TOWN AND COUNTRY PLANNING ACT 1990

APPEALS BY TAYLOR WIMPEY (WEST LONDON) LIMITED

Site: Thames Farm, Reading Road, Lower Shiplake, RG9 3PH

References: P24/S2642/FUL, APP/Q3115/W/25/3373696
P24/S2652/S73, APP/Q3115/W/25/3373700
P24/S2651/DIS, APP/Q3115/W/25/3373702

Appeals against the refusal by South Oxfordshire District Council of applications for:

(i) Engineering operations for ground stabilisation works;

(ii) The variation of Conditions 1 and 3 included in reserved matters approval P19/S0245/RM; and

(iii) The discharge of Conditions 4, 5, 8, 9 and 11 of outline planning permission P16/S0970/O

RULE 6 PARTIES STATEMENT OF CASE

Submitted on behalf of:
Henley Town Council, Harpsden Parish Council, Shiplake Parish Council and Thames Farm Action Group

1. Introduction and Rule 6 status

1.1. This Statement is jointly submitted by Henley Town Council ("HTC"), Harpsden Parish Council ("HPC"), Shiplake Parish Council ("SPC") and the Thames Farm Action Group ("TFAG"), together the "Rule 6 Parties" in the conjoined appeals.

1.2. The Town and Parish Councils have made representations objecting to the appeal proposals since outline permission stage. TFAG is a long-established community organisation chaired by Mr Peter Boros with over 200 registered supporters. TFAG collected more than 1100 petition signatories objecting to the appeal proposals. Mr Boros has been involved with the appeal Site at Thames Farm since the grant of outline permission (P16/S0970/O, APP/Q3115/W/16/3161733). TFAG has worked closely with the Town and

Parish Councils in making their representations objecting to the appeal proposals.

1.3. The current appeals arise from the refusal by South Oxfordshire District Council ("SODC") of three applications, firstly relating to engineering and ground-stabilisation works within Source Protection Zone 1 ('SPZ1') of a Principal Aquifer. Secondly, regarding the consequential variation of certain conditions contained in the extant reserved matters approval under the outline planning permission, such variations predicated on the engineering operations taking place. Thirdly, the discharge of conditions attached to the outline permission. The application for engineering and ground stabilisation works came before SODC's Planning Committee with an officer recommendation for approval.

1.4. The Rule 6 Parties accept that the principal of residential development has been established by the extant outline permission but object to the proposal for major ground-engineering operations within groundwater SPZ1 over a Principal Aquifer that is part of the public water supply for Henley and surrounding settlements.

1.5. The Rule 6 Parties initial views as to the sequence of the determination of these appeals is as follows. Firstly, a decision should be made on the engineering and ground-stabilisation application. Thereafter, the Inspector should consider the application for the variation of Conditions 1 and 3 from the reserved matters approval, followed by the determination of the appeal concerning the discharge of conditions, to ensure consistency with other permissions should the appeals succeed.

2. Development Plan Policy

2.1. The Development Plan and other relevant National Planning Policy and other documents are set out in section 3 of the Draft Statement of Common Ground between the Appellant and SODC (18 September 2025).

2.2. The Rule 6 Parties intend to refer to:

2.2.1. National Planning Policy Framework (NPPF) paragraphs 174-188, which seek to protect and enhance the natural environment and water resources;

2.2.2. SODC Local Plan Policies DES8, ENV11 and ENV12, requiring sustainable design, prevention of pollution, and safeguarding of human health;

2.2.3. The Environment Agency's Approach to Groundwater Protection, February 2018, and the following position statements:

2.2.3.1. Statement G4 prohibiting high-risk discharges in SPZ1;

2.2.3.2. Statements G12 and G13 – permitting infiltration only for clean roof water; and

2.2.3.3. Statement N8 – objecting to developments that physically disturb an aquifer.

2.2.3.4. Statement N9 - objecting to developments that could obstruct groundwater levels or flow in the absence of mitigation methods.

3. The Rule 6 Parties' Case

3.1. The Rule 6 Parties support SODC's reasons for refusal across the three appeal applications. This Statement outlines the principal issues that will form the Rule 6 Parties' case at the Inquiry.

3.2. The principal issues are:

3.2.1. The potential effects on groundwater levels and flows in the Principal Aquifer and the quality of water abstracted as part of the public water supply;

3.2.2. Should the engineering operations appeal succeed, whether the proposed drainage strategy is acceptable, including, how surface water is to be collected with infiltration back into the aquifer, the risk of impacts on groundwater quality from surface water contamination and the likelihood of a reduction in infiltration leading to waterlogging and failure of landscaping and / or flooding of both the Site, the adjacent highway and nearby properties;

3.2.3. Deficiencies in the Environmental Statement for the proposed engineering operations;

3.2.4. Conflicts with national and local planning policies relating to the environment, as well as Environment Agency position statements for groundwater protection.

Ground conditions and impact on groundwater

3.3. The bedrock under the Site is identified as a Principal Aquifer and the Superficial Drift is classified as a Secondary A aquifer. The Site is also in a Zone 1, Inner Protection Area, of a groundwater Source Protection Zone. The factual aspects of the geology and hydrogeological setting is likely to be capable of agreement with the main parties.

3.4. Site investigations in 2019 identified instability and the presence of karstic voids beneath the Site that were significant both in terms of magnitude and lateral extent. The precise nature and extent of the karstic voids is uncertain.

3.5. Evidence will be provided that the risk of contamination to groundwater from the proposed grouting operation has not been adequately assessed, particularly given that it will take place adjacent to the water table within SPZ1. Further it has not been demonstrated that grouting will not extend below the water table. The Environment Agency identify such operations as 'high-risk'[1] in the context of

[1] Piling and Penetrative Ground Improvement Methods on Land Affected by Contamination: Initial Technical Guidance on Pollution Prevention.

particularly sensitive sites, such as those within SPZ1. Any escape of grouting material will be underground and not visible and there is the potential for subsequent movement/dissipation of grout once introduced.

3.6. Grouting operations that risk altering the aquifer and introducing contaminants are contrary to Government policy and good practice. The Environment Agency's statement, Approach to Groundwater Protection (February 2018), contains information about the Agency's approach to managing and protecting groundwater, setting out how the Agency delivers government policy for groundwater, adopting a risk-based approach. Under Position Statement N8, physical disturbance of an aquifer within SPZ1 will normally result in an objection in principle from the Agency.

3.7. The Environmental Statement and Hydrogeological Impact Assessment for the engineering operations do not adequately assess the potential risks to the underlying aquifer, groundwater resources and nearby PWS. Specific aspects of the Appellant's technical reports will be the subject of evidence on behalf of the Rule 6 Parties.

3.8. As part of the engineering operations appeal, the Appellant has quantified the risks and assessed the potential impacts to identified receptors. The Detailed Quantitative Risk Assessment ('DQRA') predicts that there will be migration of contaminants into the Principal Aquifer, directly contrary to Environment Agency guidance. The Site lies within the abstraction catchment of the Harpsden Treatment Works, which supplies approximately 50,000 people in the Henley Water Resource Zone ('WRZ') operated by Thames Water. It also contributes to nitrate-dilution supplies elsewhere. Under normal operating circumstances, this groundwater resource is the only raw water source supplying the WRZ. If the potential risks of disruption to the underlying Principal Aquifer eventuate, the effects on groundwater resources and the PWS would be irreversible, unable to remedied by any conditions imposed.

Site drainage, flood risk and long-term sustainability

3.9. The proposed engineering operations will affect the permeability of the ground within the Site. The surface water run-off regime will be fundamentally changed. Evidence will show that the Appellant's Flood Risk Assessment and Drainage Strategy, post-stabilisation works, is deficient and unacceptable.

3.10. For example, the proposed infiltration basins, tanks and flow controls, fall below accepted design standards as part of the overall design of the surface water drainage proposals.

3.11. Evidence will be provided on the inadequacies of the Appellant's Flood Risk Assessment concerning the lack of sensitivity testing for infiltration rates, changes to groundwater and the likely effects of grouting. The Flood Risk Assessment appears not to take into account the entire area that drains into the Site.

3.12. The Appellant's drainage model also omits exceedance and blockage scenarios and fails to account for compaction and potential grouting effects.

3.13. The drainage model does not account for reduced permeability following grouting, which could alter run-off patterns and increase flood levels, including to the highway that already occurs from time to time on the A4155.

3.14. Post-stabilisation works, the Rule 6 Parties are concerned that the proposed long-term maintenance regime for SuDS relies on continuous pumping operations with the need for specialist and changing regimes of technical management throughout its lifetime. Ultimately, the residential management company will take over that important responsibility for high-risk infrastructure. Reliance on long-term, permanent pumping operations is contrary to SODC Local Plan Policy DES8, which promotes sustainable, low-energy drainage design.

3.15. In relation to foul drainage, Thames Water maintains an objection to the discharge of Condition 11, based on the need for grouting works to be completed before the final drainage strategy can be approved and discharged.

Adequacy of the Environmental Statement

3.16. As part of its case under the principal issues set out above, the Rule 6 Parties' evidence will set out how the cumulative effects of the ground stabilisation works, surface water drainage and post-stabilisation residential development have not been properly considered.

3.17. There does not appear to have been consideration of a mitigation hierarchy or contingency plan should the grouting operations be misdirected. Evidence will be provided on how the likely carbon and energy impacts of the proposed engineering operations and future drainage strategy have not been properly considered and without an adequate quantified assessment of the likely significant effects.

3.18. An evaluation of the risks associated with the engineering operations and subsequent development cannot be determined with sufficient certainty, based on the preliminary technical evidence submitted by the Appellant in the Environmental Statement. When uncertainties remain as to the existence or extent of the risks in particularly sensitive hydrogeological settings such as that existing at the Site, a precautionary approach ought to be taken and the appeals refused without having to wait for the seriousness of those risks to be fully demonstrated at a later stage with the potential for harm to occur (the 'precautionary principle').

4. Conditions

4.1. The potential risks inherent in the Appeal proposals are not capable of being effectively managed through the imposition of conditions that provide for monitoring or the provision of strategies in the future. Once implemented, the Rule 6 Parties' case is that the potential impacts of the Appeal proposals on the

Principal Aquifer should they eventuate, would be irreversible. Taken together, the hydrogeological and drainage evidence will show that the proposals do not amount to a sustainable or safe solution within SPZ1.

5. Documents that may be referred to at the Inquiry, witnesses

5.1. The Rule 6 Parties will refer to the Application and Appeal documentation already submitted to SODC and the Inspectorate. At this stage, other documents to be referred to are as follows:

5.1.1. JBA Consulting Technical Note 2020s1712, January 2021;

5.1.2. JBA Consulting Technical Note 2022s1056, September 2023;

5.1.3. JBA Consulting Technical Note 2023s1304, February 2025;

5.1.4. JBA Consulting Technical Note 2023s1304, 10 June 2025;

5.1.5. Relevant research papers and journal articles on geological and hydrogeological matters.

5.2. The Rule 6 Parties intend to produce witness evidence on the following topics:

5.2.1. An expert environmental, contaminated land and water environment witness will give evidence on the potential effects on groundwater levels and flows in the Principal Aquifer and the quality of water abstracted as part of the public water supply;

5.2.2. A hydrology expert will give evidence on flood risk, surface water and foul drainage; and

5.2.3. Members of the community will provide evidence of local conditions regarding flooding to the highway and nearby properties, as required.

6. Site Visit

6.1. The Rule 6 Parties consider that the Inspector should undertake an accompanied site visit to view the local topography on Site, the borehole locations relied upon by the Appellant and the proposed location of the surface drainage features, which will assist in understanding the vulnerability of the groundwater within the Principal Aquifer.

7. Conclusion

7.1. The Rule 6 Parties will demonstrate that there is insufficient evidence that can be relied upon at the Appeal demonstrating that the proposed engineering operations and subsequent development can be undertaken safely within SPZ1, and that the aquifer will remain uncontaminated and a continued resource for public water supply over the lifetime of the development. This is contrary to the Development Plan, and there are no material considerations weighing in the planning balance which outweigh this. Accordingly, the Inspector is invited to dismiss the Appeals.