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Dear Mr Stone,

Objections to Planning Applications Re: Thames Farm. P20/S2808/DIS and Others

I am writing to you personally in connection with the above matter on behalf of the residents of Lower Shiplake.

Unfortunately, the residents have over the months increasingly lost confidence and trust in the way in which the Planning Department at SODC has handled a number of aspects of processing applications and making decisions in connection with this project. Residents have had to take a highly pro-active involvement in the processing of those applications and remain concerned at how the department has addressed the phase 1 and 2 complaints process (S/1477/1&2) internally, and concluded that they have no case to answer.

Our complaints relating to the treatment of 2 of those Planning Applications has therefore been referred to the LG Ombudsman Service. SODC has not actually addressed some of the complaints at all, has arrived at unsound conclusions legally, and has raised spurious and disingenuous matters as perhaps a defence of its actions, such as a desire by the community to frustrate this development. Nothing could be further from the truth, and TFAG on behalf of the residents of Shiplake is simply taking action to protect the residents from additional flooding and from the possible consequences of the contamination of the community's potable water supply in default of SODC and the other regulatory bodies scrutinising matters more diligently.

SODC has failed to protect the valid and bona-fide interests of the community, is highly defensive of its actions and has failed to genuinely engage with residents to allay their very real concerns.

Taylor Wimpey's own drainage advisors Enzygo, have also now confirmed in their recent Flood Risk Appraisal document of February 2020 (SHF.1850.001.HY.R.001.A), that the proposals to discharge at Lashbrook would indeed result in additional flooding and why this is the case. That is despite the comments previously made by the regulatory consultees who have had no meaningful comment to make about that proposal when they were consulted on it. The developer is therefore now pursuing an entirely different drainage route to the North of the site, vindicating the decision taken by residents to object vociferously to the proposals which as you will be aware is why TFAG was formed and why it and Shiplake Parish Council appointed JBA as drainage advisors and Temple Bright as solicitors to represent them. All of this sadly has come about because of the action taken by the community rather than because of SODC and other's being a diligent guardian of the community's interests and public standards.

Without prejudice to our referring the matter to the LG Ombudsman and their findings, and any legal challenge residents may wish to take forwards, I am writing to you reference further issues and discrepancies in this matter on behalf of the community. It would be helpful if SODC could, rather than advising what it cannot do, now advise how it intends to proceed. SODC and the consultees have had the benefit of an interim Hydrogeological Report prepared by JBA for Shiplake Parish Council and the community for over 3 weeks now and has not made any meaningful comment or response.

It is also perfectly clear that this entire matter requires a holistic approach to consider both the drainage/flooding/hydrogeological issues and the aquifer contamination issues together, and so I am inviting you to set out SODC's intentions both generally and to these further matters.

The further issues that I refer to above and which I seek clarification on are as follows:

1. At the time the Planning Appeal that granted consent in outline, the site proposals received a negative EIA screening response APP/Q3115/W/16/3161733 from the department. The details of the true ground conditions were not known about then, nor the proposals to grout the site to a depth of perhaps 16/17m over a very extensive area. We believe, that the changes are significant and justify the carrying out of a fresh screening.

Please advise if this screening will be carried out.

2. The Applicant has made a series of reserved matter applications seeking to address various conditions. A number of these, including inter alia conditions 5, 6 and 9 do not reflect the changed circumstances of the development which must now include the implications of the discovery of solution features beneath the site and any remediation proposals that will be required including inter alia the grouting processes referred to in application P20/S2808/DIS.

The applicant has however been erroneously permitted to undertake construction works as a result of deferring the discharge of condition 11 of the Planning Permission via P20/S1303/NM and therefore is in breach of the terms of the Planning Permission which requires that a number of matters are to be addressed ".....before any development begins"and that the approved details ".....should be complied with throughout the construction period". Those matters have not been addressed despite both SODC and the Applicant being fully aware of the changed circumstances for over 2 years now.

Please confirm why no action has been taken to reflect these changed circumstances in relation to conditions 5,6 and 9 referred to above and why the Applicant has been permitted to carry out works on site without the necessary, and up to date, discharge of these conditions.

Operations being undertaken on site not in accordance with diligently prepared, approved and diligently pursued CDM and CEMPB plans and not in accordance with a diligently prepared, approved and properly managed method statement have considerable potential to cause risks both in Health and Safety terms as well as being harmful to the environment, to ecology and to residents safe and quiet enjoyment of their properties.

3. Taylor Wimpey's drainage proposals are predicated upon a need to undertake works to remediate the site by 'grouting' it to a depth of 16m or more. No comment whatsoever has been made either by SODC or any of the other regulatory authorities about this issue which must be considered as an integral part of the Application as it is specifically referenced in the supporting documentation. This work also has not been presented for approval either in terms of conditions 5,6 and 9 or otherwise.

How, therefore, can condition 11 be properly discharged without those remediation proposals being considered and approved by SODC and others? Unless and until this work is sufficiently designed and reviewed how can the full hydrogeological impacts of those works be understood and a drainage strategy developed and scrutinised properly by the authorities?

4. We have submitted to SODC, a copy of the JBA Hydrogeological report commissioned by Shiplake Parish Council and dated January 2021 over 3 weeks ago.

That report raises a number of issues not least of which are:-

- A. The accuracy/deficiencies in the run off rates estimated by the previous site owner's historic firm of engineers. Despite these deficiencies and that the proposals for the site have now radically changed that report continues to be used as a basis for forward calculations.
- B. The likely effects that grouting of the site might have, and the contamination risk to the Grade 1 Aquifer below and the proximity of these works to the bore holes used to provide a potable water supply to the entire area. The site is within the Inner Protection Zone of this important abstraction area
- C. The lack of adequate data presented with the application to demonstrate comprehensive knowledge and information about the exact size, depth and disposition of solution features beneath ground. Please explain how this relates to the ground water levels as they vary from season to season. I.e., the need for comprehensive ground water monitoring over a full range of seasons to properly inform any modelling exercises required for remediation purposes?
- D. That the latest HIA does not reflect the latest drainage proposals but historic ones that have been rejected by the EA/Thames Water.

The calculation of surface water storage on the site has not considered the impacts of the proposed grouting and compaction on the areas of the site which will remain as green surfaces. These measures are likely to reduce the ground's permeability and thus increase runoff from what is currently a highly permeable site, increasing the risk of overloading the site's drainage system or of causing runoff from the site. The assessments of run off etc are therefore deficient and should be updated

- 5. Storage calculations have been made following the advice in the Interim Code of Practice for SuDS, which recommends use of the IH124 method for estimating greenfield runoff rates on sites of less than 50 hectares. This method is still supported by the SuDS Manual and OCC guidance, although research for the EA recommends that it is no longer the preferred method and that FEH Statistical should be preferred in permeable catchments.

The peak flow and storage calculations are based on 2.42Ha of the 5.60Ha site being made impervious, based on the internal road, roofs, hardstanding areas, and a section of the Reading Road which will also drain into the system. In this calculation, it is assumed that the remaining 3.18Ha remains permeable and will continue to drain in the same manner as prior to development. This is a normal assumption in site drainage design, however in this case there are two reasons why this should be questioned:

- a. The extensive grouting and compaction works are likely to change the natural hydrology of the ground which will remain as gardens and green spaces, which we know to have been highly permeable prior to development. These are recognised effects of both techniques. Grouting is sometimes used, for example, in the ground around pipelines to reduce water infiltration, whilst vibro-compaction can be used to reduce the risk of solifluction. This proposed work is likely to increase the percentage runoff from the site, with the

consequence that the planned drainage may fill up quicker than designed, and/or runoff off the site may increase, although this could be recaptured back onto the system by the

highway drainage improvements which have already been installed. The question remains, however, and we consider that an allowance should have been made to account for the reduced permeability of green spaces as a result of ground compaction and grouting.

- b. The southern surface water flow pathway onto the site (not previously recorded) has the potential to bring in runoff from outside of the site and subsequently for this water to enter the site's drainage system. No allowance for such runoff has been made, and the site layout has not been planned to allow for this flow pathway.

The combination of these two effects is considered likely to results in premature filling of the site's drainage storage, and the standard of protection offered by this drainage system is likely to be compromised. Again, a fully worked presentation needs to be made for proper scrutiny

6. The pumped drainage proposals will have significant impacts to the onsite layout proposals as currently approved due to the consequential requirement to collect and manage/attenuate on site surface water that will no longer be able to permeate the ground. Thus, there is the need for additional and larger storage areas for this water and its attenuation prior to it being pumped away from the site.

A fully worked presentation needs to be made for proper scrutiny

7. No details of these impacts form any part of this Application, albeit drawings A253-RM-501 & 2 & 3 & 4 have been provided which show the deletion of play areas, the deletion of allotments and the construction of new structures and enlarged attenuation features including a very large concrete storage tank.

Will the Council seek this information from the applicant? These are an integral part of the drainage strategy and should be specifically included within the application as otherwise the drainage strategy will not be capable of being fully understood analysed and scrutinised by the authorities.

8. It is proposed that the pumped drainage system is adopted by TWUL. Along with the rest of the UK water industry, TWUL have pledged to become operationally net-zero by 2030. The adoption of an energy intensive pumped surface water system, as opposed to an infiltration-based system with no pumping required, is contrary to the aims of this policy.

Why, and is this environmentally unfriendly solution going to be acceptable to TWUL?

9. The requirement to undertake 'remediation' of the site is new and was not known at the time the outline permission was granted on appeal. It will clearly be a process that will impact very considerably on residents in the locality through noise, vibration, dust and dirt and huge numbers of commercial vehicle

movements. It would appear that there has been no consideration of these issues nor therefore any attempt to consider whether this work would be acceptable in principle in this location and on a commercially acceptable basis to the developer. The engineering operations proposed here are massive in scope scale and time and are likely to cause huge bad neighbour problems in what is a semi-rural area where there are many surrounding private residences.

Will there be un-acceptable consequences and disturbances to residents quiet enjoyment of their properties and facilities. What assurances will the council provide to residents that such impacts will be managed and mitigated as the construction progresses? This is a major engineering operation surrounded by residents lawfully and peacefully occupying their homes work in the spring and summer will have major impacts on residents?

10. I would like to remind SODC of the principles put forwards by Stephen Sedley QC in arguments that were adopted by Hodgson J in [R v Brent London Borough Council, ex parte Gunning \(1985\) 84 LGR 168](#), in relation to consultation processes, particularly for complex matters such as this.

In brief, the Sedley requirements are as follows:

- Consultation must be made at a time when proposals are at a formative stage.
- Sufficient reasons for the proposal must be given to allow intelligent consideration and response.
- Adequate time must be given for a response.
- The product of the consultation must be conscientiously taken into account in finalising proposals.

By insisting that residents only have 14 days to respond to the developer's proposals when they are finally tabled with all of the ancillary information including Hydrogeological Impact Assessment, a full Flood Risk Assessment, Analysis of grouting proposals on the Groundwater/Aquifer, SODC is seeking to deprive residents and their advisors of adequate time to fully and properly review, analyse, consider and respond to the consultation information.

Equally, without ensuring that the submission is a comprehensive one embracing all aspects of the proposals, consultees are being deprived of the necessary information to fully and properly make the necessary judgements required here which inevitably will be a balance of harm and whether that harm is outweighed by the scheme proceeding in the manner proposed. This is not acceptable and you should be aware that if SODC continues to deprive residents of a full and proper consultation process this will be challenged at law, if necessary, and an award of costs sought for the unreasonable and unacceptable approach by SODC forcing residents to take such action.

11. Whilst the developer has taken steps to obtain a Lawful Development Certificate albeit it would seem that such Certificate may have been erroneously granted as a result of the numerous extant breaches, nothing permits the developer to breach statutory requirements and standards. It is quite clear from all of the information presented that the developer is incapable of developing the site with the currently proposed layout without breaching those standards. We note that the option of changing the development intensity in order to make space for discharge to ground using shallow infiltration features has not been considered nor it seems a discharge to a deep borehole soakaway off the site. Such an option could result in a much shorter length of pipework, and would be in line with the discharge hierarchy.

The developer acquired this site and seems to have omitted to undertake adequate due diligence work to satisfy itself that the site was indeed capable of supporting the form of development for which an Outline Planning Permission had been granted subject to satisfying a number of conditions. It chose nevertheless after it became aware of the problematic ground conditions to still begin development even though the pre-conditions had not been discharged or had not been adequately discharged. Indeed, it did so knowingly and applied for retrospective approval. This is unfortunate, but is the result of a free will decision/choice indeed a calculated risk by the developer who may have been better advised to fully explore the conditionality issues before commencement. That said, the necessary standards are not capable of being adhered to and as such the developer may now need to consider changing its proposed scheme/density of development to be able to so comply with those standards.

12. It would seem that a number of impacted or likely to be impacted parties may not even have been informed about this application when they and/or the relevant Town and Parish Councils representing those areas may very well wish to be aware of the potential risks to the water supply to their residents.
13. I would also like to remind you and the regulatory authorities with whom you are conferring over this application the duty of care owed to the public given the serious nature and potential consequences of getting these issues wrong. Very serious harm could be caused to the property of individual residents/others, and or to the health of the community from possible contamination issues.

The community has gone to very considerable lengths to ensure that the Authorities diligently investigate analyse and scrutinise the proposals in order that such consequences do not arise, and this is why this letter is being very widely circulated to regulatory bodies, politicians and others. This is a matter/decision that SODC simply cannot afford to get wrong.

14. The unfortunate history of the Thames Farm planning and development process highlights the importance of having detailed and fully verified data and comprehensive and intrusive due diligence information about the ground conditions when considering such outline applications.

Neither the Applicant, the Planning Authority the Statutory consultees, the Government Inspector or the designers of the different technical drainage solutions/proposals clearly and fully understood/understand the nature of the underlying ground conditions or hydrogeology of the site and its surroundings at any point during its chequered planning and design history. Making further assumptions about possible site remediation methods and how these might pan out and feed into a drainage strategy/design process yet again, would therefore be wholly inappropriate and unsafe.

The site is known to have many complex ground condition issues that need addressing and there is no realistic alternative for progress than to do anything less than a fully comprehensive intrusive SI, and, sampling/bores across an appropriate grid together with Ground Water sampling and monitoring across a full range of seasons. This information then needs to be converted into a 3-dimensional model of the site to facilitate a full and proper design of ground remediation and stabilising proposals and modelling of the resultant hydrogeology and expected run off rates. From there site storage needs and sizing's for attenuation and ultimate pumped discharge can follow on. Anything less than this approach has been shown to be an unsafe, unwise and inappropriate way to proceed.

The hitherto approach of trying to do things on the cheap, assuming a 'normal' site or normal hydrogeology or relying on historic but suspect reports has resulted in: -

- A. A site being granted a consent which arguably would not have happened were the true facts known and understood;
- B. The presentation of numerous unacceptable drainage solutions both on and off site
- C. An enormous amount of wasted time and effort by a large number of both public sector officials and private sector professionals
- D. Years of uncertainty and anxiety for local residents.

15. Residents have been alarmed over the prospect of being flooded out, not having free access to premises or having their drinking water contaminated. Residents have also had to put up with major disruption to their everyday lives through major road works, road closures, carriage closures, noise, dirt, mud, light pollution and a massive eye sore now devoid of any tree screening. All of this is due to short term half-hearted attempts to produce a quick fix to a hugely complex problem. Sadly, further road works and disruption are also quite likely, but none of this would have been necessary, had the works been fully thought through approved and programmed from the outset in a methodical structured way.

We therefore strongly urge SODC to learn from its mistakes; to ensure that whatever proposals are now put forward and accepted and registered by them as being sufficient for consideration purposes, are not based on assumptions, suspect historic data, or insufficient data and inadequate modelling and/or analysis so that this can genuinely be the last time that these issues need to be considered.

16. There have been very many 'so called' minor non material variation applications hitherto and progressively the nature and design proposals have changed as has the timetable for works, for tree planting, for drainage design, for on-site storage structures and also pump houses and enclosures, allotments and play areas.

This is quite enough and needs to stop. Residents are fed up and have had enough of being the party that suffers due to the way this matter has and is being dealt with by both the Applicant and SODC.

17. Taken together these issues are very 'Material Variations' to the scheme; to its associated remediation proposals; and to its drainage strategy and site layout. The issues need to be addressed comprehensively and to a point where everyone can be sure that no further changes of a material nature are required moving forwards.

We remain of the opinion that because this application sits outwith the normal sequence of events that might be expected for a site of this nature, it is not possible to treat these matters in isolation and that they require consideration in the round with all of the relevant information in place so that the proposals can be properly scrutinised as a whole.

Please now confirm therefore, how the Council intends to proceed with these matters and what actions they will take with Taylor Wimpey having regard to the matters highlighted by the JBA Hydrogeological report.

Yours faithfully

Signed Electronically

Peter Boros
Chairman
Thames Farm Action Group

Copied to:

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Cllr David Bretherton
Cllr David Bartholomew
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Henley on Thames SODC Cllrs.
Press/Media