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

31 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

13 Bignolds Close
Claydon
Banbury
OX17 1ER
12th January 2022

Bridie Campbell-Birch
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via email to: East3@planninginspectorate.gov.uk

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

Glebe Farm Boddington Road Claydon O17 1TD

Dear Ms Campbell-Birch

I feel that It is necessary to address the appellant's main arguments in favour of overturning the refusal of the planning application.

The main arguments are:

The Planning Officer's recommendation for approval.

Traffic safety is not a problem.

The proposal is sustainable.

Farming diversification has not been considered.

Taking each argument in turn:

The Planning Officer's recommendation for approval

Planning officers are not infallible and they are also not necessarily in agreement with each other. This is illustrated in paragraph 9.23 of the 2020 report when the

writer states, *“That said, it is acknowledged that the previous case officer reached a different conclusion on the principle of development.”*

The writer of the 2020 report appears to have been constrained by the conclusion reached in the 2018 report. The 2020 report itself recognises all of the contraventions of both national and local planning policies which should have pointed to a refusal but then recommends approval.

Paragraph 9.26 is a good example, *“The site is an environmentally unsustainable location for new development of this scale and use and the proposed development would conflict with Policies ESD1 and ESD16 of the CLP 2015. However, noting the conclusions of the previous case officer on this issue, officers consider on very fine balance that the development of a marina in this location may be considered acceptable in principle “*

Paragraph 10.7 states that the decision is finely balanced but is tipped to approval by the 2018 report. However in 2018 the officer didn't have the benefit of the later arguments. The conservation officer's objection alone –dated 23rd December 2020 - should have been sufficient to tip the balance to refusal.

The conflict of officer opinions illustrates the necessity of the additional process of scrutiny by a Planning Committee with knowledge of the area that refused the application by a large majority

Traffic safety is not a problem

The appellant is citing the response by Oxfordshire County Council Highways which proposed 3 passing places all north of the marina site, not between the village and the canal. The section of road containing two blind bends and a hump back bridge was completely ignored.

The appellant also argues (in paragraph 4.16 of the appeal document), *“They (boat owners) are likely to walk from the site using one of the many accessible public footpaths or alternatively cycle to a local pub or restaurant. Many boat owners keep cycles on their boats for this very purpose. They are very unlikely to use their car.”*

However, the Planning Officer (in paragraph 9.18) argues, *“The site is not served by public transport and is not best suited to access by foot or cycle given not only its location, but the constraints of Boddington Road mentioned above. It is also correct, as many residents have commented, that there are very limited facilities available in*

either Claydon or Lower Boddington. The site is therefore not in a location that is suited to sustainable transport modes and will be dependent on car travel."

Although road layouts can be viewed on maps there is no substitute for viewing the situation on the ground. As the 2018 application was withdrawn at the eleventh hour, the planned site visit did not take place. In 2021 all site visits were suspended due to the pandemic.

However, a video of the approaches to Claydon village and the proposed marina entrance was taken in 2018. It is still current and the members of the Planning Committee were invited to view it for themselves. It also illustrates the neglect of the road by OCC Highways. It is disappointing that this video cannot be submitted as evidence to the Planning Inspectorate.

The Planning Officer recognised the problem but proposed a totally unworkable routeing strategy as a condition:

"No boats shall be moored at the marina until the applicant has submitted to the Local Planning Authority a Traffic Management and Routeing Strategy and had that Strategy approved in writing by the Local Planning Authority. This Strategy shall provide details of measures that will be taken by the marina operators to ensure that wherever possible all vehicles visiting the marina enter and leave the marina to the north and avoid routeing through Claydon village. The marina operators shall ensure that the agreed measures are in place before the marina is first brought into use and maintained at all times thereafter"

At the Planning Meeting Councillor Reynolds described Boddington Road as "a distressed minor road in need of major repair" and took exception to the response by Oxfordshire County Council Highways. He went on to state that the hump back bridge was one of the steepest he had come across and was quite scary. He added that there were also problems with the other bridge which had been in need of repair for years. He was certain that boat owners would need to access any amenities in the area by car and there would also be associated traffic generated by the marina as an employment site. He remained convinced that drivers would be governed by their SatNavs and people arriving from the south would drive through the village. Councillor Chris Heath indicated that she knows the village well and the roads are an absolute nightmare.

The proposal is sustainable

The Planning Officer herself casts doubt on the sustainability of the site in paragraphs 9.20:

“It is a balanced judgement as to whether the site represents the sufficiently sustainable location for this scale of development. It might reasonably be considered that the proposed development, by reason of its nature, size and scale combined with its isolated location away from settlements, established moorings and existing popular destinations and with poor alternative transport links, would be an unsustainable insertion into the open countryside detrimental to its character and appearance.”

And 9.26:

“The site is an environmentally unsustainable location for new development of this scale and use and the proposed development would conflict with Policies ESD1 and ESD16 of the CLP 2015.”

At the time of the 2021 meeting there were 350 berths in the area, 100 more due in Cropredy North and 50 in Cropredy South. An additional 192 would be totally unnecessary and would mean a 98% increase in berths in such a small area. The wider economic and social benefits can be generated from the existing capacity. There is already choice. If there were more there would need to be a significant financial incentive to persuade boaters to moor in the middle of nowhere, with HS2 running alongside, in preference to Cropredy, in walking distance to 2 pubs, a cafe and a shop, access to occasional public transport and a far cheaper taxi fare for a night out in Banbury.

The appellant's discounted cashflow statement in appendix P page 3 appears to be totally unrealistic. It assumes full occupancy from Day 1. Comparing this to the appellant's own figures, in paragraph 4.84 of the appeal document, for North Kilworth Marina (the alleged owner of which has recently married into the Adams family and is believed to be the driving force behind the application), a marina of 220 berths which opened in May 2019 is still not operating at capacity.

Farming diversification has not been considered

It is widely recognised that many farmers need to diversify in order to survive. Many farmers including those with land adjacent to a canal have achieved this successfully without loss of considerable acreage of farming land. However, the appellants have shown no evidence of having considered other possibilities less damaging to the environment. The document submitted by the appellant (appendix O) gives no suggestions on types of diversification, just tips on how to avoid Inheritance Tax.

Please consider these concerns

Yours sincerely

Jenny Jones

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

Glebe Farm Boddington Road Claydon O17 1TD

Illustration of the hump back bridge and the neglected state of the road



13 Bignolds Close
Claydon
Banbury
OX17 1ER

13 January 2022

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

I am objecting to this appeal for the following reasons.

The Appellant portrays canals as a "Green" mode of transport but because of the vast amounts of water required to move boats through the locks and the chemicals used in handling the waste produced onboard the boats it is not.

Oxford Canal is a victim of its own success. It relies on an infrastructure that is centuries old and that is struggling to cope with the increasing demands made upon it. There is often congestion at the locks and lack of water also means that there are restrictions on the hours that the locks are open,

There are already unused berths in existing marinas in the area so there is no requirement for more.

The Appeal suggests that boaters will be walking or cycling around the area which will endanger themselves and other road users because of the lack of pavements. Footpaths in the area, if they exist, are in a bad state. The towpaths are also poorly maintained and if you try use those to cycle for any distance you are likely to end up in the canal.

The appellant does not acknowledge the considerable deal of earth moving needed to form the bunds to create the marina. This will cause a great amount of nuisance in both noise and atmospheric pollution and so renders the activity unsustainable. (See note on the construction of Yelvertoft Marina below)

Recent research has shown that a wood burning stove creates more atmospheric pollution than a HGV and wood burners are more often than not the chosen form of heating on canal boats. In his submission at 4.15 the Appeal states that "weekenders will often remain in the marina for the duration of their stay". This is creating holiday cottages by another name.

At 4.44 the Appeal claims that users will travel to the Marina in a car laden with all the necessities for a 3 to 4 month holiday. This will not enhance the local economy in any way and by the time the bicycles are included it will have to be a very large vehicle travelling on totally unsuitable roads.

At 4.5 the Appeal endorses the fact that marina users are likely to be using their cars to get about and so it is perfectly logical to refuse the application on grounds of non-sustainability and non-compliance with policy EDS16. The Appeal states that the canal journey time to Banbury is about 5 hours so boaters are unable to make a quick shopping trip by boat.

At 4.21 and 4.22 the Appeal supports travelling to and from Napton which will increase tourism in Warwickshire but not in Oxfordshire.

The Appeal refers to both Heyford Fields and Yelvertoft Marinas in their submission and so I have looked at the information these sites provide on the internet.

Heyford Fields Marina.

"A new 100 berth non-residential marina situated on the Grand Union Canal between the picturesque Northamptonshire villages of Bugbrooke and Nether Heyford. Even though the site is non residential, boat owners are able to stay on board in the marina and enjoy the tranquil surroundings. Heyford Fields

Marina is in a peaceful, rural location, set within a Special Landscape Area, and offers 14 miles of lock free cruising between Stoke Bruerne and Buckby Locks in the heart of the canal network. Shops and pubs are within easy walking distance."

Yelvertoft Marina.

"The story of Yelvertoft Marina begins back in 2008, in the sloping field where we used to walk the dogs. Plans had been drawn up years before and submitted for approval - at last it was time to begin.

The heavy machinery moved in and began the massive earthworks required to create the vision – a tranquil and beautiful marina, sympathetically created to enhance the local ecology.

Over the next 18 months, the sloping field would go through many changes, from a lovely field to a very large muddy puddle, then finally becoming recognisable as a marina. During those 18 months it was at times very difficult to believe the plans would ever become something real and tangible. As with any project of this size, unforeseen hiccups were encountered, but we got there and the marina opened for business in 2010. The first boat to enter the marina still occupies the same mooring today.

Yelvertoft Marina is very much a family run business - one which fosters a community feel. Over the last 6 years, the marina has matured and become established amongst the inland waterways. With vision and foresight, the marina has undergone further development to cater for the growing demands of our customers, a slipway was added in 2015 and workshops are currently under construction.

This suggests that boaters want to be near to services and facilities, and that this application would be the start of a much larger development.

Many thanks

Rob Jones

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via email to: East3@planninginspectorate.gov.uk

Dear Ms. Campbell-Birch,

**Re: Appeal Reference: C3105/W/21/3280416 – Boddington Road, Claydon, OX17 1TD
(Application reference: 20/02446/F)**

We write in respect of the above planning appeal. DLP Planning Ltd has been instructed by our client, Claydon with Clattercote Parish Council, to outline their objections to the scheme, which seeks planning permission for the formation of inland waterways marina with ancillary facilities building, car parking, access and associated landscaping including the construction of a new lake (resubmission).

Principle of Development

Cherwell District Council's Planning Committee Report acknowledges that the principle of development is "very finely balanced". However, the Parish Council contend that the principle is not balanced, and the appeal should be dismissed for the reasons below.

The starting point for the determination of the appeal is the development plan and then, as may be relevant, other material considerations which are required to be weighed in reaching a decision. The Development Plan comprises the Cherwell Local Plan 2011 – 2031 Part 1 (adopted 2015) and the 'saved' policies of the Cherwell Local Plan 1996.

The appeal site lies outside of the settlement boundary of Claydon, and in planning policy terms is within the open countryside. The site is not within or immediately adjacent to a settlement. It is also located immediately adjacent to the Oxford Canal, a designated Conservation Area.

Policy ESD 1 *Mitigating and Adapting to Climate Change* sets out a number of criteria which seek to mitigate the impact of the development within the District on climate change. The Policy seeks to direct development towards the most sustainable locations, and in areas well served by local services, thereby reducing the reliance on the use of private car. Claydon is identified as a 'Category B' satellite village, which is appropriate for minor development. The proposed development does not comprise minor development and does not therefore conform with Policy ESD1. In addition, the site, by virtue of its location within the open countryside, is isolated with limited facilities available within Claydon and is not served by public transport. The proposed development would therefore result in the dependency on the private car in order to access the site.

Policy ESD15 *The Character of the Built and Historic Environment* sets out a number of criteria in relation to siting, layout and high quality design, which should complement and enhance the character of an area. Whilst the appeal site is not located within the Conservation Area, it is within and has an impact on its setting. The Council's Conservation Officer raised an objection to the proposals. The Conservation Officer acknowledges that that the development would not harm the

Listed Buildings, however it is advised that:

“The proposal marina will cover a substantial area of land which is currently predominantly agricultural landscape, providing a rural setting for the conservation area. This rural setting is highlighted as enhancing the conservation area in the Oxford Canal Conservation Area Appraisal. Overall the cumulative impacts of the buildings, hardstanding and marina itself will result in an intrusion into the land and the character of this section of the Oxford Canal will be notably altered.”

Whilst the Conservation Officer concludes that this would result in less than substantial harm to the significance of the Conservation Area, this harm should however be weighed against the public benefits of the scheme in accordance with paragraph 202 of the National Planning Policy Framework. This balance is outlined below and in the Parish Council's opinion, the harm to the Conservation Area is not outweighed by the public benefits of the appeal scheme.

Policy ESD16 *The Oxford Canal* sets out the historic, ecological and recreational significance of the Oxford Canal and seeks to protect and enhance the biodiversity value of the canal corridor and that proposals which are detrimental to the Conservation Area and its character and appearance should be refused.

The Policy goes on to advise that proposals which promote transport, recreation, leisure and tourism related uses of the canal will be supported where appropriate, as well as supporting enhancement of the canal's active role in mixed use development in urban settings. Whilst the proposal could promote leisure, tourism and recreational use of the canal, its location in the open countryside is inappropriate. The need for such a facility is in question as the appeal site is located within close proximity to four existing marinas, two of which are located in Napton, one in Cropredy and the other in Fenny Compton, with permission granted for a further marina in Cropredy. The Parish Council therefore contend that the location of the appeal site to the nearby marinas, demonstrate that the proposed development would not promote leisure, tourism to a level that would be in keeping with the requirements of the policy. Additionally, the Parish Council contend that the public benefits of the scheme do not outweigh the harm to the setting of the Conservation Area. The local concern regarding the location of the development is supported by 'Policy ESD 16, which states that other than appropriately located small scale car parks and picnic facilities, new facilities for canal users should be located within or immediately adjacent to settlements. 'Saved' Policy TR11 also seeks to preserve the canal as a resource and resist development which would prejudice its future.

Whilst Policy ESD16 does not specifically relate to residential canal mooring and boaters' facilities nor does it define what is meant by 'new facilities for canal users', the appeal site is located within the open countryside and consequently is not within or immediately adjacent to a settlement. The proposed development does not therefore wholly accord with Policy ESD16.

In light of the above, it is considered that the proposed development is contrary to Policies ESD1, ESD15 and ESD16 of the Cherwell Local Plan 2011 – 2031. The proximity of the appeal site to four existing marinas casts significant doubt over the need for such a facility in this location. It is therefore considered that the principle of the development has not been established and the appeal should be dismissed. The previous case officer (reference: 18/00904/F) also considered the principle to not be acceptable.

Need/Demand for Marina

In relation to the need/demand for a marina at the appeal site, as stated above, the appeal site is located within close proximity to four marinas and sits between Fenny Compton Marina, approximately 3.5km from the site and Cropredy Marina, approximately 4.2km from the site. No up

to date evidence was submitted with the application to demonstrate a need or demand for a marina within the locality. The Committee Report advises that it is clear from the information available that it is very difficult to find up to date evidence or need or demand for a marina of this size in this location. It should be noted, however, that post the decision the position has somewhat changed. The latest information from the owners of Cropredy Marina confirms that there are 67 vacancies out of the 110 additional vacancies that were previously granted. This demonstrates that there is not necessarily a need or demand for an additional marina of the size proposed within the locality.

Highways

Whilst no objection was raised by the Local Highway Authority, the condition of Boddington Road has deteriorated post decision and this matter should be taken into consideration. The condition of the road was described by Cherwell DC Councillors as a 'distressed minor road' and this has since worsened due to the increased traffic volume associated with the construction of HS2. In addition to the poor state of Boddington Road, all five routes into and out of Claydon are narrow, with some comprising hump-back bridges. These roads are unsuitable for large vehicles, which would be required during the construction process as well as the additional traffic movement which would be generated should the appeal allowed. Claydon with Clattercote Parish Council contend that the consultation responses are out-of-date, and the appeal should be dismissed, in part due to the impact of the development on the existing highway network

Other Matters

The Parish Council has liaised with the Canal and River Trust, who have confirmed that there is already severe congestion in the Claydon canal area. In addition, there is a minimum average of 3 out of 5 years where there is a restriction of movement places on the Claydon Canal area due to insufficient water supply. Should the proposed development be allowed, this would exacerbate this issue.

We trust you will take the concerns set out in this letter into account when assessing this appeal and we would be grateful if you could confirm receipt of this letter.

Yours sincerely,

Laurie Hickin
Planner