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RE App No: 18/00904/F
Objection to proposed inland marina at Glebe Farm, Boddington Road, Claydon.

1 Introduction

1.1 I hope this correspondence represents my final word of objection to the proposed marina at Claydon, Oxfordshire.
This letter addresses themes on Canal Related Travesties (Part 2), Pollution Discharge (Part 3) and Transport Conflicts (Part 4) in relation to the proposed marina at Claydon with an Objection Reason (Part 5) in conclusion, but which is in no way comprehensive in its scope or intended to preclude those comments expressed in my previous correspondence dated: 8th July 2018, 12th July 2018 (addendum), 29th July 2018, 27th August 2018, 15th March 2019, 1st May 2019 and 4th June 2019.

2 Canal Related Travesties

2.1 Water Supply

(1) The Oxford Canal's summit, where the proposed marina lies, is served by three feeder reservoirs and a back pumping arrangement which draws water from the Napton pound to Marston Doles at the summit level. (It should be noted that there have been various occasions when the pump has failed due to a blockage.) The three reservoirs are: Wormleighton Reservoir (picture 1), Boddington Reservoir (picture 2) and Clattercote Reservoir (picture 3).

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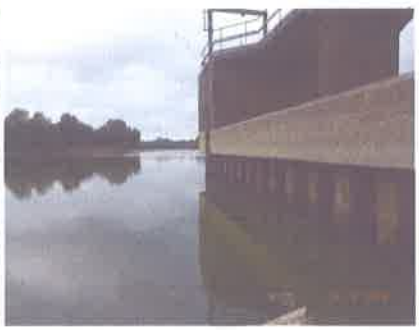

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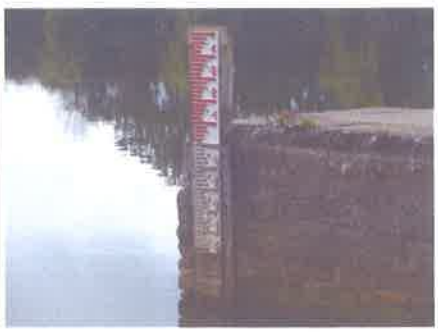

The pictures, taken on 9th September 2019, reveal that Wormleighton Reservoir is 0.56m below capacity (BC), Boddington Reservoir is 2.1m BC, and Clattercote Reservoir is 0.74m BC (however, I am told by local fishermen at Clattercote that the Bailiff has advised Anglers that levels will plummet there next week once Canal & River Trust (CRT) start drawing more water from it). These figures can only accurately represent what volume of water no longer remains available to CRT without conducting a topographical survey profiling the reservoir beds using sonar equipment and thereby providing evidence of their current capacity. (I am told that Banbury Sailing Club, operating from Boddington Reservoir, is currently restricted to approximately 50% of its sailing range; it hosted a race attended by 100 people on the 7th September 2019, of which only half were members. That is not a good advert for the club.) **Adopted Local Plan ESD 8: Water Resources** provides: "*Development will only be permitted where adequate water resources exist, or can be provided without detriment to existing uses.*"
Levels in the reservoirs have been regularly topped up this year from rainfall, unlike last year in the drought. In preparation for increasing demands of water supply and the uncertainties of climate change, irrespective of the decision over Claydon Marina, CRT should maintain their reservoirs for increased capacity as a matter of duty.

Water Loss

(1) As an essential factor in water conservation, CRT need to stop leaks. Picture 4 below reveals excessive water loss from Lock 20 bottom gates on the Claydon flight, which have not yet been scheduled for maintenance.

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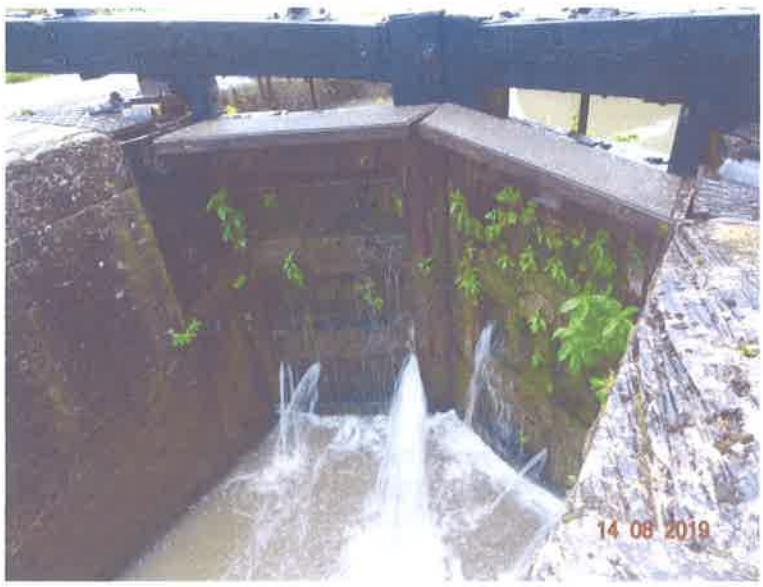

In the planning document titled *Flood Risk Assessment July 2019*, from hereon referred to as FRA 07/19, five breaches are noted to the east of Claydon, although none to the north (see p9, para 2.33). Picture 5, taken on 6th April 2019, shows a temporarily sealed breach at Priors Hardwick on the Oxford summit, between bridges 124 and 125 and north of Claydon, which had been dumping water into a culvert.

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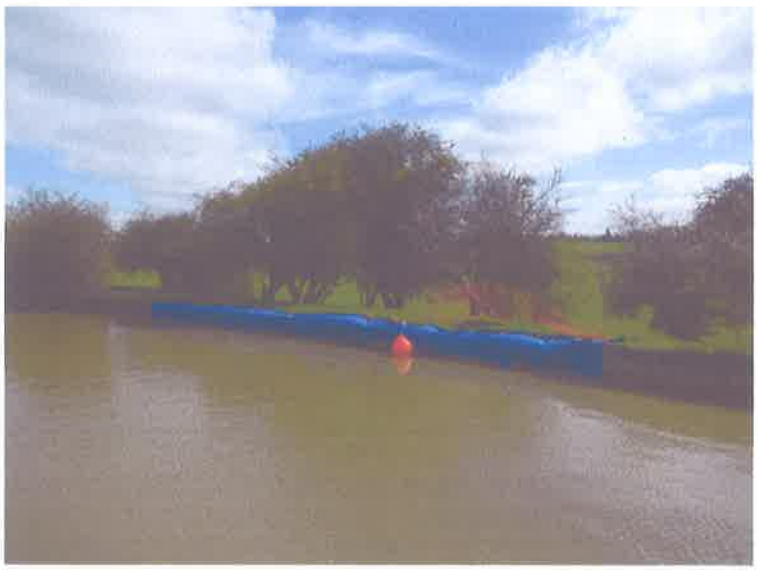

(2) Furthermore, in the FRA 07/19 at paragraph 2.33, which refers to the *Preliminary Flood Risk Assessment*, it says that there was overtopping of the Oxford Canal in 2007, which may be seen in map 4 of that report, and also that predictive information is not available on the subject of future risks of flooding. The Applicant's (WA Adams Partnership) Agent (SB Rice Ltd) states: "*the Canal and Rivers* [sic] *Trust confirmed that they have no records of overtopping or flooding at this location (Appendix 1).*" (See FRA 07/19, p13, para 4.17.) Additional numbers of boats on the Oxford summit resulting from another marina, may prove inadvisable because of an increased risk in pollution following from the canal overtopping. I have seen the towpath untraversable from bridge 143 to 144 (area of proposed marina) due to floods on various occasions.

2.3 Claydon Marina's potential leakage or breach

(1) The Agent writes, "*With reference to the British Geological survey online mapping, the site is located within an area of Charmouth Mudstone with no superficial deposits. To the north, within the floodplain of the ordinary watercourse, alluvial deposits of clay, silt, sand and gravel are recorded.*" The actual on-site auger samples

taken in 2016 indicate that the substrate in the tested areas of the proposed marina and lake is a clayey silty loam, with only a 30% – 40% clay ratio (see AGRICULTURAL LAND CLASSIFICATION MARCH 2017 and my letter dated 15th March 2019, para 2.3). Cherwell District Council's (CDC) **Adopted Local Plan 2011 – 2031 Policy ESD 6** requires that sites in close proximity to the Oxford Canal include a breach analysis within the Level 3 FRA.

The Agent asserts that, "*As a result of the spoil excavated on-site being used for the construction of the Marina, there will be no need to import any additional material to the site.*" (See FRA 07/19, p11, para 4.2.) However, due to a legal requirement in accordance with the **Reservoirs Act 1975** for a Panel Engineer to oversee a development of this scale, his/her expert opinion may conclude that the basin needs lining for water retention. In that likely event, it would introduce considerable additional construction expense for the Applicant as well as hundreds of 20-tonne lorries coming through their farm. I note that amended plans delineate the extent of the basin and the outer extent of the business complex with an apparent clay lining, with exception to the southern bank that respects the alignment of the Oxford Canal. It is unclear where that clay lining is to be sourced, in light of the above.

2.4 Current potential causes of breach and incident

(1) CDC's **Adopted Local Plan ESD 16** provides assurance that the canal towpath is accessible for *all users* and this comprises walkers, joggers and cyclists. That policy implies that a reasonable standard of care and safety is provided for all users of the towpath. In many places along the Oxford Canal towpath within CDC's district, gaping holes, which a person can injure themselves in even when walking or launch themselves over the handlebars of their bike into the canal from, are prevalent (many such incidents have occurred already). Picture 6 below (photograph taken on 7th September 2019) shows one of several sections of towpath bank which is deeply undercut on the pound between Locks 22 and 23 (above Cropredy), only 2 miles from the proposed marina site.

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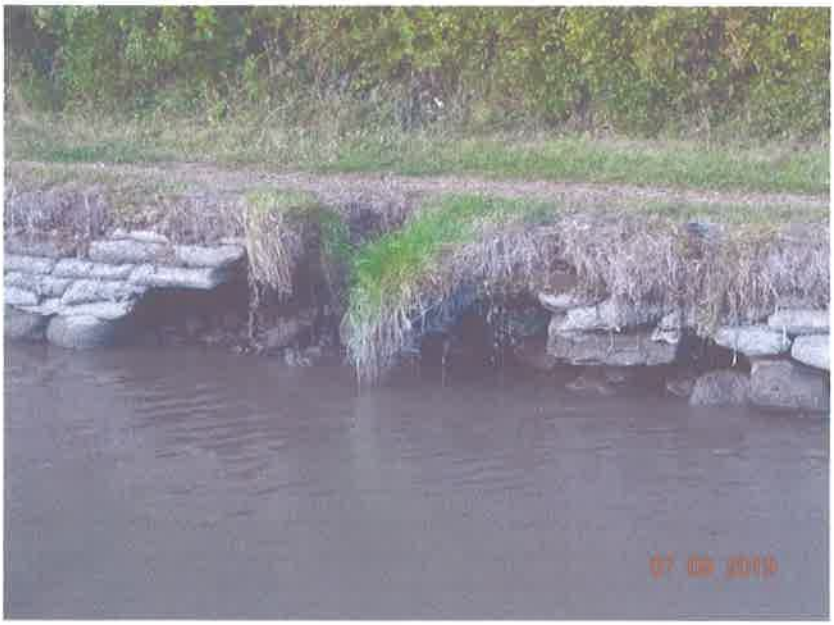

The vantage point is from my boat when cruising northward and whilst the pound was approximately 17 inches off-weir. (Incidently, many short pounds either empty during the course of the day's activity or overnight.) That undercut, and various others, would not be visible to a walker or cyclist, particularly when that pound is full of water. When the surface of the bank finally collapses, it will probably deposit a person onto rocks below in the canal. This area is popular walking territory for boaters at Cropredy Marina and would be equally so for moorers at Claydon. It is not a small job to repair the extent of these holes along the Oxford Canal. CRT's bank staff are invaluable, but severely under resourced: I believe I am correct in reporting that the team responsible for call-outs in the management of everyday operations between bridge 141 (near to the county boundary) to Isis Lock in Oxford (totalling a stretch of 33 ¼ miles, 31 locks and 94 bridges – excluding motorway and railway), is currently only four in number with one position advertised.

3 Pollution Discharge

3.1 Affluent in effluent?

(1) CDC's **Adopted Local Plan ESD 8: Water Resources** provides: "*The Council will seek to maintain water quality, ensure adequate water resources and promote sustainability in water use. Water quality will be maintained and enhanced by avoiding adverse effects of development on the water environment. Development proposals which would adversely affect the water quality of surface or underground water bodies, including rivers, canals, lakes and reservoirs, as a result of directly attributable factors, will not be permitted.*"

The Environment Agency (EA) have expressed concern that the Applicant's proposed *private sewage treatment facility* would be *less reliable* than the public sewerage system and therefore not normally considered environmentally acceptable. They add, that even if the Applicant can demonstrate from a consultation with the sewerage undertaker that it is unfeasible to make a connection, they [EA] "*would have serious concerns about the amount of treated effluent that would be discharged into this small water body* [Claydon and Wormleighton Brook, source to the Highfurlong Brook]." In accordance with the **Environmental Permitting Regulations 2010** an *Environmental Permit* would be required, unless an exemption applies, and the EA state that may not be granted. (See FRA 07/19 Appendix C: letter from the EA, dated 13th July 2018, Ref: WA/2018/125260/01-L01.)
The Highfurlong Brook is a tributary of the River Cherwell, which in turn joins the River Thames. In the above referred to letter, the EA state: "*In addition, the Thames River Basin Management Plan requires the restoration and enhancement of water bodies to prevent deterioration and promote recovery of water bodies.*" The Claydon and Wormleighton Brook adjacent to the proposed site, has already been classified poor due to its elevated phosphorus and high ammonia content and low dissolved oxygen levels (see Follow-up Report – Revision 3 (RSK), p6, para 2.2) and this would be exacerbated by foul discharge from Claydon Marina.

(2) In a bid to mitigate, on account of the EA, the Applicant has reformulated calculations of foul discharge based on an exclusive output from the clubhouse and the dwelling during peak season usage (March – October – 245 days) and providing hypothetical figures relating to persons' toileting and ablutions (see FRA 07/19, Appendix M – Foul Discharge Calculations). The Applicant claims, "*it is understood that foul waste from narrowboats is <u>usually</u> pumped out to an underground holding tank …*" [underscore my emphasis] (see FRA 07/19, p20, para 6.25). The projected estimate of 2,360 litres of foul discharge per day amounts to 578, 200 litres over the above specified duration and this figure, despite being calculated to a formula, may be grossly underestimated. According to plans, there are to be two Elsan points on site, one located at the north-eastern end of the marina and the other at the south-eastern end (no septic tank is noted in the **Application for Planning Permission**, part 11). I have not seen from amended plans or section drawings anything showing the position or size of underground holding tanks; two would be required for two locations or one with a pipe that links one facility to the other's tank. The plan in the FRA 07/19, *Appendix K – Proposed Drainage Layout*, shows the above ground foul water pumping station, the rising main and its foul water treatment plant, which are located to the east of the clubhouse and dwelling. This private sewage system happens to be also within convenient range of the services bay where boats with their own effluent holding tanks will presumably be pumped out. It is not uncommon for marinas and boatyards to benefit from passing trade from boats on the canal for fuel (coal and diesel), gas (LPG) and pumpouts, to supplement their income. Therefore one would expect a holding tank to be situated at the facilities bay also, making a total of two or three holding tanks. The above provided quotation is very sketchy about the Applicant's intentions regarding holding tanks, which is somewhat surprising owing to the fact that many boaters treat their sewage with a product called *Elsan Blue* or its equivalent and which is a toxic and volatile fluid containing *formaldehyde* – which **must not** enter the food chain or any water course.
Notwithstanding a possibility that I have overlooked the whereabouts of such holding tanks in the Applicant's plans, the volumes of foul discharge projected in *Appendix M* do not genuinely account for the foibles of peoples' movements.

(3) The Applicant [WA Adams Partnership] is evidently satisfied that they have circumvented requirement in a connection to the mains sewerage system, adding as a further assertion that CRT would probably object to a sewage pipe fixture on bridge 143 in order to connect with the mains sewer located about 870m from site (see FRA 07/19, p20, para 6.30). There is no indication that the Applicant has discussed options with the sewerage undertaker as conditioned by the EA. A sewage pipe could presumably connect with the Applicant's nearby farm, Springfield Farm at Lower Boddington, unless, of course, they are already using the brook for sewage disposal (see Follow-up Report – Revision 3 (RSK, p6, para 2.2: "*Possible causes of … failing … to achieve good ecological status include … suspected sewage discharge.*")
Furthermore, it is proposed that treated sewage will undergo additional purification in reed beds, which, in the absence of clarification to the contrary, I assume to be in the proposed irrigation lake (formally intended to serve a crop of potatoes and subsequently a wildlife education centre for children) before being discharged into the adjacent brook (see FRA 07/19, p21, para 6.34).

4 Transport Conflicts

4.1 A conflict with policies

(1) CDC's **Adopted Local Plan 2011 – 2031 ESD 16** provides: "*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.*" The small car park and picnic area in question will provide 142 parking spaces and a clubhouse in lieu of a picnic table.
Access to the proposed Claydon Marina is via the Boddington Road, which is a single track road and currently quiet. The Applicant has agreed *verbally* with the Oxfordshire County Council Transport Planner that three passing places will be made (details to be confirmed) in mitigation over potential conflict (see Transport

Statement 2019, p12, para 4.10). Those passing places would alleviate, to a certain degree, conflict between domestic vehicles, but not for other users of the road – namely: walkers, cyclists and horse-riders. It is probable that such users will have vehicles pass them wherever they be on the road, as the driver *often* assumes priority. **Local Transport Plan Policy 17** encourages the reduction in requirement for travel, whilst supporting walking, cycling and public transport. A large development, such as Claydon Marina (192 berths), would be reached almost exclusively by its patrons in cars.

(2) The Applicant states in paragraph 5.14 of the *Transport Statement July 2019:* "*On Sundays and Bank Holidays there could be just under 1* [vehicle] *per minute.*" In paragraph 5.12 it is stated that: "*Other than Bank Holidays the figures suggest roughly 1 vehicle every 4 ½ minutes at the busiest time of the day and 1 every 5 ½ minutes during the AM and PM peaks.*" In relative terms to the current volume of traffic on the Boddington Road, it would be comparable to it becoming a main road overnight. The Applicant adds in paragraph 5.15, "*In view of Boddington Road being lightly trafficked and the identified maximum traffic generation … no mitigation measures would be required to accommodate the traffic generation.*"
Although effectively supplanted by the **Oxfordshire Structure Plan 2016**, the **Non-Statutory Cherwell Local Plan 2011** serves as an interim policy for development control purposes which provides material consideration in the deciding of a planning application. The **Non-Statutory Cherwell Local Plan 2011 Policy TR4** requires that the Council be satisfied that *appropriate mitigation measures* will include either improved public transport or facilitate *improved pedestrian and cycle accessibility.* **Policy TR2** requires that development generating great demand for travel be at a highly accessible location for utilising alternative transportation to that of a private car. **Policy TR5** requires satisfaction in provision of a segregated area or an alternative appropriate measure in order to minimise vehicular conflict with pedestrians, cyclists and people with sensory or mobility impairments; and that there be *no compromise to the safe use of roads.* Non-compliance with relevant standards of road safety in a proposal, *will not be permitted.* **Policies TR8** and **TR9** further oppose any prejudice toward pedestrian and cycling activities caused by a development. And, **Policy TR36** supports schemes on rural roads which create a *safe* and convenient environment *for pedestrians, cyclists and horse-riders.* Developments contrary to that effect, *will not be permitted.*
Three passing places, as verbally agreed by the Applicant, does not satisfy the above criteria.

4.2 Out of sight, out of mind

(1) The current amended planning application shows that the intended vehicular access is to be repositioned so as to become a blind spot and it is to be located approximately half way between the originally proposed access (the route of the disused railway) and Hay Bridge (143) on Boddington Road. Due to the steep pitch of that humpback bridge, all visibility of the vehicles exiting Claydon Marina and joining Boddington Road would be obscured to oncoming traffic from Claydon. That would considerably increase potential for accidents. The Applicant's statement that, "*the proposed marina therefore complies with local and national transport planning policy,*" would actually be funny if it were intended as a joke (see Transport Statement July 2019, p19, para 6.14 and paras 4.1(1) – (2) above). The only reason for that repositioned entrance is to take the proposed development away from flood-plain zones 2 and 3, to satisfy the Applicant's own agenda – as is, in fact, the case with the whole proposed development.

5 Objection Reason

5.1 All of the above

(1) It behoves the Local Planning Authority, Cherwell District Council, to ensure that they protect the interests of individuals, the community and the environment. A vast number of cogent arguments presented in opposition to this marina proposal from the public have demonstrated firstly that a marina development in Claydon is not in the public interest; and secondly, that there are fundamental concerns in that proposition which remain a factor in terms of public enjoyment and viability in that utility demand on the Oxford Canal and its infrastructure. On these particular matters and numerous others, the public have declared a resounding **"NO!"**

Yours sincerely,

Iain Kirkpatrick

and written on behalf of Alison Payne.

CC Richard Parry (CEO for CRT)