kind to the development

The proposed off-site measures are in the form of a reasonable financial contribution to allow the Countryside Access Team to plan and deliver improvements with third party landowners in a reasonable time period and under the Rights of Way Management Plan aims.

OCC Highways Contact:

Rashid Bbosa
Senior Transport Planner
Transport Development Control

5. THE COUNTY COUNCIL'S ADMINISTRATION AND MONITORING FEE

= £120

Regulation 122 (2A) of the Community Infrastructure Levy (CIL) Regulations 2010 (as amended) now makes it clear that a monitoring fee can be charged to monitor planning obligations provided:

(a) the sum to be paid fairly and reasonably relates in scale and kind to the development; and

(b) the sum to be paid to the authority does not exceed the authority's estimate of its cost of monitoring the development over the lifetime of the planning obligations which relate to that development."

The fee meets these tests because:

In order to secure the delivery of the various infrastructure improvements, to meet the needs arising from development growth, OCC needs to monitor Section 106 planning obligations to ensure that these are fully complied with. To carry out this work, the County Council has set up a Planning Obligation Team and so charges an administration/monitoring fee towards funding this team of officers. The work carried out by the Planning Obligations Team arises solely as a result of OCC entering into Section 106 Agreements in order to mitigate the impact of development on the infrastructure for which OCC is responsible. OCC then has a resultant obligation to ensure that when money is spent, it is on those projects addressing the needs for which it was sought and secured. The officers of the Planning Obligation Team would not be employed to do this work were it not for the need for Section 106 Obligations associated with the development to mitigate the impact of developments.

OCC has developed a sophisticated recording and accounting system to ensure that each separate contribution (whether financial or otherwise), as set out in all S106 legal agreements, is logged using a unique reference number. Systematic cross-referencing enables the use and purpose of each contribution to be clearly identified and tracked throughout the lifetime of the agreement.

This role is carried out by the Planning Obligations Team which monitors each and every one of these Agreements and all of the Obligations within each Agreement from the completion of the Agreement, the start of the development through to the end of a development and often beyond, in order to ensure complete transparency and financial probity. It is the Planning Obligations Team which carries out all of the work recording Agreements and Obligations, calculating and collecting payments (including calculating indexation and any interest), raising invoices and corresponding with developers, and thereby enabling appropriate projects can be delivered. They also monitor the corresponding obligations to ensure that non-financial obligations, on both the developer and OCC are complied with.

To calculate fees OCC has looked at the number of Agreements signed in a year, the size and nature of the various Obligations in those Agreements, and how much work was expected in monitoring each Agreement. From this, OCC has calculated the structure/scale of monitoring fees that would cover the costs of that team. This was then tested to see whether or not the corresponding fees associated with X number of agreements at Y contributions, would be sufficient to meet the costs; the answer was yes. It is relevant to note that the team costs, (against which the current fees were assessed) were established when there were only two officers in the Planning Obligation Team. There are now five officers. The team is therefore now bigger than when the fees were originally calculated.

The monitoring fee of £120 does not exceed the authority's estimate of its cost of monitoring the development over the lifetime of the planning obligations which relate to that development. The fee therefore meets the tests of Reg 122 (2A).

The Planning Inspectorate

COMMENTS ON CASE (Online Version)

Please note that comments about this case need to be made within the timetable. This can be found in the notification letter sent by the local planning authority or the start date letter. Comments submitted after the deadline may be considered invalid and returned to sender.

Appeal Reference: APP/C3105/W/21/3280416

DETAILS OF THE CASE

Appeal Reference APP/C3105/W/21/3280416

Appeal By W A ADAMS PARTNERSHIP

Site Address
Glebe Farm
Boddington Road
Claydon
Oxon
OX17 1TD
Grid Ref Easting: 446359
Grid Ref Northing: 250847

SENDER DETAILS

Name MRS FREDERICA BULL

Address
The Brambles
Claydon
BANBURY
OX17 1EZ

ABOUT YOUR COMMENTS

In what capacity do you wish to make representations on this case?

- Appellant
- Agent
- Interested Party / Person
- Land Owner
- Rule 6 (6)

What kind of representation are you making?

- Final Comments
- Proof of Evidence
- Statement
- Statement of Common Ground
- Interested Party/Person Correspondence

Other

YOUR COMMENTS ON THE CASE

The Brambles,
Claydon,
Banbury
OX17 1EZ
Tel. 01295 690210
frederica.bull@btinternet.com

Date; 9/01/2022

Dear sirs,

Planning Appeal reference: 21/00046/REF

I wish to ask you to uphold the original refusal of this planning application, and reject this appeal.

1. the development is disproportionate in size and character for this part of the Oxford Canal:

- The uncontrolled and illegal development of moorings has already harmed the character of the northern section of the Oxford canal. A lack of enforcement action has allowed this to continue and the marina will therefore add significantly to the sense of this being an "increasingly urbanised" area, which it is not, and nor does OCC wish it to become so
- There is no real proof of the need for another marina – there are boat builders who indicate it may be a good idea but this is vague and non-specific
- the existence of the very large local marinas (Fenny Compton and Cropredy - the latter of which is in the process of expanding already) which provides very significant number of moorings for those who wish to use this section of the canal. No more are required
- The proposal refers only to leisure moorings and makes no reference to the potential permanent residence of canal boats, which would be strictly against OCC planning policy. This has already happened in the new marina in Cropredy, despite planning controls
- The OCC stated policy is to locate developments in or near to villages, not in isolated stretches of the canal. This is an isolated stretch

The development will disturb the quiet calm of north Oxfordshire landscape, destroying the very amenity that tourist and locals come to see. It will be a "nuisance" to those who already walk/cycle and enjoy the local countryside.

2. Road safety is a serious concern, as a local resident, keen cyclist/walker, road safety issues have not been appropriately considered:

- The distance between the proposed entry and the canal bridge is short giving little or no visibility for traffic. There is NO visibility over the bridge for on-coming vehicles, horse riders or cyclists
- The surrounding roads are narrow and do not have the capacity for extra traffic. This is evidenced by the recent increase seen in 2020 of traffic in connection with the HS2 construction. Claydon's road have struggled to cope, leading to considerable damage to road surfaces as cars mount verges/road edges and the breaking up of the surface. The proposed creation of three passing bays will not be significant mitigation – as evidenced by damage done along the whole stretches of local roads, not just in three specific places

3. Water shortages on the canal:

- have been a regular feature of recent years, leading to restricted lock hours for boaters on the Claydon Locks, reducing the usefulness of the canal to all users. Being on the "summit" of the canal water capacity is most acute as more water will be fed both, north and south, from here. The canal clearly does not have the water availability to have an additional c.250 berth marina the summit, as evidenced by the comments from the Cropredy Marina, with all the movements that will bring. Even in the 2021/22 winter season there are restrictions on lock hours due to water shortages
- are already a concern for the owners/users of local marinas (Cropredy and Fenny Compton) as closures and limits reduce/cease traffic at key times of the tourist year.

4. The case put by the appellant has key contradictions as regards sustainable development:

- The statement of case claims that many boaters will arrive by car with luggage food etc and remain in the moorings
- Many others will arrive with luggage food etc and sail away
- Either way, making it unlikely that much will be spent in the local economy – perhaps on route at Tesco Banbury for example but not locally, at Fenny, Cropredy or Byfield!
- There are no retail outlets for several miles, which will encourage boaters to drive thus not achieving the goal of sustainable travel.
- There is absolutely NO public transport the proposed site, nor to any local villages, to mitigate sustainable travel
- The case made for increased use of the towpath is frankly laughable. The aim of RCWT and OCC is to allow/encourage access for all to the rivers/countryside/canals for wellbeing and walking/cycling. The footpath collapse and lack of repair has made the north Oxfordshire towpath, on three sections of the local canal, has made the towpath quite impassable. (I joke not here). A sprightly youngster might just climb round sections, through a hedge, but not those with limited mobility/infirmity. At a time when we recognise the need for equality of access, it is currently denied on our towpaths; and proposed plan makes no improvement. Specifically, on:
 - a. Darcy Dalton Way to Hay Bridge;
 - b. Hay Bridge to Claydon Middle Lock;
 - c. Claydon Middle Lock to Broadmoor Lock

5. Finally the allusion to the use of the site by local schools.

- The Appendix, which is purported to refer to the feedback from local schools, is unavailable. This is not good enough. We have a right to see the views of local organisations in the planning process
- there is a reference to the possible use of the site for pond dipping. This is unrealistic, not because it is not a good idea but because the school will not be able to organise the visit. My background is in school management and particularly Education Visits. I believe the usefulness has been over-stated (well, not that the emails are visible to the public) specifically:
 - o insurance for school visits requires a very high level of risk assessment when children visit any water body (rightly); which can be completed but are onerous;
 - o transport will require a minibus, driver and high adult: child ratios; which is difficult in times of budget constraint;
 - o Local schools, who can surmount the first two obstacles, already have the opportunity to use water bodies in their own communities, without the additional cost and planning required for a minibus trip (the canal and Marina Cropredy for example)

For this variety of reasons, I seek to oppose the appeal and to seek a re-affirmation of the original OCC decision to refuse planning consent.

Yours sincerely, Frederica Bull

From: Andrew Ferguson [REDACTED]
Sent: 13 January 2022 18:25
To: East3
Subject: Re: Appeal Reference: C3105/W/21/3280416 – Boddington Road, Claydon, OX17 1TD (Application reference: 20/02446/F)

Andrew Ferguson

9 Bignolds Close

Claydon

BANBURY OX17 1ER

13th January 2022

Ms Bridie Campbell-Birch
The Planning Inspectorate
Room 3B
Eagle Temple Quay House
2 The Square
Temple Quay
Bristol BS1 6PN

Dear Ms Campbell-Birch,

Response to Glebe Farm Marina appeal.

I have lived in Claydon for 30 years and been a Parish Councillor for the past year. I submitted an objection to the proposal when it was heard and will not repeat that here.

I believe that the submission provided by the Parish Council through DLP Planning Ltd should be accepted and the appeal should be refused.

I add in a personal capacity the following brief points.

1) THE PUBLIC CONSULTATION PROCESS AROUND THE ORIGINAL APPLICATION AND APPEAL HAS BEEN UNFAIR.

a) The original application in 2018 was withdrawn shortly before the hearing, then resubmitted, with a requirement that all objections be made for a second time. Understandably many people objecting dropped out at this point, given the problems with the pandemic at that time.

b) The lock down prevented any public meetings taking place prior to the decision. This was particularly serious in Claydon as the population is older than the average in the area, and were harder hit by lockdown as could be expected. Even now that Council meetings are again open to the public, many older people are loath to attend. I asked that the decision be deferred a few months until consultation could be effective through meetings or in other ways, but this was denied.

c) The Planning Officer who completed the report left the employment of Cherwell District Council prior to the Planning Committee Meeting. I know the protocol in this respect as I worked as a senior manager for Oxfordshire County Council (among others) . The Officer should be invited back from their subsequent employment to answer to the report. All councils allow this as a reciprocal arrangement. I asked via Cllr Reynolds (Cherwell District Council) that this be done but officers at CDC did not do so.

Failing a recall, another Officer should revise the report then adopt it. In this case, the second officer claimed they felt unable to change the report – yet its author was not available to be questioned. This then gave rise to a farcical position where 12 councillors rejected their own officer's report without discussing it with that individual : which rejection was understandable as the proposal breached various environmental and conservation policies as set out in the Parish Council's submission.

d) Furthermore the reasons for refusal were apparently not correctly drawn up at the planning meeting and there was a need for a second meeting. This must be due to further poor advice from Officers.

As a Cherwell District Council Assistant Director has signed off the report, this process shows incompetence or worse up to Chief Officer level.

e) A year later the appeal was then submitted out of time and not all objectors were notified by letter (i.e. Councillor Jenny Jones).

f) Finally the Council website does not allow direct access to the appeal materials or show how to object.

Quite frankly this feels like the worst planning debacles of the 1970s where powerful interests were able to sidestep local people and get their own way. How can what I have set out above be fair at all?

2) THE APPEAL HAS BEEN OVERTAKEN BY EVENTS AND THE ORIGINAL APPLICATION SHOULD BE MADE AGAIN.

a) In the past year Covid has had a huge impact on public finances. It is certain that there will be reductions in spending in local communities which will worsen the impact of an industrial scale new build like a 192 boat marina on the local area. This will include worse rural road maintenance, and less services to local primary care; GP Dr Tucker objected to the marina as he could not service the existing residential boat dwellers at Cropredy, this can only get worse if a new marina is allowed.

b) Construction traffic for HS2 during 2021 has had far more of an impact than anticipated. Claydon has suffered particularly and twice heavy vehicles have got stuck near the Church. The applicant has done no traffic level survey, if one were done now it would find that Lower and Upper Boddington and Wormleighton all also have greatly increased traffic: the poorly maintained, often single track roads, and ancient canal bridges cannot take any more vehicles and there is no spending plan to put this right.

c) This summer the Claydon Flight of 5 locks was again at capacity several times, with long boat queues. The "staycation "effect worsened this volume of traffic,

although it was mostly hire boats, which would not use the proposed marina. Residential boat use appeared steady with plentiful vacancies at Cropredy and Fenny Compton marinas.

The appeal needs to be refused as the 12 months since the planning meeting has seen many changes and problems which were not submitted at the time and which would input to a just decision.

From: Ian West [REDACTED]
Sent: 13 January 2022 13:11
To: East3
Subject: Appeal reference C3105/W/21/3280416- Boddington Road , Claydon OX17 1TD
Attachments: Proposed Marina Location.jpeg; Screenshot 2022-01-09 at 15.36.20.png; 895647C4-69B5-4DC0-B8D0-4D05CF7E9FE4.png

In addition to the objections that I have already submitted objecting to the proposed Marina development at Glebe Farm, Boddington road, I have further information and data which has come to my attention since the original application was refused.

January 2022

Latest HS2 developments on Boddington Road have caused severe disruption to Boddington Road and HS2 vehicle traffic including HGVs have substantially increased along Boddington Road. This part of Boddington Road is the **only** northern access that the appellant considers will be the primary access for the proposed marina, although it is unclear how the appellant would control routes that canal boat owners at the proposed marina would use. In the last 8 months there have been over 10 diversions involving Boddington Road, some of which have meant that the northern access has been blocked completely. We are told there will be further disruption until HS2 is completed. Please see attached photos of HS2 development at the point it bisects Boddington Road.

January 2022

The Boddington Road condition (already described as a “distressed minor road” by Cherwell councillors) has deteriorated further due to increased traffic associated with HS2. There are many serious structural cracks and large potholes plus the road sub base has collapsed in several places and small vehicles can bottom out. This two mile section of road from the crossroads to the North to Claydon crosses a county boundary and has never been gritted or salted in the 20 years I have lived on it.

January 2022

The proposed marina sits between Fenny Compton marina (2.2 miles) and Cropredy marina (2.6 miles), the latest information from the owners of Cropredy marina confirm that there are 67 vacancies out of the 110 additional vacancies that were previously granted. The statistics of adjacent Marinas indicate that there is plentiful supply of berths. The adjacent Marinas, Fenny Compton and the two Marinas at Cropredy have far superior road access and local facilities such as shops and Pubs. The siting of Fenny Compton and Cropredy Marinas economically benefits the local community. There is no such benefit to the Claydon with Clattercote Parish, there are no shops or pubs in the village of Claydon.

January 2022

I spoke to the Canal and River Trust and they confirmed that there is already severe congestion in the Claydon canal area and also at a minimum average of 3 out of 5 years there is a restriction of movement placed on the Claydon canal area due to insufficient water supply. A member of their staff told me that a marina at Claydon would only exacerbate this problem.

Impact of COVID-19

You are already in receipt of letter from Dr Tucker of Cropredy surgery which states that the surgery is at maximum capacity. Since that letter was sent, the surgery has been placed under further strain because of COVID-19. No one knows when these effects and stress will alleviate.

Ian West
Claydon Hay Barn
Boddington road
Claydon
OX17 1HD



FERRY COMPTON Marina

BODDINGTON Rooms

Pleasure B Marina

Crappey Marina

WORMLEIGHTON CP

BODDINGTON

FARMBOROUGH CP

CLAYDON WITH CLATTERCOT CP

PRESCOTT

MILLINGTON CP

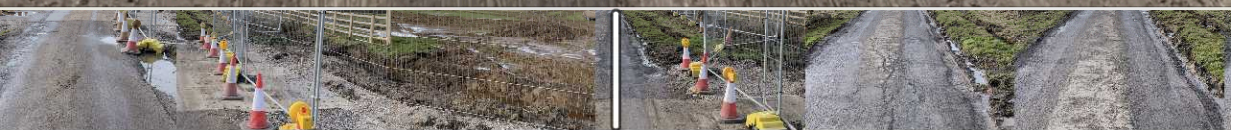
CROPREDY CP

A52

A35

A35





Iain Kirkpatrick and Alison Payne
C/O 24 Beaconfields
TR14 7BH

Bridie Campbell-Birch
East3@planninginspectorate.gov.uk

11th January 2022

Appeal Reference: APP/C3105/W/21/3280416

Dear Sir/ Maum,

Upon giving your consideration to the reasons provided below and including reasons submitted in my representations throughout the planning consultation periods, I request that the appeal is **dismissed**.

The appeal is submitted for the Appellant, WA Adams Partnership, by the Agent, Stephen Rice, who also submitted the planning application 18/00904/F, its amended documents and the planning application 20/02446/F (which forms the subject of this appeal). Reference to the Statement of Case (SOC) from hereon identifies the author as "Agent".

The Agent is keen to identify substantive grounds for defeasance of the four reasons documented in Cherwell District Council's (CDC) refusal of planning permission and also to supplement the Appellant's argument with additional anecdotal material.

For the sake of brevity, I am unable to address thoroughly any subject raised by the Agent. My attention is focussed on various points raised within each of the four challenged reasons as well as the supplemental reasons provided by the Agent in the SOC; it is presented in corresponding theme with the SOC at paragraphs 1-5 below, with paragraph 6 providing my conclusion.

- 1 Paragraphs 1.1-1.3 comprise the debate for whose need and want the proposed marina serves; the recommendation bias and whether it always determines an outcome; and the fitness of applied policy: whether or not it may be found ultra vires.
 - 1.1 From paragraphs 4 onward in the SOC, the Agent presumes that need for a marina is a self-evident fact, but has failed to establish a genuine case for it. Hereby, his solution has arrived before the creation of a problem. And a problem of significant detriment Claydon Marina would pose for the Oxford Canal and local communities. There is no demonstrable need for a further 192 berth marina in this locality. In fact the contrary may be seen in an apparent oversupply of marina moorings when looking at the recently opened (01.04.2021) 100 berth extension to Cropredy Marina, about two miles further south of Claydon. That extension brings the total berthage capacity of the marina complex to 349. My telephone call with Cropredy Marina's Manager, Georgina Wickham, on 09.01.2022 confirmed that the new 100 berth extension to the marina currently has 67 vacancies in it and that the whole marina complex, she estimated, has a total of 78 vacancies. In her own opinion the need for additional moorings is not evident. [Permission to present this information was granted by Georgina Wickham.] Considerable discussion over regular water shortage issues and problems of congestion at the locks and for the Oxford Canal in general through the Cherwell district, have been presented for consideration in public representations over their objection to the planning applications. You may take account of these representations in determining this appeal.
 - 1.2 Much gravitas has been placed by the Agent on the recommendation of approval in the Officer's Report (Case Officers (COs) Shona King and Nathanael Stock [name attached]) in the appeal over the planning refusal. However, from reading the *Planning Balance and Conclusion* at section 10, it is evident that the COs, unlike their predecessor (Claire O'Hanlon), had numerous reservations.

The COs write, "*The site is in a remote location with poor sustainability credentials . . .*

"The site is therefore not in a location that is suited to sustainable transport modes and users of the marina would be dependent on car travel.

"[It] could reasonably be considered an unsuitable insertion into open countryside detrimental to its character and appearance and conflicts with Policies ESD1 and ESD16 of the CLP 2015." (See Officer's Report (OR) para 10.2.) They [COs] concede, however, that "*the previous case officer concluded differently on the 2018 application and it would seem unreasonable for officers to now take a different view . . .*" (OR para 10.2). At paragraph 10.3 (OR), discussion over the proposal's conflict with ESD15 CLP 2015, concerning the canal conservation area, acknowledges that great weight toward conservation of designation of heritage assets must be given due accedence even where deemed to be a *less than substantial harm* to its significance – to conform with Paragraph 193 of the National Planning Policy Framework (NPPF). The COs averred that "*on very fine balance*" the harms may be outweighed by the benefits (OR para 10.7) largely, I think, on the basis of the preceding CO's [Claire O'Hanlon] recommendation. The Committee, upon their deliberation, voted 12 for refusal and 3 against. The Agent's argument for the Applicant's reliance on the OR is not well supported.

1.3 Is Policy ESD16 ultra vires? My discussion follows in subparagraphs (1)-(3) below.

- (1) The Agent criticises Policy ESD16 of the CLP 2015 for the absence of Part 2 (SOC para 4.42). In the first Officer's Report [Claire O'Hanlon] for Committee on 19.09.2019, the CO states at paragraph 9.13, "*Policy ESD16 does not set out an approach to residential canal moorings and boater's [sic] facilities, stating that this will be set out in the Cherwell Local Plan Part 2 . . .*" The Appellant applied for a non-residential marina development. Boaters' facilities on the Oxford Canal are at present sufficient to meet the current usage demand. Therefore that challenge is not relevant in this appeal; the Committee could only deliberate over existing policy and the particulars of the planning application.
- (2) The Agent proposes that given proper consideration in regard to the feasibility of the 14 alternative sites shown in his *sequential test*, that a strict adherence to Policy ESD16 would defeat itself by preventing any such development from occurring (see SOC para 4.40). He also insinuates a contradiction in the refusal decision when contrasted with the provision in that policy, by saying that policy "*seeks to support proposals that are promoting transport, recreation, leisure and tourism related uses of the canal*" (SOC para 4.40); however, he omits the contingent words "where appropriate" from that statement. We are being asked to suspend reason behind judgement in that argument presented.
- (3) The Agent further attacks Policy ESD16 by saying, "*The Officer [Shona King / Nathanael Stock] agrees that marina users are likely to use their cars rather than public transport and so it is illogical to refuse the application on the grounds of unsustainability and non-compliance with part of policy ESD16.*" (See SOC para 4.45.) That is an illogical conclusion to draw and a spurious argument. An opinion expressed by the COs that compliance with that policy is unlikely in the context of the proposed site, cannot and does not thereby confer upon the Appellant any ground for impugning the validity of its criteria within. If it did so, then by logical extension of principle all policies could be varied or overcome upon challenge from an aggrieved planning applicant where their proposal appears to conflict with it – due to either its inappropriate location or some other material consideration. Put another way: if accepted as a principle that the criteria within a policy, for its effect, must always be within the compliance capability of a planning applicant or effectively be voidable (ultra vires) in that process of weighing on the balance a proposal's viability, i.e. its benefits or harms, then all planning applications would succeed anywhere. Local authorities' administrative powers would cease. Absurd proposition!

2 Paragraphs 2.1 and 2.2 concern traffic access to the site; and requirement for substantiveness in the proper outcome of a decision.

- 2.1 In paragraph 4.64 of the SOC, the Agent refers to a routing agreement for construction vehicles to access the development site via Springfield Farm. However, the Appellant [WA Adams Partnership] applied for planning permission to CDC on 15.01.2021 for the construction of an access road from Boddington Road to Old House Farm (adjacent to Springfield Farm) to enable their access whilst HS2 obstructs direct access from Lower Boddington itself. Planning was approved on 17.03.2021 (planning application ref: 21/00156/F). My concern here is that access to the farm may be impeded by HS2 periodically over a number of years. Even with the best intention concerning the agreement, the Appellant may not be able to prevent access requirement to their proposed development via that new access road off the Boddington Road for domestic or construction traffic, and thereby resile (or if made a condition of planning, then apply for its discharge). Traffic volume could be immense, particularly if the Panel Engineer (required by the Reservoirs Act 1975) orders that the earth bund for the marina basin be lined with puddle clay or bentonite – contrary to the Agent's expectation and as is anticipated by me.
- 2.2 The Agent asserts in paragraph 4.74 that no substantive evidence was proffered in the minutes of the Committee meeting to support refusal on the grounds of highways' safety and is in contradiction with the Oxford County Council (OCC) Senior Transport Planner's evaluation. However, that Officer (Rashid Bbosa) gave scant regard to the diverse range of road users on Boddington Road which range from vehicle drivers to cyclists, horse riders and pedestrians. There is no pavement. CDC published their reasons for refusal on 11.02.2021 and cited: Policy SLE4 CLP 2011-2031 Part 1 and saved Policies TR1, TR7, TR10 CLP 1996. The minutes of the Committee meeting would be as long as the Appellant's SOC to cover everything in detail and the published reason is sufficient. Nonetheless, a personal visit by yourself [the Inspector] would, I think, confirm legitimate concerns for public safety and welfare on the Boddington Road at Claydon.
- 3 Paragraphs 3.1-3.4 consider: the legitimacy of North Kilworth Marina as supporting evidence for need and demand; the selected boat industry witnesses' statements; a spreading of the burden from excess tourism; and whether a particular confirmation purported by the Agent is actually confirmed in the Officer's Report (OR).
- 3.1 In paragraph 4.84 of the SOC, the Agent endeavours to establish grounds for the need of a new marina by referring to his consultation with the operators of North Kilworth Marina¹ on the Grand Union Canal, Leicester Section, which he states opened in May 2019. However, what the Agent neglected to say is that Michael Goode, who is Rowan Adams' husband and she in turn the Appellant [WA Adams Partnership] for this appeal, obtained the planning and also operates that marina along with his other marina Debdale² Wharf Marina at Kibworth in Leicestershire – located by canal 8 miles north of North Kilworth. Operating two marinas within close proximity of each other may allow for clients to move freely between them as a privilege in their contract; and that arrangement is a common incentive offered amongst operators managing two or more marinas. One marina may

¹ Owner and planning applicant Michael Goode of the North Kilworth Marina had planning permission approved on 07.03.2012 (planning application Ref: 11/01793/FUL) by Harborough District Council and the Case Officer (CO) was Nathanael Stock [one of the CO's for the planning application under appeal]. Nathanael Stock was also the CO for two discharge of conditions applications with all ten conditions applied for being discharged (Ref: 12/01585/PCD and Ref: 14/00211/PCD). Although Michael Goode is not overtly connected to the present appeal, his marriage to the Appellant Rowan Adams is verifiable.

² Rowan Adams [Appellant] has 50% shares in Debdale Technologies Ltd. (company no. 06960431). The other 50% are held by Michael Goode. Their mutual interests lie in more than the proposed Claydon Marina. (It should be noted also that Michael Goode attended the Parish Council meeting with the Agent on 02.07.2018 to present the plans for his and his wife's proposed marina.)

increase in number whilst the other or others diminish. Therefore data regarding other marina mooring vacancies is necessary to substantiate whether there is an increase in numbers overall or merely a migration.

Nonetheless, North Kilworth Marina is not indicative of local demand in the way that Cropredy Marina is, being that it is only 2 miles south of the proposed site at Claydon (see my comment at para 1.1 above concerning mooring vacancies at Cropredy Marina). There is certainly no demonstrable *need* or *demand* for any new marinas in this locality. An over-saturation of boats would cause harm by diminishing the amenity enjoyment value held on the Oxford Canal by existing boat owners, hire boaters and marina operators alike.

- 3.2 Confirmation in paragraphs 4.88 and 4.89 of the SOC referring to boat builder Andrew Thompson and boat broker Paul Smith that business is flourishing for them, is nice (SOC Appendices G and H respectively). However, with due respect, no matter how many boats that builder can complete in a year, it will not revolutionize the inland waterways; and the broker is mostly selling existing boats to new owners, not therefore appreciably generating increase in demand for moorings. Neither of the witness statements provide compelling evidence.
- 3.3 At paragraphs 4.100 and 4.101 of the SOC the Agent proclaims, in support of the marina, an increase in tourism in parts of the UK due to the pandemic, by listing the Lake District, New Forest, Cornwall and south coast of England as examples and concludes that excess pressure has been placed on these areas of the country. The marina would, he says, "*help in a small but meaningful way to relieve some of this pressure*" (SOC para 4.101). Thankfully, I do not envisage Claydon featuring in the *Rough Guide* series. There is no shop or pub for the weary traveller. There is, however, a bus shelter serving as a book stall and as observed by a previous respondent, a defibrillator at the church. I gather that Claydon's parishioners enjoy its simple aspect and optimistically seek to preserve themselves and that quality. The volume of **objection** letters, in fact, testifies that that is so.
- 3.4 The Agent writes in the SOC at paragraph 4.102, "*Paragraph 10.5 of the Officer's Report to Committee confirms that the benefits of the scheme include . . .*" and then lists the five items concerning touristic attributes which the COs presented for consideration. However, the Agent interposes that as being a *confirmation* because the COs actually stated, following from reference to various harms in conflict with policy, "*On the other hand, there are some benefits to be considered in the balance.*" There is no *confirmed* finding of fact in that statement and I think the Agent purposefully misrepresents the COs' report to mislead the Inspector. The fact is that the Committee were not persuaded that there were sufficient benefits to outweigh tipping that balance of potential harms when assessed against policies [at Committee: 12 in favour of refusal and 3 against].
- 4 Paragraph 4.1 concerns Cherwell District Council's (CDC) repudiation of the Appellant's unilateral highway improvement agreement made with Oxfordshire County Council (OCC).
- 4.1 All I can say here is that the Agent ignores that CDC were not placated by that undertaking agreed between OCC and the Applicant. The planning application was made to CDC and conflicts with their Policies SLE4, ESD1, ESD15 and ESD16 of the CLP 2011-2031 Part 1, saved Policy TR1 of the CLP 1996, as provided in their reason for refusal at number 4. Which is sufficiently comprehensive.
- 5 Paragraphs 5.1 and 5.2 form my overarching conclusion to the overall substance of the Appellant's supplementary material considerations with material consideration of my own.
- 5.1 Whilst I have sympathy for the Appellant and all other adversely affected property owners from the insidious HS2 development, the perpetrated harm to themselves must not be allowed to facilitate a

planning permission which would afflict harm on the wider community in turn – such as, approval of an *unsustainable* development. The evidence is that there is neither need nor want for another marina in this location, but that excess moorings could cause harm (discussed in para 1.1 above and extensively in numerous public representations, including my own, throughout the consultation periods).

5.2 Within the setting of the Oxford Canal conservation area (ESD15 CLP 2015) the marina is an inappropriate development and without demonstrable *need* for it, there are insufficient mitigating circumstances in justifying its environmental impact from an intrusion into the open countryside; that harm would affect the character and appearance of the area. The height of the earth bunds to contain the marina would be visually intrusive from public vantage points and would substantially alter permanently the appearance of the area. Furthermore, there is no certainty for the success of biodiversity in the new habitats created from the proposed marina by the very nature of it being a large marina with associated activities and its consequent impacts on the local surroundings. These are but a few of the examples of harms discussed extensively in public representations opposing the planning application and which are in part corroborated by CDC's Conservation Officer, Emma Harrison, in her **objection** response dated 23.12.2020.

6 Conclusion.

I believe that for the appeal to be allowed the Appellant must adduce material evidence in the *Statement of Case* demonstrating that the balanced consideration of weighing policy, whether local or Framework [NPPF], against the proposed scheme had either material consideration omitted from the presentation to Committee or that an erroneous application of policy, which was relied on, resulted in prejudicing the planning application outcome. That objective has not been satisfied in the *Statement of Case*. The Appellant's argument holds no water and the appeal must therefore be **dismissed**.

Yours faithfully,

Iain Kirkpatrick and Alison Payne.

The Planning Inspectorate

COMMENTS ON CASE (Online Version)

Please note that comments about this case need to be made within the timetable. This can be found in the notification letter sent by the local planning authority or the start date letter. Comments submitted after the deadline may be considered invalid and returned to sender.

Appeal Reference: APP/C3105/W/21/3280416

DETAILS OF THE CASE

Appeal Reference APP/C3105/W/21/3280416

Appeal By W A ADAMS PARTNERSHIP

Site Address
Glebe Farm
Boddington Road
Claydon
Oxon
OX17 1TD
Grid Ref Easting: 446359
Grid Ref Northing: 250847

SENDER DETAILS

Name MR DAVID KNIGHT

Address
1 Bignolds Close
Claydon
BANBURY
OX17 1ER

ABOUT YOUR COMMENTS

In what capacity do you wish to make representations on this case?

- Appellant
- Agent
- Interested Party / Person
- Land Owner
- Rule 6 (6)

What kind of representation are you making?

- Final Comments
- Proof of Evidence
- Statement
- Statement of Common Ground
- Interested Party/Person Correspondence

Other

YOUR COMMENTS ON THE CASE

Further to the planning appeal APP/C3105/W/21/3280416, I make the following comments which are to reiterate my objection to the planning application as follow:-

1. The existing roads are inadequate in terms of width, layout and the existing and likely-to-continue appalling condition to take any additional traffic. The roads are single track and in very poor condition. Poor visibility at bends on roads in and on leaving Claydon make additional traffic an increased risk to road users, vehicular, equine and pedestrian. Since vehicular access for construction traffic is to be through the applicant's own land, if approval is given it should be a condition that a new suitable road access to the development site should be provided through the applicant's land from the applicant's own entrance from the highway near Lower Boddington. This is then only a small section of single track road from the two-way road at Lower Boddington, will be improved by the construction of the road bridge over HS2. This would be a better vehicular access and reduce the additional traffic currently expected on the existing local road network near the site.

The Construction of HS2 itself means considerable disruption to the existing surrounding road network for a considerable time which in practice would prevent an application of any Traffic Management Plan, even if one was normally enforceable, which it would not be.

2. Planning policy states development for canal use should be adjacent to settlements. This development is not and is therefore contrary to planning policy R9. The fact the applicant argues "...there are no more sustainable potential locations..." does not prove this site is suitable.

3. The scale of the development is excessive in its surroundings and will impact the character of the surrounding area and Claydon in particular.

4. There are existing Marinas close to the proposed development. The case for additional need is not proven. Data used to assess need for additional facilities dates from 2017 and 2009 and may therefore not be reliable. The objection by Cropredy Marina to this development suggests a question over the viability of such an increase in provision.

The Old Shop
Mollington Road
Claydon
OX17 1EN

10 January 2022

Bridie Campbell-Birch
The Planning Inspectorate
Room 3B Eagle Temple Quay House
2 The Square
Bristol
BS1 6PN

SENT BY EMAIL

RE. Appeal No. APP/C3105/W/21/3280416

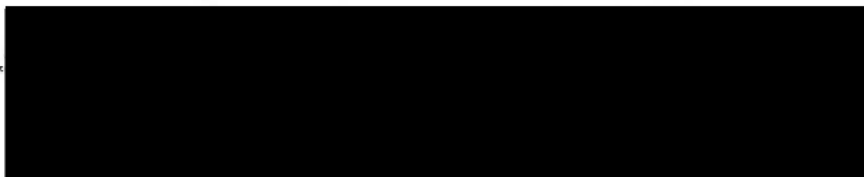
Dear Sirs

In response to the appeal to overturn the decision to refuse the planning application:

The canal in this area can not support the additional number of narrowboats proposed. In the summer there is already significant congestion causing considerable delays at the locks. The shortage of water can also result in closure of the locks outside a small window during the day resulting in more frustration to the boaters.

Policy ESD16 serves to protect the canal corridor from large developments in the countryside. The appellant is out of order in citing the Local Plan Part 2 which does not exist.

Yours faithfully

A large black rectangular redaction box covering the signature area.

Anne Hoggins

25

The Planning Inspectorate

COMMENTS ON CASE (Online Version)

Please note that comments about this case need to be made within the timetable. This can be found in the notification letter sent by the local planning authority or the start date letter. Comments submitted after the deadline may be considered invalid and returned to sender.

Appeal Reference: APP/C3105/W/21/3280416

DETAILS OF THE CASE

Appeal Reference APP/C3105/W/21/3280416

Appeal By W A ADAMS PARTNERSHIP

Site Address
Glebe Farm
Boddington Road
Claydon
Oxon
OX17 1TD
Grid Ref Easting: 446359
Grid Ref Northing: 250847

SENDER DETAILS

Name MR PETER NAHUM

Address
The Barnhouse Mollington Road
Claydon
BANBURY
OX17 1EN

ABOUT YOUR COMMENTS

In what capacity do you wish to make representations on this case?

- Appellant
- Agent
- Interested Party / Person
- Land Owner
- Rule 6 (6)

What kind of representation are you making?

- Final Comments
- Proof of Evidence
- Statement
- Statement of Common Ground
- Interested Party/Person Correspondence

Other

YOUR COMMENTS ON THE CASE

The bridges over the Oxford Canal are weak and will not take heavy vehicles. Who will pay to rebuild/strengthen the bridge. Who will pay to maintain the road to the site? This will all cost many £ millions.

From: Submit Appeal <Submit.Appeal@Cherwell-DC.gov.uk>
Sent: 15 December 2021 11:54
To: East3
Subject: APP/C3105/W/21/3280416 - Glebe Farm, Claydon, OX17 1TD

Dear Bridie Campbell-Birch,

Please see below representation received by the Council regarding the above appeal.

Kind regards

Matthew Swinford
Appeals Administrator
Development Management
Environment and Place Directorate
Cherwell District Council
Direct Dial 01295 221889
matthew.swinford@cherwell-dc.gov.uk
www.cherwell.gov.uk

Follow us:

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Follow us on Twitter [@Cherwellcouncil](https://twitter.com/Cherwellcouncil)

My usual working hours are: Monday to Friday, 08.45am to 17:15pm.

Coronavirus (COVID-19): The Planning and Development services have been set up to work remotely. Customers are asked to contact the planning team via planning@cherwell-dc.gov.uk or to use the Council's customer contact form at [Contact Us](#). For the latest information on Planning and Development please visit www.cherwell-dc.gov.uk.

From: Archaeologydc - E&E <Archaeologydc@Oxfordshire.gov.uk>
Sent: 14 December 2021 15:21
To: Submit Appeal <Submit.Appeal@Cherwell-DC.gov.uk>
Subject: RE: Official Cherwell District Council email - Planning Appeal reference: 21/00046/REF

Dear Sir/Madam,

Ref: 21/00046/REF Glebe Farm, Boddington Road, Claydon, Banbury, OX17 1TD

Thank you for informing us of the refusal of this application. The advice we gave connected to Application ref: 18/00904/F when the marina was first proposed still stands –

'The proposals outlined would not appear to have an invasive impact upon any known archaeological sites or features. As such there are no archaeological constraints to this scheme.'

Kind regards,

Victoria

Victoria Green
Planning Archaeologist

From: Cherwell District Council Planning Appeals <submit.appeal@cherwell-dc.gov.uk>
Sent: 14 December 2021 11:21
To: Archaeologydc - E&E <Archaeologydc@Oxfordshire.gov.uk>
Subject: Official Cherwell District Council email - Planning Appeal reference: 21/00046/REF

Please see the attached letter for details. Regards Development Management Cherwell District Council
Direct Dial 01295 227006 planning@cherwell-dc.gov.uk www.cherwell.gov.uk Find us on Facebook
www.facebook.com/cherwelldistrictcouncil Follow us on Twitter @Cherwellcouncil

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Unless expressly stated otherwise, the contents of this e-mail represent only the views of the sender and does not impose any legal obligation upon the Council or commit the Council to any course of action..

OBJECTION BY ROBERT ADAMS Landscape Architect (retired)

PROPOSED GLEBE FARM MARINA

BODDINGTON ROAD, CLAYDON OX17 1TS

Application No. 20/02446/F

Appeal Reference : C3105/W/21/3280416

Appellants : WA Adams Partnership

DETAILS : Formation of inland waterways marina with ancillary buildings, car parking, access and associated landscaping including the construction of a new lake – re-submission of application no. 18/00904/F.

1.0 OBJECTION SUMMARY

- 1.1 That the appeal dealing with the application for the formation of an inland waterways marina, reference no. C3105/W21/3280416, be refused as the proposed marina and its construction do not conform with the environmental and highway policies relevant to the proposed location in which the proposed marina would be located.
- 1.2 I, Robert Adams Landscape Architect (retired), have submitted two objections to this proposal to date, and this is the third in response to the proposed marina at Glebe Farm which continues to conflict with local policies. This time I will detail below each of the policies and the conflicts that would occur should the marina be built.

2.0 CONFLICTS WITH POLICIES

2.1 The policies to which I will refer are as follows :

2.2 CHERWELL LOCAL PLAN 2011 -2031 Part 1 (CKP 2015)

PSD1 Presumption in favour of Sustainable Development
SLE4 Improved Transport and Connections
ESD3 Sustainable Construction
ESD8 Water Resources
ESD10 Protection and Enhancement of Biodiversity and its Natural Environment
ESD13 Local Landscape Protection and Enhancement
ESD15 The Character of the Built and Historic Environment
ESD16 The Oxford Canal
ESD17 Green Infrastructure

2.3 CHERWELL LOCAL PLAN 1996 SAVED POLICIES (CLP 1996)

C8 Sporadic Development in the open countryside
C23 Retention of features contributing to the character and appearance of a conservation area
C28 Layout, design and external appearance of new development
C29 Appearance of development adjacent to the Oxford Canal

TR7	Minor Roads
TR10	HGVs
ENV1	Pollution Control

2.4 ENVIRONMENTAL IMPACT

2.4.1 Environmental Impact has not been dealt with in detail and comments on this will be included below.

3.0 DETAILED OBJECTIONS

3.1 CHERWELL LOCAL PLAN 2011 - 2031

3.1.1 PSD1 Presumption in favour of Sustainable Development

1. To be sustainable the proposed marina would have to be neutral with regards to CO₂ (carbon dioxide), it would have services available nearby, it would be economic in cost and it would benefit the local community. It would be neutral with regards to the availability of suitable materials locally and there would be a balance between excavation and construction.
2. The proposed excavation and construction would not be neutral with regards the production of CO₂, because of the need for excessive excavation to create the earth banks to hold the water in the marina at the level of the Oxford Canal, much of which has to be sourced from the excavation of the new lake within the western sector of the proposed marina. If a balance were to be found, it would be to reduce the size of the marina so that the excavation of the new lake was not required. This would also reduce its cost.
3. It is understood that both marinas at Fenny Compton and the new one at Cropredy are not full at present. Therefore, is there the need for another (and very large) marina at Claydon?
4. At present the villagers of Claydon are not encouraged to visit the marina. Although a few jobs are proposed, the marina would not offer any benefits to the village. The min disbenefit would appear to be increased traffic through the village.
5. There are no services nearby and further excavation and other works would be needed to bring power to the site for buildings, security lighting and repair services. This would increase the cost of the project and increase CO₂ production.

3.1.2 SLE4 Improved Transport and Connections

1. Access to the proposed marina would be from the north from Lower Boddington with the entrance to the site being just to the north of the Oxford Canal. There are considerable concerns that the favoured access route would be through Claydon from the A423 Southam Road, because of the considerable diversion within the local road network caused by the HS2 rail works, between the site and Lower Boddington. As

this disturbance is likely to continue for a number of years, access to the marina from Lower Boddington would be very unattractive and traffic would inevitably find its way via Claydon. The route from the marina through Claydon would offer the nearest and simplest route to Banbury for shopping, etc.

2. It is likely there would be a number of school children living in the marina as there are in the Cropredy marina. The closest school is in Cropredy, accessible via the road through Claydon. This road is initially very narrow outside the village and verge damage is likely.
3. Similarly, to the north of the proposed marina there are no passing places at present, although three are proposed. The road is currently totally inadequate when large vehicles meet when serving farms, etc. and this would be exacerbated if large vehicles serving the marina (goods, drainage services, etc.) The verges in winter currently do not support heavy vehicles and the existing road surface would be inadequate for HGVs.
4. The quality of the Lower Boddington road adjacent to the proposed marina entrance is very poor, with major surface settlement, resulting in longitudinal cracking, a twisting surface and considerable sinking of the road surface towards the west and the existing steep slopes.
5. I therefore object to the proposed marina because of the likelihood of a significant increase of heavy traffic through Claydon, the inadequate width and quality of the existing road between Claydon and Lower Boddington, the unsafe nature of the road close to the site at the hump back bridge near the site entrance and the general damage that would be caused to verges, bridges, road edges, etc. by HGVs and large vehicles meeting where there are no passing places.

3.1.3 ESD3 Sustainable Construction

1. The features of considerable concern during construction would arise from the construction routes to the site for machinery and the workforce, as well as the excavation, levelling and lake works proposed on site. These have been dealt with above.
2. However, it has been suggested that construction machinery may not use the Lower Boddington road for access, but would reach the site via a new road/track from Springfield Farm, leading to a crossing over Wormleighton Brook. This has not been detailed in the plans : what form of bridging is required, where would it be located, and what measures are proposed to eliminate the risk of waterway pollution?
3. Regarding additional CO₂ production, it is anticipated that most narrowboats would be heated by wood burners as they would be of old rather than modern construction. Experience along the towpath near Cropredy in winter creates much pollution from these stoves and it affects air quality along the towpath.

3.1.4 ESD8 Water Resources

1. The marina would be filled with water from the Oxford Canal. Light has been made of the considerable variation in water depth in the canal in summer. Boat passage has been restricted every year since we have been in Claydon (1988). This already has a significant effect on the ease of movement of boats on the canal, which, with the additional 192 boats proposed, would increase both queues at locks, their ease of movement and water use.
2. It is proposed that the new lake would be filled from a stream that comes down from the village of Claydon. This stream is intermittent at best and dries up in summer. No details are available as to whether additional water would be taken from the canal. The existing reservoirs at Clattercote and Wormleighton are known sometimes to be very low in water, leading to canal closures. Additional water from the canal for the lake is unlikely to be approved because of potential future shortages. Consequently, there would seem to be a risk that the new lake could take long to fill, and in the interim could be a swampy eyesore and affect air quality. If climate change increases water shortages, what could become of the swampy area?

3.1.5 ESD10 Protection and Enhancement of Biodiversity and its Natural Environment

1. The complete restructuring to the current agricultural land to include massive support bunds along the northern site boundary would completely alter the current biodiversity character of this large field and damage its natural water drainage serving Wormleighton Brook. Although there is a wastewater treatment plant proposed along the northern site boundary, drainage from it would be to the brook. If there is any interruption to this service, the brook could be polluted.

3.1.6 ESD13 Local Landscape Protection and Enhancement

1. I object to the proposed marina because it makes no reference to the local historic landscape character.
2. The landscape of the site is characterised by open agricultural fields adjacent to the Oxford Canal, with northern boundaries of either Wormleighton Brook or the disused railway track. Both east and west of the site the open spaces adjacent to the canal creates its open landscape character. The proposed marina would completely obliterate this character, altering the landscape significantly. There is nothing included in the reports, etc. that shows how the existing landscape character is being protected, or how it has stimulated the proposed design. The design of the marina, other than retaining its boundaries, ignores the existing landscape morphology.
3. The creation of massive bunds and two large open water spaces are not found anywhere within this district are not protecting the local landscape in any way, they are significantly altering it. I object to the statements that the changes are not significant when the landscape character is completely changed and urbanised, almost industrialised.

4. The inclusion buildings, hard standings, roadways serving the narrow boats and parking, massive banks and embankments near the Boddington Road do not enhance this district in any way. The proposed earthworks near the road and its associated planting would totally interrupt all views west from the humpback bridge near the site entrance, from where a wide appreciation of the existing landscape character can be achieved.
5. It is essential that the character of the Oxford Canal is protected. The massive uplift required to accommodate the proposed marina indicates how artificial the finished marina would appear. No sensitivity has been shown settling the marina into the existing landscape. Without this massive uplift to achieve the required water levels, the marina could not be achieved.
6. I object therefore because the marina pays no attention to the existing landscape. It does not emphasise its character in any way, it obliterates an important section of the setting of the protected Oxford Canal, it adds alien structures, buildings and lighting and it offers no enhancement of the landscape. It is therefore in contravention of this policy.

3.1.7 ESD15 The Character of the Built and Historic Environment

1. In this location there is no existing built environment, but there is an historic environment associated with the Oxford Canal. As there is no existing built environment, the proposed marina would, by introducing a building and other hard standing, create a significant and major change to the character of this location, its environment and therefore would conflict with this policy.
2. The canal's historic environment would suffer change because of the introduction of a waterway alongside the proposed marina, and because views into the site would include a new building, new hard standings, new electric lighting, etc., none of which exist at present. Currently the canal is lined by a mature hedgerow almost completely along its northern side. Views therefore are focussed along the canal, restricting views to the north. A new entrance off the canal would be built and other structural additions would introduce an urban, almost industrial, character into a formerly unspoilt stretch of open country. I therefore object to the proposed marina because of the urbanising or industrialising effect the proposed marina would have on the historic environment of the Oxford Canal.

3.1.8 ESD16 The Oxford Canal

1. My objection to the effects of the proposed marina into this area adjacent to the Oxford Canal on the character and quality of the Canal environment, has been identified above.

3.1.9 ESD17 Green Infrastructure

1. The existing green infrastructure along the Oxford Canal of the mature hedgerow

would be interrupted at the location of the waterway entrance to the marina, where construction effects within the site would also be seen.

2. While the intention of a green infrastructure is to ensure a continuity of 'green' effects, creating a particular effect along the length of a green corridor, in this instance the heavy planting proposed along the Lower Boddington Road, near the hump back bridge, would eventually shut down the existing long and wide views to the west. This is a popular walking area and this planting would lessen the openness of the area.
3. This planting therefore is not an enhancement. Its intention is clearly to shield views of the built character that would develop should the marina to be built.

3.2 CHERWELL LOCAL PLAN 1996 SAVED POLICIES (CLP1996)

3.2.1 C8 Sporadic Development in the open countryside

1. The proposed marina would be in open countryside. The only building in the vicinity is the small Glebe Farm house which remain located between the proposed marina and the new lake, close to the Oxford Canal.
2. The proposed services building/club house within the site would not be located close to the farm house but would be positioned towards the eastern site boundary and the Lower Boddington Road. The significant distance between the two buildings would ensure there is no visual or physical connection between them and therefore the location of the proposed building appears haphazard (and therefore sporadic) rather than intentionally benefitting from a closer relationship with the existing house.

3.2.2 C23 Retention of features contributing to the character and appearance of a conservation area

1. This marina proposal is of such magnitude that the total elimination of the agricultural land which is the character and appearance of this location would be accomplished. No characteristic of the existing landscape is retained, adjacent to the historic conservation area, other than along boundaries.

3.2.3 C28 Layout, design and external appearance of new development

1. My objections have been identified before in previous objections and these should be related to this policy (C28). My objections relate to the layout, design and appearance of the proposed marina.
2. Regarding layout and design, I object to the massive bunding along the northern boundary which is completely out of character with this district. I object to the arbitrary positioning of the proposed building in the centre of the site towards the eastern end instead of being settled into the landscape, when its impact on the environment would be minimised rather than accentuated. I object to the large earthworks and planting at the eastern end of the site, near the Lower Boddington Road, interrupting completely the views to the west from the important historic hump

back bridge over the canal. I object to the road level at the western end of the site, where boat owners would have to ascend long flights of steps up to their boats, where there also is a lack of disabled access. I object to the lack of information on access to the site by excavation machinery, etc. I object to the formation of a lake at the western end with no details of how the appellants can secure an adequate water resource to fill the lake. I object to the lack of easily identifiable details regarding levels, particularly at the western end of the proposed development and I object that the appellants have not identified the serious problems associated with the access along the Lower Boddington Road to the marina and the traffic it would generate or the impact it would have on the residents of Claydon.

3. Regarding external appearance, I object to the urbanisation of the proposals, which differ significantly from the existing landscape, with seemingly a lack of appreciation of how to settle the buildings, hard standings and planting into the sensitive environment of the Oxford Canal. I also object to the absence of any attempt to unify the landscape of the canal with that of the site.
4. I therefore object to the proposed marina because it does not comply with this policy for many reasons.

3.2.4 C29 Appearance of development adjacent to the Oxford Canal

1. I have dealt with my objection to the appearance of the development adjacent to the Oxford Canal above.

3.2.5 TR7 Minor Roads

1. The minor road from Lower Boddington to the site has been dealt with above. I object to the proposed marina on the basis that this road is totally inadequate for the numbers and sizes of vehicles that would be required, firstly to build the project, and secondly to accommodate all the traffic that would arise from the residents and other users of the proposed marina.
2. There has been some play in the documents regarding cyclists starting from the marina going to the local shops or to Banbury. Cycling along the towpath to Cropredy and Banbury or to Fenny Compton is currently very difficult because of the state of the path which is now being undercut by the canal.
3. To the north cyclists would have to contend with the HS2 works and the damaged local roads. To the east towards Fenny Compton, there is a section of the towpath which is impassable in winter and when the water level is high.
4. Cycling is possible to Cropredy along the Claydon to Cropredy Road and is much used by cycling groups. However, cycling to Banbury would involve cycling along main roads with heavy traffic and cycling groups are not evident on either the A361 or the A423.

3.2.6 TR10 HGVs

1. My comments on HGVs have been dealt with above and relate to the unsuitability of the Lower Boddington Road to HGVs delivering goods to the proposed marina and the absence of passing places suitable for HGs as well as other vehicles.

3.2.7 ENV1 Pollution Control

1. I have commented on pollution control above, regarding the protection of the Wormleighton Brook from bridge works and construction vehicles, and from the boats within the proposed marina affecting the air quality of the Oxford Canal towpath.

4.0 OVERALL SUMMARY

1. The policies listed and commented on in detail have not served as adequate guidance for the appellants, as in very many cases the proposals have not conformed with the policies.
2. It is also of concern that Fenny Compton and Cropredy marinas currently have spare capacity. Also, this marina would add a further 192 boats onto the Oxford Canal, which is already at capacity (going through the Claydon locks in summer) and the almost perennial shortage of water in the summer as well, which leads to canal closure.
3. I therefore object to the proposed marina on the basis that it conflicts with many of the environmental policies controlling the character and quality of new developments.

5.0.1 ADDITIONAL MATTER

1. A question has arisen regarding whether the appellants might, once excavation works are completed, decide that there is too much competition from existing marinas or insufficient water for the new lake and may want to change their requirements from a marina to, perhaps, housing, built on the newly graded and levelled ground, adjacent to the Oxford Canal. What would stop this from happening once the surface of the land has been radically altered and might be left incomplete? A radical change to the character of the district would occur. Has the local authority considered this potential eventuality?

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