

TAYLOR WIMPEY WEST LONDON (“the Appellant”)

**THE PROPOSED DEVELOPMENT OF LAND AT THAMES FARM, READING ROAD,
LOWER SHIPLAKE, OXFORDSHIRE, RG9 3PH.**

APPEALS UNDER SECTION 78 OF THE TOWN AND COUNTRY PLANNING ACT 1990

Appeal A – APP/Q3115/W/25/3373696 (LPA Ref: P24/S2642/FUL).

Appeal B – APP/Q3115/W/25/3373700 (LPA Ref: P24/S2652/S73).

Appeal C – APP/Q3115/W/25/3373702 (LPA Ref: P24/S2651/DIS).

PUBLIC INQUIRY – 24 MARCH TO 9 APRIL 2026.

THE CLOSING SPEECH ON BEHALF OF THE APPELLANT

The structure of this closing:

1. Section 1 – Introductory points by the Appellant.
2. Section 2 - The approvals are sought by the appellant
3. Section 3 – The current position with the site.
4. Section 4 – Is what is proposed acceptable?
5. Section 5 – Do the proposals accord with the development plan?
6. Section 6 – Do the proposals comply with other material considerations particularly the NPPF?
7. Section 7 – The corroboration of the Appellant’s position.
8. Section 8 – Summary and Conclusion.
9. Appendix 1 – Detailed comments on the criticisms relating to Hydrogeology.

SECTION 1 — INTRODUCTORY POINTS FOR THE CLOSING

(i) The context of this appeal is a national and local housing crisis

1. As we said in opening, the case in favour of the grant of planning permission is compelling and that is reinforced having heard the 12 professional witnesses called by all 3 parties.
2. These appeals seek various approvals to allow the construction of houses – 84 houses – no more and no less.
3. The context of this inquiry is that the country is in the grip of “the most acute housing crisis in living memory” and a key plank of the government’s plan to remedy that crisis is the presumption in favour of sustainable development at para 11(d) of the NPPF.
4. The fundamental purpose of that presumption is to establish a higher threshold for the refusal of planning permission for housing developments.
5. That express purpose of current government planning policy has been attempted to be significantly undermined in this case by South Oxfordshire District Council (“the LPA/the Council/SODC”) and the Rule 6 Parties (“TFAG/R6”) in their approach.

(ii) The fundamental mischaracterisation of what has been proposed by those opposing the appeals.

6. At the outset of these closing submissions, it is necessary to address what has been a fundamental and persistent mischaracterisation of the Appellant's proposals throughout these proceedings by the LPA/R6.
7. What is before this Inquiry is not some novel or untested experiment in engineering.
8. You have unchallenged evidence from Dr Edmonds that compaction grouting has never:
 - 8.1. Materially failed on any houses where it has been utilised;
 - 8.2. Materially failed in relation to any other development where it has been utilised;

- 8.3. Materially failed in stabilising the ground post treatment;¹
 - 8.4. Has led to any problem in terms of contamination or pollution of an aquifer;
 - 8.5. Has led to any problem in terms of a Public Water Supply ("PWS");
 - 8.6. Has led to any serious problem with leaching.
-
9. It is not, as the Rule 6 Parties have sought to suggest, a reckless gamble with the public water supply or "madness".
 10. Those highly inflammatory allegations are not merely wrong but highly emotive and deeply unfortunate and do nothing but lead to fear.
 11. Nor is it, as the emotive language deployed by TFAG at the Planning Committee suggested, "pumping concrete slurry into holes across vast areas of the site" in the hope that it "ends up in the right place". Spend a moment with this erroneous statement with the considered and proper evidence of Mr Dunhill who gave compelling evidence about the methodology and actual discipline of the process.
 12. What is actually proposed is a well-established, tried-and-tested ground stabilisation technique - compaction grouting - that has been used successfully across the United Kingdom since the late 1980s to treat precisely the kind of chalk dissolution features found at this site.
 13. Dr Clive Edmonds, a recognised specialist in chalk dissolution and grouting, was amongst the first geotechnical practitioners to specify its use in the UK and has documented successful case studies at multiple locations in Berkshire, Oxfordshire, Buckinghamshire, Hertfordshire, Surrey, and Norfolk.
 14. Not one instance of material failure has been presented by Messrs Dodds, Brinkworth or Parrish.

¹ The only example being referred to by the Council being an isolated incident of subsidence involving a drain in Kent identified by Mr Brinkworth (which was successfully remediated and caused no material harm in any event)

15. The grout will be composed of naturally occurring materials - Ordinary Portland Cement, limestone dust, sand and bentonite - and does not contain any contaminants that would affect groundwater or the surrounding environment.
16. The Appellant's proposals have been assessed through an incredibly comprehensive suite of environmental and technical documents, including a full Environmental Impact Assessment, multiple Hydrogeological Impact Assessments ("HIAs"), detailed Flood Risk and Drainage Strategies, and an extensive programme of site investigations.
17. The suggestion that this is some form of speculative engineering proceeding in ignorance of risk is, with respect, entirely without foundation like both the LPA and the R6 case frankly.

(iii) The Position of the LPA

18. The position of the LPA in these appeals is, to put it candidly, an uncomfortable one.
19. The Council's own planning officers, having considered all of the technical evidence before them, recommended that the Planning Application and the Section 73 Application be approved.
20. That view was not reached in haste - but after an incredible amount of consideration, thought, consultation and reflection. The 3 applications lay before the officers for nearly a year.
21. The Committee Reports presented to the Planning Committee on 16 July 2025 concluded without any reservation or ambiguity that the proposals were acceptable, that the relevant statutory consultees had removed their objections, and that sufficient information had been provided to demonstrate that risks to groundwater could be appropriately managed.
22. Not for one second did anyone assert as Mr Bedford has sought to do in XX:
 - 22.1. That there was an absence of information;
 - 22.2. That there was an absence of information relating to groundwater;

- 22.3. That there was an absence of information relating to the solution features;
- 22.4. That there was a need to do more monitoring of the site;
- 22.5. That there was a need to do anything else prior to granting permission of any kind.
23. The professional officers having considered the applications for nearly a year had determined there was nothing whatsoever outstanding.
24. Yet faced with TFAG's scaremongering, the Members of the Planning Committee resolved to refuse permission, contrary to the professional advice of their own officers and contrary to the advice of every relevant statutory consultee.
25. The single reason for refusal for the engineering works planning application asserts that the application *"fails to demonstrate that the proposed engineering operations and the ground stabilisation works would not pose an unacceptable risk to the aquifer and public water abstraction"*.
26. That conclusion was reached in the face of express consultation advice from the Environment Agency ("the EA"), Thames Water, the Lead Local Flood Authority ("the LLFA"), and the Council's own drainage officer that the proposals were acceptable, subject to conditions.
27. The reason for refusal has not stood up to scrutiny once the evidence has been tested at Inquiry. They are not well founded. Taylor Wimpey considers that the Council has behaved unreasonably in defending this poorly substantiated reason for refusal. Thus, whilst the Appellant is of the view that there would have been a solid basis for a substantive costs application, no such application is made. This decision has been made because Taylor Wimpey wants to foster a good working relationship with the Council going forward and as a gesture of goodwill.

(iv) The Position of the Rule 6 Party

28. The Rule 6 Parties - comprising Henley Town Council, Harpsden Parish Council, Shiplake Parish Council, and TFAG - accept that the principle of residential development has been established by the extant outline permission.

29. Their objection is directed at the proposal for ground engineering operations within groundwater Source Protection Zone 1 (“SPZ1”) over a Principal Aquifer.
30. Whilst the Appellant respects the concerns of local residents and acknowledges that the Rule 6 Parties represent a body of local opinion, we respectfully submit that the evidence before this Inquiry demonstrates that the concerns which have been raised are not well-founded when tested against the expert technical evidence.
31. They have led a significant campaign of very great force but there is no credible scientific basis or evidence to support their position.
32. Now they have found 2 experts who are professionally retained.
33. However, their main witness on this proposal, Ms Parrish has no experience whatsoever on what is proposed. The substance of her evidence is addressed below, but ultimately the Inspector is invited to prefer the evidence of the Appellant's experts and the considered views of the statutory consultees over the submissions made on behalf of the Rule 6 Parties.

(i) The “burden of proof”

34. The Council's closing submissions (at para. 7) seek to characterise the main issue on Appeal A as requiring the Appellant to prove the negative — that is, to demonstrate with certainty that the proposed works "would not pose an unacceptable risk". That characterisation fundamentally misreads the evidential position.
35. First, the Appellant has positively met any burden of proof on its own evidence and positively demonstrated that any residual risk to the PWS is negligible at best – for all the reasons set out below. Not only that, but both the Environment Agency and Thames Water - the two statutory bodies with direct responsibility for the protection of the aquifer and the public water supply - are satisfied that risks to the PWS are acceptable, subject to a Source Protection Strategy being secured by planning condition.

36. The Appellant has not merely asserted that no harm will occur; it has demonstrated, through detailed and robust technical assessment, that the residual risk is negligible and can be appropriately managed.
37. Second, in considering whether that burden has been discharged, the Inspector is entitled to - and indeed should - have regard to a highly material feature of Mr Dodds's evidence. Mr Dodds accepted in cross-examination that he could not positively say whether there would or would not be harm. This is of course highly relevant to the Main Issue (i.e. whether or not it is sufficiently demonstrated that there would not be an unacceptable risk).
38. In circumstances where the Appellant has provided an extensive and detailed risk assessment, endorsed by the relevant statutory consultees, and even the Council's own witness cannot identify any positive basis for concluding that harm would result, the burden has plainly been discharged.

(ii) The tilted balance must be consequential

39. The parties agree that in light of the Council's housing land supply position – no more than a 3.81-year supply - the “tilted balance” at para 11(d)(ii) of the NPPF is engaged in respect of Appeal B (although for the reasons set out below, it is also plainly engaged for Appeal A too).
40. The tilted balance was a conscious and meaningful attempt in the first NPPF of 2012 to assist housing delivery and make it intentionally more difficult to refuse planning permissions that seek to build housing where an LPA had inadequate supply to meet its housing requirement.
41. This appeal is a case study of where, since 2012, Conservative, Labour and Coalition governments want to see the application of the tilted balance.
42. The aim of that presumption is, in the words of Mr Johnson “to incentivise local authorities to get on and take decisive action” to meet their housing needs. It intentionally and explicitly creates a high bar for refusing planning permission for residential developments.

43. While a planning judgment of course needs to be reached on the facts of each case, it must be exercised in the context of metaphorical scales which are pre-weighted in favour of the grant of permission. Otherwise, this key plank in the government's strategy to address the housing crisis would be entirely ineffective.

SECTION 2 — WHAT APPROVALS ARE SOUGHT BY THE APPELLANT?

44. It is a fundamental principle of the planning system that the Applicant has the right of appeal to any decision reached by a local planning authority. In this case the right of appeal is critical because the Applicant/Appellant is of the view that the decision taken last July:

- 44.1. Was not justified in any way by the members.
- 44.2. There was a complete absence of technical evidence to justify the reasons of refusal – especially in the face of the positive assessment by the expert statutory consultees.
- 44.3. That evidence has been sought to be scrambled together post that decision.
- 44.4. It has failed to show that the professional judgment of officers is wrong in any way.
- 44.5. Indeed, to endorse the position of the LPA at this inquiry would require the decision to be taken that:
 - 44.5.1. The EA were wrong in concluding there was no objection to the proposal, and they had adequate information before them to reach that judgment.
 - 44.5.2. Thames Water were wrong in concluding there was no objection to the proposal, and they had adequate information before them to reach that judgment.
 - 44.5.3. That the LLFA were wrong in concluding that there was no objection to the proposal and they had adequate information before them to reach that judgment.
 - 44.5.4. That the drainage officer of the LPA was wrong in concluding that there was no objection to the proposal and that they had adequate information before them to reach that judgment.
 - 44.5.5. That the case officer was wrong to rely on the consistent position adopted by all the relevant statutory consultees and for having recommended the applications be approved.

45. The Appeal Scheme comprises three interrelated applications:

45.1. First, Appeal A: a full planning application for engineering operations associated with ground stabilisation works (Reference P24/S2642/FUL). These works involve compaction grouting to stabilise the disturbed and relaxed ground associated with karstic dissolution features in the underlying chalk bedrock. The compaction grouting involves drilling a series of boreholes on a primary 6-metre grid across identified areas and injecting a stiff mortar-like grout, composed of cement, sand, limestone dust, and bentonite, to re-densify loose ground, reduce pore spaces, and improve ground strength followed by further grout injection on secondary and tertiary grids as needed. The injection is carefully controlled, with maximum quantities at each injection point limited, and all volumes, flow rates, and pressures measured and recorded.

45.2. Second, Appeal B: a Section 73 application to vary conditions 1 (Approved Plans) and 3 (Landscaping) on the Reserved Matters approval (Reference P24/S2652/S73). This application seeks to amend the approved layout to accommodate the drainage features necessitated by the ground stabilisation works, resulting in a reduction from 95 to 84 dwellings, upgraded house types meeting Part L 2021 Building Regulations, and a new SuDS drainage basin in the south-western corner of the site.

45.3. Third, Appeal C: an application for the discharge of conditions 4, 5, 8, 9, and 11 attached to the outline permission (Reference P24/S2651/DIS). This includes the discharge of the drainage strategy under Condition 11, which has been the subject of extensive engagement with statutory consultees.

46. The three appeals together comprise the Appeal Scheme.

47. The LPA's Statement of Case acknowledges that Appeals A and C are the critical appeals, and that if those appeals were to be allowed, the Council would accept that *"that would be determinative of Appeal B and that it would then have no separate or free-standing objection to Appeal B"*.²

² CD 17.1 – para. 2.2.

48. The Council's position on reasons for refusal 2 and 3 of the S73 Application - relating to the absence of a completed Deed of Variation to the Section 106 Agreement - is one that the Appellant is addressing, with a draft Deed of Variation having been prepared.

SECTION 3 — WHAT IS THE CURRENT POSITION WITH THE SITE?

The matters agreed

49. A substantial body of common ground exists between the parties in these appeals. The agreed Topic Papers³ records agreement on the description of the appeal site, its planning history, and the policy context. The site extends to 5.59 hectares and is located on the western edge of the A4155 Reading Road, west of Lower Shiplake. The site is entirely within Flood Zone 1 - the zone of lowest probability of flooding from rivers and the sea. There are no statutory ecological designations on or directly adjacent to the site.
50. Crucially, it is agreed that the site benefits from an extant outline planning permission for up to 95 dwellings and associated public open space, granted on appeal in August 2017 ("the Outline Permission").⁴ That permission has been lawfully implemented, as confirmed by SODC's grant of a Certificate of Lawful Use on 6 November 2020.⁵ Reserved Matters approval for 95 dwellings was granted in May 2019.⁶ The principle of residential development on this site is therefore established beyond question.
51. The suggestion, put by Mr. Bedford in cross-examination of Mr. Knott, that the Outline Permission should only be given limited weight⁷ is wholly misconceived. The Outline Permission establishes that the principle of development is completely accepted on the Site, and it is no part of the LPA's case to suggest that this is no longer a suitable location for residential development (and, if it was, the correct course of action would have been to revoke the permission).

³ CD 16.1-16.4.

⁴ CD 18.1.

⁵ CD 18.3.

⁶ CD 18.2.

⁷ Apparently on the basis that the Outline Permission requires the Appeal Schemes to be built out (although as Mr. Knott rightly pointed out, this is no different from any outline permission, which can only be built out following the grant of further consents, such as reserved matters approval).

52. The reality is that only remaining impediment to the construction of housing on this Site is the need for the additional 3 consents that would be granted under these appeals.

The National Crisis

53. There is a compelling and very serious housing crisis in the UK currently.
54. The Government seek and indeed require 1.5 million homes in the current 5 years.
55. They have chosen to seek to meet housing need.
56. The NPPF makes clear that the Government's objective is to "significantly boost the supply of homes": paragraph 61 of the NPPF.
57. The standard method for assessing local housing need was introduced precisely because of the persistent failure of local authorities across the country to plan adequately for housing.
58. The local housing need figure for South Oxfordshire under the standard method is 1,235 homes per year.⁸ This substantially exceeds the adopted Local Plan requirement and underscores the scale of the challenge.⁹
59. The revised NPPF, published in December 2024, has placed renewed emphasis on housing delivery and the need for local planning authorities to demonstrate a five-year supply of deliverable housing sites.

The Desperate Housing Shortage in SODC

60. The housing land supply position in South Oxfordshire is, by any measure, deeply concerning.

⁸ CD 17.2 – Appendix 1.

⁹ CD 6.1 – para. 3.25.

61. The Council's latest own Housing Land Supply Statement, published in December 2025, confirms that it can demonstrate only 4.46 years' worth of housing land supply.¹⁰
62. Against a five-year housing requirement of 6,484 homes (including the 5% buffer), the Council can identify a supply of only 5,788 dwellings, representing an under-supply of 696 dwellings.
63. However, the true position is now accepted to be far more acute.
64. The recent appeal decision at Chalgrove (APP/Q3115/W/25/3370273), dated 20 February 2026,¹¹ found that the Council's claimed housing land supply should be reduced further by deducting 746 dwellings from disputed sites, resulting in a supply of no more than 3.81 years, which represents a deficit of 1,542 homes.
65. That Inspector described this as "a significant shortfall".
66. That recent conclusion and judgment should be given a huge amount of weight.
67. South Oxfordshire's failure to demonstrate a 5-year housing land supply as required by national policy engages the tilted balance under paragraph 11(d)(ii) of the NPPF, which provides that permission should be granted unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits.
68. The affordable housing position is equally grave.
69. The Joint Housing Needs Assessment 2023 identified a net need from 631 households in South Oxfordshire who currently need affordable housing and do not currently occupy affordable housing.¹²
70. The assessment further identified a need to provide additional affordable housing for 1,900 households over the 20-year period 2021–2041, equivalent to 95 households per year.¹³

¹⁰ CD 12.1.

¹¹ CD 13.2 – para. 113.

¹² CD 6.5 – para. 7 on PDF page 6.

¹³ CD 6.5 – para. 4.47 on PDF page 61.

71. This Appeal Scheme proposes 45% affordable housing - above that required by local policy and delivering much-needed homes to those most in need.

This Is the Perfect Site for Housing

72. Thames Farm is not some speculative greenfield allocation in a remote location.
73. It is a site with extant planning permission for residential development, granted on appeal after a full public inquiry in 2017.
74. The Inspector in that appeal — Mr John Braithwaite — concluded that the proposed development constituted sustainable development and that the presumption in favour of sustainable development applied.¹⁴
75. He found that the adverse consequences of granting permission were "limited to the less than significant harm that would be caused to the character and appearance of the countryside" and that the benefits — the contribution to redressing the significant and persistent shortage of housing land and the serious shortage of affordable housing — outweighed those harms. The Inspector reached his conclusions prior to the permissions granted for the residential developments to the north, east, and south of the site.
76. Since that time, the housing position has deteriorated further.
77. The site lies adjacent to Lower Shiplake and within reasonable walking distance of Shiplake train station and approximately 2.5 km to the south of the market town of Henley-on-Thames.
78. It has an approved and built vehicular access from Reading Road. The layout and design of the scheme have been found acceptable through the Reserved Matters process, and the Appeal Scheme proposes only modest amendments to the approved layout — principally a reduction from 95 to 84 dwellings to accommodate the necessary drainage features,

¹⁴ See within CD 13.2.

together with a substantial increase in public open space and ecological improvements, delivering a 29.36% biodiversity net gain.

The only impediment is the absence of the last necessary consents

- 79. This site is, in practical terms, ready for development and Taylor Wimpey is plainly invested in its ongoing commitment to deliver high quality new market and affordable homes on this site.
- 80. The principle is established. The access is built. The reserved matters layout has been approved.
- 81. The only impediment to the delivery of 84 much-needed homes — including 38 affordable homes — is the absence of the final consents that are the subject of these appeals: permission for the ground stabilisation works, the consequential amendments to the approved layout, and the discharge of pre-commencement conditions.
- 82. The ground conditions at the site — the presence of chalk dissolution features — were identified during detailed site investigations.
- 83. They are not unusual in this part of the country.
- 84. Ground stabilisation works involving compaction grouting have been carried out in proximity to the appeal site and at numerous other locations across southern and eastern England.
- 85. What is required is not some radical departure from accepted practice, but the straightforward application of a well-understood engineering technique, accompanied by comprehensive monitoring and safeguards.

SECTION 4 — IS WHAT IS PROPOSED ACCEPTABLE?

- 86. There are only 4 material disputes relied on by those who oppose the grant of consent:

- 86.1. Material issue 1 – What will be done?
- 86.2. Material issue 2 – Will the proposed grouting be harmful?
- 86.3. Material issue 3 – Is a condition for a Source Protection Scheme acceptable?
- 86.4. Material issue 4 – Is the proposed drainage scheme acceptable, including having regard to any consequent flood risk?

Material issue 1 – What will actually be done?

- 87. The fundamental problem with the Council and R6 case is that they have never really understood the grouting process and have not called any technical evidence from any witness with experience on compaction grouting.
- 88. All of their concerns are either academic, incorrect, or both academic and incorrect once one considers what will actually be done on a daily basis to ensure that the proposal stays within the agreed parameters.
- 89. Compaction grouting involves drilling boreholes and injecting a stiff mortar grout - slump 80–120 mm, containing coarse sand and limestone dust - that produces an expanding bulb, compressing the surrounding ground. The grout does not flow. It is extruded under pressure and emerges as a solid mass. It begins setting from the moment it is mixed and achieves full set within approximately two hours, reaching a 28-day crush strength of up to 10 N/mm². A bespoke specification has been prepared for this site: injection targeted into unstructured chalk, with a 2-metre standoff above the measured water table monitored daily, no Pulverised Fuel Ash, and a 50-metre exclusion zone around the PWS.
- 90. More particularly, the agreed and unchallenged evidence shows:¹⁵
 - 90.1. The grouting will be done by specialist contractors.
 - 90.2. They will be subject to liabilities and warranties.
 - 90.3. They will mix the grout to a specified composition.
 - 90.4. That grout will be tested to ensure it complies with that specified composition.
 - 90.5. It will be injected at an acceptable pressure to ensure the ground does not rise.
 - 90.6. The operatives will carry out grouting on a primary, secondary and tertiary hole basis.

¹⁵ As set out in Mr. Dunhill and Dr. Edmond's Evidence in Chief.

- 90.7. The operatives will monitor the pressure of the grouting as injected as that reveals what the grouting is going into.
- 90.8. The operatives will be reactive to the pressure readings.
- 90.9. The operatives will only put a maximum specified amount of grout in each hole.
- 90.10. The grout will be chemically mixed to set.
- 90.11. The grout will be set within two hours.
- 90.12. The grout will be in the form of a bulb.
- 90.13. It will not be possible to “run” or “move”. It is simply too thick.
- 90.14. It will not be possible for the groundwater to have the pressure, or amount to stop the grout setting.
- 90.15. The idea of it moving at least 50 metres is simply not credible.

Material issue 2 - Will the proposed grouting be harmful?

- 91. The acceptability of the proposed grouting works has been the central issue in these appeals.
- 92. The evidence before this Inquiry demonstrates conclusively that the proposed compaction grouting poses a very low risk to the public water supply and the underlying aquifer.
- 93. The site lies on the Chalk Principal Aquifer, within SPZ₁ of the Harpsden PWS, approximately 130 metres to the northeast. SPZ₁ represents the area within which contaminant travel time to the borehole is 50 days. The site comprises less than 0.5% of the total catchment area of the PWS.¹⁶
- 94. The ground investigation has been, by any standard, exceptional: over 1,200 dynamic penetration tests on a 6-metre grid; five deep cored boreholes with detailed geological logging; falling head permeability testing at multiple depths; five groundwater monitoring wells providing continuous data; and 30 years of Thames Water off-site monitoring data — approximately 23,800 on-site and 121,000 off-site measurements in total. That investigation has established a clear geological sequence: Taplow Gravels, underlain by at least 12 metres

¹⁶ See generally CD 7.1.

of unstructured chalk - a weak, structureless soil that does not support fractures - underlain by structured chalk, which retains its original fabric and contains fractures.¹⁷

95. The HIAs prepared by H Fraser Consulting Ltd, a specialist hydrogeological consultancy, assessed all relevant risk pathways.¹⁸
96. Much of the HIA's analysis was not seriously challenged. No party contended that the grouting would materially reduce aquifer permeability or affect recharge to the PWS. The DQRA for the drainage infiltration demonstrated negligible risk to groundwater quality, with no contaminant predicted to exceed assessment limits even at the site boundary after 10,000 years on worst-case assumptions.¹⁹ That analysis was not the focus of challenge.
97. The main issue in dispute is whether unset grout could reach the PWS and contaminate the water supply. It is common ground between all parties that set grout is chemically inert and poses no concern.²⁰ The LPA/R6s entire case therefore turns on whether there is a credible mechanism by which grout, before it sets, could travel from the injection point to the PWS - a distance of at least 130 metres - within the approximately two hours before it sets.
98. Through the questioning of Mr. Bedford (rather than through any detailed consideration of the Council's own witnesses, who had simply failed to engage with the issue), the Council advanced four hypothetical mechanisms by which unset grout could conceivably enter a pathway to the PWS.
99. Each "pathway" proceeds on a misunderstanding of the hydrogeological evidence. But in any event, all "pathways" are completely academic because they fail to engage with the fundamental characteristics of grout.
100. Taking each "pathway" in turn:

¹⁷ See Fraser Proof of Evidence – section 4.11, 4.12 and section 5.

¹⁸ CD 7.2 and CD 7.3.

¹⁹ CD 7.5 – para. 63 (PDF page 18).

²⁰ Accepted expressly by Mr. Dodds in xx.

101. First, fractures in the structured chalk: it appeared to be suggested that some grouting may occur in structured chalk between dissolution features; structured chalk contains fractures; therefore grout may enter a fracture. The whole premise is wrong. Where a grouting hole passes through competent structured chalk, that chalk resists the entry of grout - the ground is too strong to accept it, and the hole is simply backfilled.²¹ Even if a fracture were encountered, the site investigation demonstrates that the fractures are overwhelmingly small — the majority less than 1 mm in aperture, with the largest assessed at less than 10 mm.²² A fracture of that size will not transmit compaction grout: the coarse particles choke and clog narrow openings on entry.
102. Second, fractures in the unstructured chalk. The sole basis for this contention is a single entry in one borehole log — HF2 — recording a "sub-vertical fracture" in material classified as unstructured chalk. One log entry cannot overturn the conceptual model established by 1,250 exploratory holes and a full-coverage geophysical survey. As Dr Edmonds explained, structureless chalk means that it does not contain structure, and so a logger describing a fracture most likely is referring to a feature contained within a solid chalk fragment entirely incorporated within a structureless mass of calcareous silt matrix.
103. Third, open voids providing a pathway for grout to fall below the injection horizon. The Council spent considerable time trying to suggest that borehole logs record "voids." Dr Edmonds' evidence - based on 45 years of chalk geotechnics - is that these entries reflect zones of no core recovery, not open cavities. The sonic drilling technique causes very weak chalk to puttify, making recovery extremely difficult. Adjacent dynamic probes, which do not rely on core recovery, recorded no voids in the same areas - consistent with weak, infilled material rather than open cavities. The pathway the Council hypothesises does not exist.²³
104. Fourth, the water table rising after grouting. The argument is that grout injected above the water table could end up below it if groundwater levels subsequently rise. However, as Mr. Dunhill explained, the 2-metre standoff is applied dynamically — to the water table as measured each day from monitoring boreholes, not to a fixed datum. The grouting programme extends over 35 weeks; as the season progresses, the maximum grouting depth

²¹ Both Dr Edmonds and Mr Dunhill in EiC and XX.

²² CD 7.2 – Figure 4.5 on PDF page 34.

²³ See Dr Edmonds Rebuttal at section 1.2 for full details.

adjusts if the water table rises. But even if, despite those controls, set grout were to sit below a risen water table, the consequence is benign: the grout will have been fully cured for weeks or months. Set grout does not dissolve, leach, or break down in water. The two timescales - hours for grout to set, weeks for the water table to move substantively - are incommensurable.

105. Therefore, each of the four mechanisms examined above fails on its own terms. But even if one or more of the Council's factual premises were accepted - even if the grout encounters a fracture, or meets an open void, or the water table rises - the outcome is the same, **because the grout sets within two hours.**²⁴ No witness for the LPA and R6 has identified any conditions in which the grout would fail to set.

106. The suggestion at paragraph 30 of the Council's closing that grout might not set in water, and that Mr. Dodds gave evidence to this effect does not accurately reflect the evidence given. Mr Dodds accepted in cross-examination that he had no idea of the level of water required to prevent grout setting. Dr. Edmonds, who has direct experience of compaction grouting, gave evidence that there were "no conditions that would preclude grout setting" and that:

"If it went into a chamber of water – it would continue setting – the water would have no effect on it at all. It stays as a solid mass. Only way to break down would be to jet wash it."

107. He was not challenged on that evidence, and nor was Mr. Dunhill who gave evidence to the same effect. For the same reasons, even if grout did reach the groundwater (which it will not for the reasons set out above) – it would still set.

108. The HIA calculates, using highly conservative assumptions, that the maximum travel distance of grout through a chalk fracture is 3.4 metres.²⁵ The PWS is 130 metres away. The exclusion zone is 50 metres — very significantly beyond the calculated maximum travel distance.

109. For unset grout to reach the PWS, the following must all occur: the grout must enter a pathway; it must remain mobile despite its stiffness; the pathway must be continuous for 130 metres; the grout must travel that distance within approximately two hours before

²⁴ See in particular Edmonds and Dunhill in EiC. Not disputed by Dodds in xx.

²⁵ CD 7.2 – Appendix F (PDF page 184).

setting; and it must arrive in sufficient quantity to affect the supply. Each step is individually improbable. Collectively, they are vanishingly remote. The Council has adduced no evidence – none – about when, how, or in what circumstances the grout would fail to set. Mr Dodds accepted that the “unset grout travelling to the PWS” scenario was speculation.

Other miscellaneous grouting concerns:

110. Five other subsidiary concerns were raised and can be dealt with briefly.

- (1) Changes to pH: Once set, the grout is chemically stable and does not leach. The only scenario involving pH exposure is the one already dismissed: unset grout reaching the water table. No party has identified any incident in which cement grout has caused pH contamination of a public water supply. The EA has not raised pH as a concern.
- (2) The need for a permit: Whether a permit is required is a matter for the Environmental Permitting Regulations, not for the planning system. The EA has not objected. If it considered that a permit was definitely required and could not be granted, it would have said so. The planning system proceeds on the basis that where a separate regulatory regime exists, the planning authority need not duplicate that function: see NPPF paragraph 201.
- (3) Turbidity: There is no measured evidence that compaction grouting creates turbidity in groundwater. In any event, the occurrence of grout entering fractures below the water table is highly improbable, given the compaction of the ground around the grout bulb and the viscous, fast-setting, stiff nature of the grout. In the highly unlikely event that grout does interact with chalk fractures, those fractures would be partially filled and blocked by the grout itself, isolating them from the groundwater fracture flow network.²⁶
- (4) Untreated features between the grid: The 6-metre primary grid is a starting point, not the final spacing. Where high grout takes are recorded in primary holes, secondary holes are drilled at 3-metre spacings, then tertiary and quaternary if necessary — the split-spacing method is specifically designed to identify and respond to features that

²⁶ See CD 7.2 – section 6.3.

the primary grid does not encounter. But more fundamentally, this concern misunderstands how compaction grouting works. The technique densifies the ground, it does not merely fill individual holes. The expanding grout bulb exerts three-dimensional pressure on the surrounding material, compacting it outward. A small feature sitting between injection points would be compressed and densified by the lateral pressure from adjacent holes. Post-treatment verification probing then confirms that the ground has been adequately improved.²⁷

Paragraph 54 of the Council's closing does not accurately reflect the Appellant's approach, as was explained at the conditions roundtable. The Appellant will be following the grouting plan. However, as was anticipated in the documents submitted for approval (and is obviously inherent in the grouting process anyway) there may be additional locations where grouting is required. The point raised by the Council is highly sterile and legalistic. No actual harm is identified if the Appellant grouted in between the grid. Further, it would not be contrary to the planning permission in circumstances where any grouting within the grid would fall within the description of development and there is (rightly) no condition proposed preventing it. Mr Bedford simply betrays that he does not understand the process of compaction grouting.

- (5) Mr. Bedford's cornetto concern: This point appeared to be that the base of the dissolution feature below the water table standoff may remain un-grouted. However, this misunderstands both the purpose of the standoff and the mechanism of the grouting. The un-grouted zone exists because the specification prohibits grouting within 2 metres of the water table - and it is that prohibition which protects the PWS. As to ground stability, the grouting does not need to reach the base of every feature to achieve its purpose. Compaction grouting compacts the surrounding ground in three dimensions: the expanding grout bulb pushes outward and downward, densifying the material around and below the injection point. The pressure monitoring confirms when sufficient compaction has been achieved - when the ground pushes back with equal force. Across the site, the interlocking grid of treated ground creates a continuous blanket of densified material above the water table.²⁸ In any event, this is a question about the effectiveness of ground stabilisation, not about harm to the PWS. It is a speculative point which extends well beyond the reason for refusal.

²⁷ For all of this – see Mr. Dunhill EiC and xx.

²⁸ All of the above explained by Mr. Dunhill in xx.

The EA's policies

111. One of the most bizarre and unattractive aspects of the case advanced by the LPA/R6 was a suggestion that the EA had misunderstood its own policies in their "Approach to Groundwater Protection" document.²⁹
112. Significant reliance is placed on Policy A2 - the precautionary principle. The proposal is entirely consistent with this principle. The EA is the body charged with applying A2, and having reviewed the risk assessments, considered the grouting specification, and evaluated the SPS, the EA removed its objection. The body entrusted with the precautionary principle has concluded that it does not require refusal. That should clearly be given significant weight. The EA was right to reach that conclusion – the precautionary principle has been fully complied with here through the highly conservative and precautionary assumptions used in the HIAs and the various safeguards built into the grouting process (see above).
113. Policy N8 states that the EA will "normally" object to development that may physically disturb an aquifer within SPZ1. However, as Ms Fraser explained, the physical disturbance would need to be below the water table before it can be considered to "disturb" the aquifer. In any event, the policy is caveated by the word "normally." The EA may relax its position where this is supported by suitable evidence and a risk assessment. That is what has occurred. In any event, the physical disturbance here is remedial: the grouting compresses and stabilises weak zones rather than creating new pathways. As Ms Fraser explained, the risk assessment demonstrates no adverse effect, so the policy is complied with in substance in any event.
114. If the LPA and R6's approach to these policies were accepted, virtually no development within SPZ1 could proceed. The Council itself has granted six permissions within SPZ1 in recent years. None of those schemes could have been permitted if any development that physically impacts on an aquifer was automatically unacceptable.

Material issue 3 – Is a condition for a Source Protection Scheme acceptable?

²⁹ The policies are all at CD 7.23.

115. The Source Protection Strategy (“SPS”), secured by condition, provides a final layer of assurance. It will include baseline monitoring, real-time monitoring of water levels and quality during the works, sequencing to start furthest from the PWS, compliance limits, exceedance thresholds, and response protocols.
116. In particular, a comprehensive groundwater monitoring programme is proposed, continuing for one year after completion, monitoring groundwater level, turbidity, temperature, pH, and conductivity.
117. The SPS is a belt-and-braces measure to confirm that the embedded safeguards are performing as designed. The suggestion that proposing monitoring is an admission of risk is simply wrong. It is rational and responsible to conclude that a risk is negligible and yet impose monitoring as a precaution. That is what a proportionate application of the precautionary principle looks like.
118. It appears to be suggested (through Mr. Jupp) that a higher degree of certainty is required at this stage that the SPS can be discharged. That is wrong as a matter of law. The PPG states that Grampian conditions should not be imposed where there are “no prospects at all” of the required action being performed - a deliberately low threshold that is plainly met here. There is no requirement for positive evidence that a condition can be discharged before it can be lawfully imposed, and even if there is, it is “*inconceivable*” that this test will not be satisfied where the condition has been requested by a statutory consultee: see R. (on the application of Isherwood Carter) v City of Swansea [2015] EWHC 75 (Admin) at [36] – [42].
119. In any event, to the extent that there is a legal dispute on the test to be applied, there is no need for it to be resolved. The Inspector can be satisfied now that the SPS condition is capable of being met, because the two bodies who will determine its adequacy have both said so. The EA drafted the condition itself, after reviewing the HIA, the DQRA and the ES Addendum. It would not have proposed a condition it did not consider capable of being satisfactorily discharged. Thames Water - the body with the most direct interest in protecting the Harpsden PWS - also requested a condition rather than objecting.
120. Further, the SPS is not a blank page: its framework has already been set out in outline in the HIA and in Ms Fraser's evidence. What remains to be agreed is the detail, not the

principle. The suggestion that the ground conditions are too poorly understood to have confidence that a monitoring regime can work is contradicted by the positions of the very bodies whose statutory function it is to make that judgment.

121. It is also suggested “*applying Proberun by analogy*” that the Council will be forced to accept an inadequate SPS when it comes to discharging the condition. This concern is not understood. Proberun³⁰ was a case about approving reserved matters under an outline planning permission – where the developer had provided the best access achievable within land it controlled, and the question was whether the authority could refuse it. That is a very different scenario to here. The Council will not be compelled to approve what is submitted if it does not meet the condition's requirements (in the same way that no one is suggesting that the Council was compelled to discharge condition 11, even if it is found that the drainage strategy is not adequate). The Council is not correct, it also does not accurately reflect Mr. Knott’s evidence, to assert that SOCG would be forced to discharge the SPS condition even if the SPS was not satisfactory and caused harm. Mr. Knott said the opposite: that the SPS would have to be satisfactory.
122. In any event, and again, this dispute does not need to be resolved. Even if the Council were right that Proberun applies and that the Inspector must be satisfied now that there is at least one acceptable way of meeting the condition, that test is met. The EA has confirmed it is satisfied with the approach. Thames Water has confirmed it is satisfied with the approach. The outline content of the SPS is before the inquiry. The Inspector does not need to resolve any esoteric question of law about the scope of Proberun, because on either view of the law the answer is the same: there is plainly at least one acceptable way of satisfying this condition, and two statutory consultees have said so in terms.
123. Indeed, the Council has discharged a SPS in connection with the residential development to the north, significantly closer to the PWS than this Site.

Conclusion on Grouting

124. The case against the grouting largely reduces to a single proposition: that unset grout might reach the PWS before it sets. That proposition requires a chain of improbabilities - each individually remote, collectively almost impossible - to be treated as a realistic risk. The

³⁰ CD 14.7.

Council has no evidence about when, how, or in what circumstances the grout would fail to set.

125. Against that, the Appellant has produced comprehensive risk assessments, reviewed and accepted by the EA; a bespoke specification with embedded safeguards; a 50-metre exclusion zone well beyond the calculated travel distance; and a SPS providing real-time monitoring. Every statutory consultee charged with protecting the aquifer and the PWS - the EA, Thames Water, and the Council's own environmental health officers - has removed its objection. No opposing witness has provided a cogent explanation for why the Inspector should substitute his or her own judgment for that of those bodies.
126. Ultimately, the grouting works will not pose an unacceptable risk to the aquifer or the public water supply.

Material issue 4 – Is the proposed drainage scheme acceptable, and does it result in an unacceptable flood risk?

127. The drainage case for this development must be understood in context. The drainage strategy is the product of an iterative design process spanning several years, driven by the unique constraints of this Site. Before turning to the detail, there are four overarching points of context:
- (1) First, every statutory consultee charged with assessing drainage and flood risk has reached a position of no objection.
 - (2) Second, neither the Council nor the R6 has proposed any alternative drainage strategy. The criticisms amount to saying that this scheme is imperfect, without identifying what should replace it.
 - (3) Third, the scheme was designed to the most conservative assumptions available. For the permanent strategy, the entire residential development extent is treated as almost 100% impermeable. A Factor of Safety of 5 has been applied to the infiltration blanket. The design storm is the 1 in 100-year event plus 40% climate change allowance with a 1 in 30-year follow-on storm — exceeding the CIRIA SuDS Manual requirement.³¹

³¹ CD 2.151 – paras. 6.52, 6.71 and 6.44.

- (4) Fourth, even under those conservative assumptions, there is no suggestion from the LPA/R6 that the permanent drainage strategy poses any flood risk in normal operation.
- (5) Fifth, the criticisms advanced by Dr Clothier and Mr Eccleston relate overwhelmingly to matters of detailed design that are properly resolved through the Section 104 process and discharge of conditions, not at the planning stage. Expecting construction-ready drainage design at planning stage is wholly inconsistent with ICE guidance and standard industry practice.

Appeal A

128. During the grouting operations, a temporary drainage strategy will be in place, using containment bunds to intercept and attenuate surface water run-off and directing flow to the eastern area of the site where it naturally infiltrates.
129. The criticisms advanced against the Appeal A drainage arrangements fall into two categories: the adequacy of the treatment train and flood risk. Neither withstands scrutiny.

The treatment train

130. It is common ground that the principle of using earthwork bunds to manage surface water during the grouting works is acceptable.³² Dr Clothier made various detailed criticisms of the water quality mitigation proposed, but accepted that all could be addressed at the detailed design stage.³³ None of his proposed modifications would alter the fundamental geometry, storage capacity, or hydraulic principles of the scheme — they are each self-contained changes that can be made without affecting any other component.
131. Moreover, neither the LPA nor R6 had taken into account the mitigation potential of the Silt-Buster in their assessment. Their criticisms were therefore made on an incomplete basis, omitting one of the key treatment components. Once the Silt-Buster is included, the temporary drainage scheme comprises three or more treatment stages as required by the SuDS manual.

³² CD 16.1 – para. 4.3.1.

³³ In xx.

132. In any event, Appeal A is proposed to be granted subject to a drainage condition requiring the Appellant to submit a management plan to deal with any potential contamination in surface water run-off. Mr Eccleston did not consider the potential for his concerns to be addressed by condition at all. Dr Clothier did, but accepted that both reasons he gave for saying conditions could not resolve his Appeal A concerns were wrong. It is common ground that there are a number of ways in which sediment management could be addressed,³⁴ and neither the Council nor TFAG positively asserts that the Appellant could not put forward an acceptable scheme through discharge of conditions.

Flooding

133. Flooding was not a reason for refusal for Appeal A and only emerged as part of the LPA's case at the eleventh hour.³⁵ Both the LLFA and the Council's Senior Flood Risk Engineer looked at flood risk associated with the temporary scheme and raised no concerns - based on the same information as Dr Clothier, who has not carried out any additional modelling of his own. TFAG does not take a point on flooding for Appeal A.³⁶ Dr Clothier is an outlier as the only person to have considered this scheme and identified a flood risk concern.
134. His concerns are twofold: structural failure of the bunds, and overtopping. It is agreed that the baseline and proposed risks of flooding from fluvial, groundwater, and sewer sources are insignificant.

(a) Structural failure

³⁴ CD 16.1 – para. 4.3.1.

³⁵ The Council's Statement of Case made no reference to flood risk for Appeal A. As recently as the Topic Paper of 3 February 2026, the Council could not confirm any points of disagreement on drainage or flooding. The flood risk criticisms emerged for the first time in Dr Clothier's Proof of Evidence served on 24 February - three weeks before the inquiry opened, after months of engagement in which no party raised them.

³⁶ Mr Eccleston does raise a concern about the absence of a climate change allowance in the bund design. However, climate change allowances are designed to account for increased rainfall intensity over the lifetime of a development — typically 100 years. The temporary bunds exist only for the approximately 35-week grouting programme. No party has suggested that the grouting works and temporary drainage would remain in place for the decades over which climate change allowances become material. In any event, the point goes nowhere: it is common ground with the R6 that the proposal complies with local and national policy on flood risk (CD 16.2). If the Inspector has a residual concern, the bund height can be increased — a matter readily addressed through condition discharge without affecting the fundamental viability of the scheme.

135. Mr Clothier's structural concern proceeded on a factual misunderstanding. His premise was that the bunds will be built on unstabilised ground.³⁷ That is factually incorrect. The ground beneath the bunds is proposed to be stabilised first - before the bunds are constructed.³⁸ Once that error is corrected, the concern about structural failure falls away. Dr Clothier raised no freestanding objection to the structural stability of the bunds independent of his concern about ground conditions.
136. In any event, the bunds hold a modest load that the grouted and compacted ground will have been specifically designed to accommodate. If considered necessary, structural reinforcement (such as a geogrid) can be incorporated, and slope stability can be addressed through the proposed pre-commencement condition if necessary.

(b) Overtopping

137. Dr Clothier's overtopping concern has two limbs: (a) that infiltration will become concentrated in the dispersal area to the south-east rather than being distributed across the site; and (b), that the dispersal area will become silted up and unable to accept discharge.
138. Both limbs are answered by the design assumptions:
- (1) First, the temporary drainage has been modelled on the assumption that the entire site is 100% impermeable. By assuming 100% impermeability across the entire site, which is agreed to be more conservative than the reality, the temporary scheme captures the maximum possible volume of run-off.³⁹ The rate at which water is discharged to the dispersal area can then be controllable through a flow control device, limiting discharge to agreed pre-development rates.⁴⁰ The effect is that the rate of water reaching the dispersal area is no greater than the pre-development baseline.

³⁷ Clothier Proof of Evidence at para. 6.14.

³⁸ CD 2.3 – paragraph 7.30 (PDF page 29).

³⁹ CD 16.1 – para. 4.2.3 and 4.3.1.

⁴⁰ Philpott EiC.

- (2) As to siltation, all surface water from the grouting works passes through the Silt-Buster to remove suspended solids before reaching the dispersal area. As set out above, further measures can be required at condition discharge if required.
139. In any event, the concern is answered by the modelling carried out by Ms Philpott – which modelled the temporary bunds on the assumption that there is no discharge from the bunds to the eastern part of the site and no infiltration in the eastern area — in other words, complete failure of the dispersal area. Even on that extreme assumption, the bunds contain the 1 in 100-year event with freeboard.⁴¹ Dr Clothier has produced no modelling of his own to contradict this.
140. Even if one considers the highly unlikely scenario of a bund failure, the consequences are acceptable. Ms Philpott has also modelled a bund failure scenario: an additional flow of 0.5 m³/s over 20 minutes, representing the volume behind each bund, applied during a 1 in 100-year storm and compared against the baseline 1 in 1,000-year flood event.
141. To the north-east, there is a slightly greater localised impact but limited to the Thames Water compound, and one which can be mitigated by extending the bund arrangement.
142. As far as the more sensitive area to the south is concerned, there is less flooding to The Beeches and the A4155 in the bund failure scenario than in the baseline 1 in 1,000-year event. In other words, in normal operation during a 1 in 100-year event, the bunds attenuate surface water run-off and reduce flood risk at The Beeches compared to the pre-development baseline. In the extremely unlikely event of bund failure, the consequences are no worse than a naturally occurring 1 in 1,000-year flood — and are in fact less severe.⁴²
143. The criticism made at paragraph 32 of the Council’s closing was not one identified by Dr. Clothier; has not been modelled by him; and there is no positive evidence to suggest that the spatial extent of flooding would be any different. In any event, the risk of bund failure is so remote (and one which would arise on any site using temporary bunds as a measure during construction works) that there is simply no need for the type of detailed modelling which Dr. Clothier (but nobody else) thinks is necessary.

⁴¹ Philpott Rebuttal – 3.1.1 – 3.1.4 and Figure 1.

⁴² For all of the above – Philpott Rebuttal at 3.1.5 – 3.1.8.

Appeal C

144. For the permanent strategy, surface water will be collected from the eastern part of the site and pumped to a detention/infiltration basin in the western part, where it will infiltrate to ground through an underlying infiltration blanket in an area that has not been grouted - ensuring that all surface water continues to recharge the aquifer.

Alternatives

145. Infiltration to ground is the preferred method at the top of the drainage hierarchy, and the LLFA directed the Appellant to pursue on-site infiltration solutions.
146. The Drainage Strategy follows the hierarchy by retaining infiltration as the ultimate means of disposal. Pumping is used solely to transfer flows from the east to the western infiltration area - it is not the means of disposal itself. Neither the National Standards nor the OCC Local Standards prohibit pumping; they simply require that alternatives be considered first.⁴³ That exercise has been done. The Appellant explored at least seven off-site discharge options between 2019 and 2021.⁴⁴ Every one was rejected for clear practical reasons. It is common ground that if disposal is to be off-site, pumping cannot be avoided,⁴⁵ and that for this quantum of housing there is no alternative drainage arrangement that does not include pumping. There is no alternative gravity-only drainage solution before the Inquiry.
147. In those circumstances, this is a site with genuinely exceptional circumstances justifying the use of pumped conveyance. Further, the suggestion that the layout prioritises housing numbers over drainage does not survive scrutiny. The development was reduced from 95 to 84 dwellings specifically to accommodate the drainage strategy and ground stabilisation works. No party has identified a dwelling count at which the constraints would disappear: regardless of the quantum of housing proposed, the only viable infiltration area is to the west; and topography dictates that water must be pumped to that disposal point from the east.

Water quality

⁴³ Eccleston Proof of Evidence – para. 31.

⁴⁴ See paragraphs 5.5 to 5.28 of the Drainage Statement (CD 2.151).

⁴⁵ Mr Clothier accepts that "the only available options for off-site disposal of stormwater are via a pumped solution": see Clothier Proof of Evidence at para. 5.4 and accepted by Mr. Eccleston in xx.

148. The DQRA was conducted on the assumption that no treatment occurs at all through the SuDS scheme.⁴⁶ Even so, no contaminant is predicted to exceed assessment limits at the site boundary — 130 metres before the PWS. The risks are therefore negligible before any treatment is taken into account.
149. It follows that the debate about the number and specification of treatment components is academic. The treatment train provides additional assurance, not a necessary safeguard.
150. In any event, the permanent scheme well exceeds the minimum number of components: permeable paving on estate roads (the effectiveness of which is not disputed), eastern bioretention basins (again not challenged), the western detention basin forebay, and the infiltration blanket itself. Mr Eccleston and Dr Clothier's criticisms of individual components — forebay sizing, inlet turbulence, interceptor capacity — are all capable of resolution through standard engineering solutions at detailed design, as explained by Mr. Abley.

Buildability

151. The starting point is that neither Dr Clothier nor Mr Eccleston says the site cannot be adequately drained. The drainage scheme has been reviewed by the LLFA, the EA, and the Council's own Senior Flood Risk Engineer. Not one has said that the submitted details are insufficient to discharge Condition 11. Dr Clothier accepted that each of his individual criticisms was capable of being addressed at detailed design.
152. In any event, the correct standard against which to assess the detailed design criticisms is Condition 11, which requires a "drainage strategy" - not construction drawings. As Mr Abley explained, the normal design sequence runs from planning stage (principles), through condition discharge (refinement), to technical approval and construction (finalisation). Drainage layouts evolve between planning and construction on virtually every scheme; it is incredibly rare for there to be no changes. The criticisms advanced by Dr Clothier and Mr Eccleston — pipe gradients, pump specifications, manhole positions, interceptor selection etc — fall squarely into the refinement and finalisation categories that the staged process exists to address.

⁴⁶ CD 7.5 – para. 63.

153. The main point pursued in evidence was that the Appellant should have modelled the basin bunds on the assumption that they were impermeable. However, not only does this criticism rely on guidance that was not in force at the time that the basin was designed, as Mr. Abley explained the scheme still works even under the new guidance and in any event, if through detailed design additional capacity were required, the scope existed to add additional freeboard to the top of the western bund without fundamentally changing the Section 73 layout — there is ample space around the base of the basin.⁴⁷
154. Beyond that, Dr Clothier's overarching submission was that each individual adjustment might seem manageable but cumulatively they would require significant layout changes.
155. However, the development has been reduced from 95 to 84 dwellings specifically to create spatial capacity for the drainage infrastructure. There is no positive evidence from the LPA/R6 as to how much additional space any redesigned component would need, no modelling of the cumulative spatial impact, and no alternative layout before the inquiry. Dr Clothier could not go further than suggesting that the layout might need to change.⁴⁸ The argument also assumes every one of his criticisms is valid and requires a spatial response —most do not.
156. Mr Abley's evidence demonstrated that each of the criticised components has flexibility within the existing layout:⁴⁹ (i) the forebay can expand without impact on the layout (ii) pipe gradients near the pumping station can be reduced to address level changes (iii) one or more additional Quadraceptor can substitute for a traditional manhole without additional land take (iv) the rising main can easily be moved (v) the pumping station's internal configuration can be adjusted without changing the footprint⁵⁰ (vi) if a larger pipe diameter is required at any point, this can easily be accommodated: for instance, the diameters of pipes 24.003 and 24.004 identified by Mr Eccleston need only reduce to 450mm diameter from their presented 750mm diameter with gradients set to circa 1:400 to achieve self-cleansing velocities.⁵¹

⁴⁷ Abley EiC.

⁴⁸ For example, for the sewers, his concern is about maintenance difficulty rather than saying it will not work. For the pumping station, he says adjustments "might have an effect" on the layout. For the foul pumping station, he says it "might have an impact."

⁴⁹ Contrary to the Council's closing at para. 78 – Mr. Abley did not accept that this any changes to the section 73 layout would necessarily be required.

⁵⁰ See Abley Rebuttal at Appendix B.

⁵¹ Abley Rebuttal at page 19.

157. There is therefore no basis to contend that the drainage strategy is incompatible with the section 73 layout. And even if that turns out to be the case once the detailed drainage design is finalised, that does not give rise to any planning harm – it would simply require a further section 73 application or non-material amendment application to address any incompatibility before the development could be lawfully built out. In the absence of any positive evidence that the layout would need to change, that is not a reason to refuse to discharge the condition now.

The Western Basin

158. Three broad categories of criticism are advanced against the western basin: (i) that there are unresolved questions about the infiltration rate and design adequacy of the blanket; and (ii) that the system is too complex to be built, maintained and adopted and (iii) that the basin poses an unacceptable risk of overtopping or structural breach. Each is addressed in turn. None withstands scrutiny.

(a) Infiltration Rates

159. The design infiltration rate of 1.52×10^{-5} m/s is derived from multiple campaigns by three separate companies — constant head tests, falling head tests, and BRE365 soakaway tests — all returning consistent rates in the order of 10^{-5} m/s. The November 2024 trial pits at depths closer to the proposed blanket invert corroborated that order of magnitude.
160. Two methodological criticisms were advanced: that the falling head tests were outside the appropriate range for that methodology, and that the BRE365 tests were conducted approximately 2 metres above the proposed blanket invert.
161. Neither matters:⁵²
- (1) First, three independent test methods all corroborate the same rate — a single methodological quibble about one of the three does not undermine the convergence.

⁵² For all of the below – see CD 2.151 in particular para. 6.43 and Appendix B. and also HIA (CD 2.3) – Appendix D.

(2) Second, the geological evidence demonstrates that the permeability of the superficial deposits above the chalk is fairly consistent across both depth and horizontal distance — confirmatory testing at the definitive depth is standard practice and will be carried out at detailed design.

(3) Third, the design does not rely on the tested rate. A Factor of Safety (“FoS”) of 5 has been applied, meaning the modelling already assumes the blanket is performing at one-fifth of its tested capacity. At a FoS of 10 – a rate close to clay permeability, close to being non-viable for infiltration – Mr Abley’s evidence was that the detention basin would still be adequately sized.⁵³

(b) Maintenance

162. The infiltration blanket sits at approximately 6 metres depth. Dr Clothier likened it to a deep-bore soakaway prone to siltation. However, as Mr Abley explained, the comparison is wrong. A deep-bore soakaway concentrates flow into a single point of discharge; the blanket is deliberately designed as a long, wide feature rather than a point infiltration device, mitigating the risk of localised blockage. Partial siltation of one section does not prevent discharge through the remainder. The design also incorporates maintenance manholes, providing vertical access shafts down to the blanket level at depths that accord with the Design and Construction Guidance (“DCG”).⁵⁴

163. The risk of siltation is also mitigated by the upstream treatment train. Before water reaches the blanket, it passes through permeable paving, bioretention areas, the detention basin, and the forebay — each of which removes suspended solids. The design follows the CIRIA SuDS Manual recommendation for effective upstream pretreatment to remove sediment and silt loads and prevent long-term clogging. The FoS accounts for degradation over time.⁵⁵

164. Ultimately, however, the concerns raised by the LPA/R6 go nowhere. When asked by the Inspector, Mr. Eccleston accepted that maintenance was “not insurmountable” and that specialist operators exist who can maintain features of this kind. There is no sensible basis to refuse to discharge condition 11, with the consequent effect of preventing housing

⁵³ The freeboard would be eroded but would be capable of adjustment at detailed design.

⁵⁴ Abley Proof of Evidence at para. 6.3.22.

⁵⁵ See SuDS Manual, CD 11.4, Chapter 25, Section 25.6 and CD 11.6, Standard 3.17.

delivery on the Site, on the grounds that specialist equipment will be needed on the rare occasions when maintenance of the blanket is required.

(c) Risk of flooding

165. There are two potential causes of flooding identified – each fails to take into account the in-built safeguards and mitigation built into the drainage system.
166. Turning first to overtopping.
167. The risk of overtopping has been mitigated through extremely conservative design assumptions. The basin has been modelled for the 1 in 100-year storm plus 40% climate change with a consecutive 1 in 30-year follow-on storm (exceeding the requirements of the SuDS manual). Even then it retains at least 300 mm of freeboard. It has also been sensitivity-tested with a 1 in 1,000-year event plus 50% climate change directly over its own catchment.
168. In any event, both the Council and R6 fundamentally failed to appreciate that the drainage system is a controlled system. In order for the basin to overtop, more water must enter the basin than can leave it via the blanket. However, all surface water enters the western basin only through a pump with a fixed design flow rate of 60 litres per second. The rate of inflow is therefore capped. If the basin was approaching its design capacity, the pump can be shut off via telemetry before the basin overfills.⁵⁶ There is simply no realistic risk of the basin overtopping.
169. In the event that the basin was approaching capacity and the pump was turned off, the consequences are entirely manageable.⁵⁷ For storms up to 1 in 30 years, there is no flooding anywhere on site even with no pump at all. For more extreme storms, any surcharging occurs in the permeable paving, eastern basins, concrete tanks, and pipe network — all in the lower, eastern part of the site. This is localised, low-level ponding of the kind that routinely occurs on developed sites during extreme events; it does not involve water escaping from the western basin at elevation and flowing downhill towards houses.

⁵⁶ A back-up telemetry device can be installed if considered necessary to address any concern about failure of the device.

⁵⁷ CD 2.151 – Table 4.

170. Turning next to the risk of structural breach.
171. This concern relates to whether dissolution features beneath the western area could cause differential settlement and compromise the basin's integrity. However, the ground investigation evidence is clear: the western area is underlain by competent sandy gravel materials; the density of dissolution features decreases markedly from east to west; and the investigation data - 1,250 exploratory holes and full-coverage geophysical survey - suggests that the density in the western area is very low, if features exist at all.⁵⁸
172. Critically, the base of the basin is approximately 6 metres below ground level - when excavation takes place, the unstructured chalk will be physically exposed and inspected. The bunds around the basin can be grouted, if necessary, as no infiltration is proposed there.⁵⁹ Therefore, if dissolution features are found under the proposed bunds, they can be excavated and replaced with compacted permeable material, or grouted. It is not correct that the Appellant has said that no grouting will take place under the footprint of the basin (Council closing – para. 65) – just in the location of the blanket.
173. As for the location of the blanket itself, within the bunds of the drainage basin, a geogrid can be incorporated into the blanket to act as a load transfer platform, accommodating any residual settlement without affecting infiltration.⁶⁰
174. This can all be secured at condition discharge, as anticipated by the LPA's officers – who proposed a condition requiring detailed designs and slope stability analysis demonstrating compliance with EC7 for the slopes of the upper attenuation basin. That condition is plainly capable of being discharged – indeed, a preliminary slope stability analysis demonstrating EC7 compliance was submitted with the application⁶¹ and has not been criticised.
175. The concern about grouting taking place on locations not indicated on the plan is addressed above. Carrying out excavation and grouting under the proposed location of the

⁵⁸ CD 8.9 – in particular para. 5.2.1 and Mr. Dunhill's Proof of Evidence.

⁵⁹ This distinction appears to have been lost on the Council in its closing at paragraphs 61-63.

⁶⁰ All of the above – Dunhill EiC and not substantively challenged in xx.

⁶¹ CD 2.151 – Appendix H (PDF page 609).

bunds would plainly fall within the description of development for Appeal A, and therefore does not have to await the implementation of Appeal C.

176. Ultimately, the LPA's case on structural breach of the basin relies on a chain of increasingly improbable events coinciding: a 1 in 100-year storm must bring the basin to peak loading; a structural deficiency must have escaped the EC7 design process; inspection and maintenance must have given no early warning; that deficiency must manifest as a breach at the precise moment of peak loading; and the failure must be so catastrophic that the entire contents of the basin are released simultaneously.
177. Each step in that chain is inherently unlikely; the prospect of all of them occurring is nearly impossible. It is no doubt for that reason that not a single statutory consultee has asked for a breach analysis to be modelled.
178. In any event, even if the basin were to breach, Ms Philpott's evidence demonstrates that the residual effects have been mitigated as far as reasonably possible and complies with the PPG. She assumed absolute worst-case conditions: complete drainage failure, no infiltration, an additional 4 m³/s released at ground level at the peak of a 1 in 100-year storm, compared against a 1 in 1,000-year baseline. Even then, as she explained, the modelled flood extent is comparable to the existing 1 in 1,000-year baseline; any on-site flooding is primarily directed to the access roads; and there are safe routes of access and egress.⁶²

Overall maintenance and Adoptability

179. The Council contends that because the highway drainage connects into the on-site system, the system will need to be adopted by an OFWAT-approved water authority.
180. The Appellant is in active discussion with Last Mile, who have entered into a contractual position and provided a pricing plan. Technical approval has not yet been obtained - because technical approval follows the grant of planning permission and completion of detailed design. That is the normal sequence. Last Mile has said that it would not adopt permeable pavements and carriageways - but, as Mr. Abley explained, those are highway

⁶² See Philpott EiC and also Rebuttal at section 4.

elements expected to be part of the Section 38 submission to OCC, not Section 104 elements.

181. As with any scheme at this stage, the ultimate adoption arrangements will not be known with certainty until the NAV has considered the detailed design. That will involve an assessment of the proposals against the DCG (which requires an element of professional judgment and is not prescriptive or binary). There is no reason to suppose that a NAV will not adopt the drainage system once that exercise has been carried out. Mr. Abley was confident that it would. Dr. Clothier's position at its highest is that the likelihood of adoption is "low" - even then he does not say that adoption by a NAV will not happen.
182. Ultimately, however, condition 11 does not itself require a maintenance plan. The mechanism for securing a satisfactory maintenance regime is through the Section 106 agreement (which transfers across via the Deed of Variation),⁶³ which the Appellant will have to discharge before development commences. At that point, once the detailed design has been completed and the adoption arrangements with the NAV have been confirmed, the Council retains the ability to refuse to discharge the obligation if it still has concerns.
183. Therefore, adoption is being actively pursued, and the Council retains the ability to refuse to discharge the Section 106 maintenance obligation if satisfactory adoption arrangements are not in place. Accordingly, there is no justification for imposing an additional condition requiring adoption, nor any basis for refusing to discharge condition 11 on the basis of adoptability.
184. Should it be considered necessary, a condition in line with the Council's proposed condition 11D could be imposed – but there is no justification for a pre-commencement condition, since the drainage system only becomes operational upon occupation and the layout will not become “fixed” in any meaningful sense until above ground construction has commenced.

Other matters raised by TFAG

185. Two residual matters can be dealt with briefly.

⁶³ See in particular Schedule 3, para. 2.1.4 at CD 6.11 – PDF page 18.

186. TFAG makes a point about existing flooding on Reading Road. However, the flooding pre-dates the Section 278 works; Mr Eccleston does not assert those works have made the position worse; the works fall outside the scope of these appeals; and Mr Eccleston confirms that if the infiltration rate is maintained, the scheme will prevent the site contributing to existing flooding — indeed, Ms Philpott's evidence is that the appeal scheme will reduce it.
187. As to foul drainage, it was accepted that Thames Water is responsible for providing a suitable connection point and that off-site reinforcement is Thames Water's obligation; Mr Eccleston does not suggest foul drainage cannot be acceptably addressed.

Overall conclusion

188. The criticisms of the Appeal C drainage strategy are detailed and technical, but they are overwhelmingly criticisms to be addressed at a later stage, not in principle criticisms of the drainage strategy itself.⁶⁴ Neither Dr Clothier nor Mr Eccleston says the site cannot be adequately drained. Neither has proposed any alternative. The risk of flooding does not arise in normal operation; the possibility of failure is remote; and even then, the effects are acceptable. Condition 11 should therefore be discharged (and in doing so that would serve to discharge the “new” condition 11 on the section 73 permission – so the alleged “circularity” identified in the Council’s closing at para. 78 simply does not arise).

SECTION 5 — DO THE PROPOSALS COMPLY WITH THE DEVELOPMENT PLAN?

189. The relevant development plan comprises the South Oxfordshire Local Plan 2035 (adopted December 2020) and the Joint Henley and Harpsden Neighbourhood Plan 2020–2035.
190. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications be determined in accordance with the development plan unless material considerations strongly indicate otherwise.

⁶⁴ In this respect, there is no justification for effectively re-imposing condition 11 on the section 73 consent through proposed condition 11A by the Council – which would render the discharge of the existing condition 11 academic, and effectively require the Appellant to go through the same process again.

191. The sole reason for refusal for Appeal A cites Policies ENV12 and DES7 of the South Oxfordshire Local Plan and Policy ENV5 of the Joint Henley and Harpsden Neighbourhood Plan.
192. These policies relate to pollution, efficient use of resources, watercourses, and green infrastructure.
193. As Mr Jupp accepted openly and willingly the conclusions on these policies, and the greater question of overall compliance with the development plan, is dependent on your conclusions on the overall development plan.
194. The Appellant's case, particularly that of Mr Knott, is that the proposals do clearly comply with these policies, because the evidence demonstrates that the ground stabilisation works and the associated drainage strategy for Appeal A will not pose an unacceptable risk to the aquifer or public water abstraction. On no basis do the proposals conflict with the relevant policies.
195. The principle of development has been established by the extant outline planning permission, and the Appeal Scheme does not seek to revisit that principle.
196. The scheme clearly also complies with the development plan policies on housing (STRAT1), affordable housing (H9), housing mix (H11), design (DES1), biodiversity (ENV3), transport (TRANS4, TRANS5), and energy efficiency (DES8, DES9, DES10) based on the absence of any contention that those policies are breached.
197. The officer's report to the Planning Committee confirmed that, subject to conditions, the proposals were acceptable.
198. Similarly, there is no conflict with any development plan policy in respect of Appeal C. Given that both Appeals A and C comply with the development plan, the same conclusion should be reached in respect of Appeal B.
199. Therefore, the Appeal Scheme accords with the development plan as a whole.

SECTION 6 — DOES THE PROPOSAL COMPLY WITH OTHER MATERIAL CONSIDERATIONS, NAMELY THE NPPF?

200. If it is concluded that the proposals accord with the development plan, there are no material considerations which indicate that permission should nonetheless be refused. It is therefore unnecessary to engage in the debate about the legal meaning of paragraph 11(d) of the NPPF.
201. However, if the Inspector were to conclude that the Appeal Scheme does not accord with the development plan as a whole — which the Appellant does not accept — it is the Appellant’s case that paragraph 11(d)(ii) of the NPPF applies, both in respect of Appeal A and Appeal B.
202. The Council cannot demonstrate a five-year supply of deliverable housing sites, and the most important policies for determining the application are accordingly out of date.
203. In this respect, Appeal B is unambiguously an application involving the provision of housing for the purposes of footnote 8 of the NPPF. The tilted balance under paragraph 11(d) is therefore engaged for Appeal B.
204. Appeal A is also “*a proposal involving the provision of housing*” for the purposes of footnote 8 of the NPPF, because it is essential to facilitate the development of the site for housing. Mr. Jupp accepted that Appeal A (and C) is the only thing standing in the way of housing delivery on the Site. In that scenario, it is a perfectly legitimate exercise of judgment to conclude that Appeal A “involves” the provision of housing – since it is essential to facilitate housing delivery.
205. Turning then to paragraph 11(d)(i), the site is not within a protected area or an area where NPPF policies that protect areas or assets of particular importance provide a clear reason for refusing the development proposed. There is no AONB, Green Belt, Heritage Coast, or other protected designation.
206. Paragraph 11(d)(i) simply does not apply because there is simply no policy that justifies its dis-engagement. The “area” is not subject to a risk of flooding, and no one has asserted that

it does. Further, any residual flood risk in the event of an unlikely failure of the drainage system, is suitably managed and acceptable. In any event, no scheme can completely eliminate a flood risk in the event of a failure of the on-site drainage system. If that residual risk of failure (however remote) was a “strong reason for refusal” and a reason to disengage the tilted balance, then the tilted balance could never operate on any proposal.

207. The tilted balance under paragraph 11(d)(ii) is therefore engaged. Permission should therefore be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole.

208. The benefits of the Appeal Scheme are substantial.

209. They include:

195.1 The delivery of 84 new homes, including 38 (45%) affordable homes and 46 market homes, at a time when the Council cannot demonstrate a five-year supply of housing land. The recent Chalgrove appeal decision (February 2026) concluded the supply was no more than 3.81 years, representing a significant shortfall. The delivery of affordable housing at a time of such shortfall is a benefit of very substantial weight. Indeed, the Council’s housing supply position would be even more perilous without this site – which is included as a Category A site in their Housing Land Supply Statement (December 2025), with a projected delivery from 2026 onwards.

195.2 Affordable housing provision exceeding the policy expectation of 40% (also set out in the Section 106 agreement). Despite the reduction from 95 to 84 dwellings, the number of affordable homes has not been reduced. The appeal decision for the Outline Permission noted that the affordable housing situation across the district was “serious, or even dire”.⁶⁵ There has been no improvement in the intervening years.

195.3 Significant biodiversity benefits. The revised scheme will deliver species-rich grassland, additional woodland and an orchard, achieving a 29.36% biodiversity net

⁶⁵ CD 18.1 – para. 19.

gain on the western part of the site. This substantially exceeds the statutory minimum requirement.

195.4 Economic benefits, including construction employment, local investment and the economic activity generated by future residents.

210. By contrast the adverse impacts, if any, are limited:

198.1 The technical evidence demonstrates that the grouting works pose a very low risk to groundwater.

198.2 The drainage strategy has been accepted by all statutory consultees.

198.3 There is no material flood risk.

198.4 As a matter of planning judgement, the adverse impacts do not significantly and demonstrably outweigh the benefits.

198.5 The presumption in favour of sustainable development applies and the appeals should be allowed.

SECTION 7 — THE CORROBORATION OF THE APPELLANT'S POSITION

The approach to consultation responses

211. In Morge v Hampshire County Council [2011] UKSC 2 the Supreme Court held that where Natural England (as the statutory nature conservation adviser) has indicated it is satisfied, a planning authority is entitled to rely on that expert view — effectively giving it significant weight — rather than undertaking a wholly independent ecological assessment of its own, provided the authority still reaches its own lawful planning judgment.⁶⁶

212. Therefore, in reaching your decision it is acceptable indeed appropriate to start from a starting point that the decision maker can give significant weight to the statutory consultees on such matters.

213. There is significant corroboration of the position of the Appellant:

⁶⁶ Lord Brown at paragraph 30 (authority “entitled to presume” compliance where Natural England is satisfied) and the concurring passages of Lady Hale and Lord Mance.

By the Environment Agency

- 214. The EA whose statutory role given to them by Government, includes the protection of groundwater sources used to supply drinking water from pollution.
- 215. The EA addressed their minds to this matter on numerous occasions over many months.
- 216. The Environment Agency initially raised concerns and maintained an objection whilst additional information was being prepared.
- 217. However, the EA's concerns were progressively addressed through the submission of updated technical reports.
- 218. The EA confirmed, in its third consultation response on the Planning Application, that it was "satisfied that a detailed Source Protection Strategy can be secured by condition" and that the "detailed Source Protection Strategy must be designed to detect any issues in advance of impacts to the Public Water Supply".
- 219. The EA therefore removed its objection to the grouting works, satisfied that sufficient information had been provided to demonstrate that a detailed solution could be secured by condition.

By Thames Water

- 220. Thames Water has a statutory duty to protect the public water supply.
- 221. Thames Water — the body therefore with the most direct interest in the protection of the public water supply from the Harpsden Water Treatment Works — also reached a position of no objection, subject to conditions.
- 222. In its final consultation response, Thames Water required a condition for a Source Protection Strategy and sought assurances that no hazardous materials would be present

in the grout, that grouting would not go below the water table, and that all monitoring locations would be used for groundwater monitoring.

223. All of these requirements have been confirmed by the Appellant.

224. Thames Water's position of no objection on the S73 Application was unqualified: "Thames Water has no comments to make on this application".

By the Drainage Officer

225. SODC's own drainage officer reviewed the proposals and raised no objection, noting that drainage details would be considered under the discharge of conditions application and deferring to the Environment Agency and Thames Water on the acceptability of the proposed method of stabilisation within the Source Protection Zone.

By the LLFA

226. The Lead Local Flood Authority — Oxfordshire County Council — reviewed the revised Flood Risk Assessment and Drainage Strategy and confirmed: "the LLFA accept the principles proposed therein. The LLFA have no objection".

227. On the S73 Application, the LLFA and SODC drainage officers jointly confirmed that they had "no objection to this S73 application".

228. On the discharge of conditions application, after detailed review of drawings and calculations, the LLFA and SODC drainage officers confirmed a recommendation of no objection.

By the Planning Officer in the Officer's Report to Planning Committee

229. Perhaps the most significant corroboration of the Appellant's position comes from SODC's own planning officer.

230. The officer's report to the Planning Committee for the July 2025 meeting concluded that, *"Based on the advice provided by specialist officers, I am satisfied that the application is accompanied by sufficient information to demonstrate that the risks to groundwater posed by the development can be appropriately managed. Subject to detailed matters being secured by condition, I do not consider that there is any reason to withhold planning permission in respect of the impact of the proposed groundworks on the Source Protection Zone"*.
231. The officer recommended approval of both the Planning Application and the S73 Application. The officer's report represented the culmination of a thorough assessment process, taking into account all consultation responses, technical submissions, and representations from third parties. It reflected the considered professional judgement of the Council's own planning officers, informed by the advice of all relevant statutory consultees.

SECTION 8 — SUMMARY AND CONCLUSION

232. If this development happens then the following will happen to the benefit of all:
- 232.1. There will be homes for those who need them. Real people who are currently struggling to afford suitable and satisfactory homes.
- 232.2. 84 homes will allow 84 families, individuals and couples to have a brand-new state of the art home of the highest quality developed by the Appellant.
- 232.3. It will allow 38 affordable homes to be occupied by 38 families, individuals and couples who are in acute need and currently struggling to get adequate homes. It will transform their lives and particularly the lives of the children who occupy those homes.
233. We are proud frankly to represent the Appellant who seek to change lives of those who need homes.
234. That is why we put our case strongly because it matters, and the grant of permission will change literally hundreds of people's lives for the better.

235. In contrast refusals will be a triumph for inaction.
236. It is noteworthy that MLF in closing writes a speech that exists in a total void of acceptance of the crisis that is engulfing his client and the country – the national housing crisis.
237. His closing is distinguished by three huge omissions – acknowledgement that there is a crisis, acknowledgement that it needs to be addressed and that his client has absolutely no strategy, action plan, interim policy or any other method, policy, tool, or mechanism for addressing this crisis which is at the forefront of the government's approach to the planning policy.
238. It is just too easy to ignore this crisis and time and again given the type of closing that we have just heard which focusses on minute criticism of the specific site without any attempt to take a positive and constructive approach to this crisis.
239. In contrast MLF represents his client with consistency and understanding of their utter inertia to do anything about this critical issue that exists here within this authority.
240. It is all desperately sad that no one with the ability to change this status quo here has the courage or determination to do so. You have heard not one word from MLF, Mr Jupp or one member who has made the effort to come to this inquiry and tell you how this crisis will be solved.
241. Remember the LPA readily accept they have a massive hole in their shortfall of over a thousand homes.
242. Where is that mentioned in the closing?
243. Where is the solution to that problem mentioned in the closing?
244. Where does Mr Jupp offer solutions to that problem.

245. However, you do have that ability to act with courage and determination to remedy or make a start to remedy this desperate state of affairs by granting permission.
246. It is easy for members to play to the gallery and refuse permission. It has no consequence for those who already have homes such as the elected members of this authority. They return satisfied to their homes.
247. Also, it has no effect on those who object like the local residents.
248. But for those without homes currently or living in inadequate housing it is a desperate decision that just prolongs the hardship and suffering in their lives.
249. Therefore, we ask you to act for those who rarely have a voice in the planning system but must have a voice in the interests of compassion and fairness.
250. For all those reasons, Sir, we urge you to allow these appeals and grant planning permission for this much needed, and long-awaited, development and begin the process of ensuring that everyone who wants a home has one. A basic human right for everyone, even those who hope to live in South Oxfordshire.
251. Drawing these submissions together, the Appellant respectfully invites the Inspector to allow all three appeals. In summary:
- 251.1. The principle of residential development at Thames Farm has been conclusively established by the extant outline planning permission, granted on appeal in 2017 and lawfully implemented. That is not in dispute. What remains is the approval of the technical details necessary to deliver the development — the ground stabilisation works, the consequential amendments to the layout, and the discharge of pre-commencement conditions.
- 251.2. The ground stabilisation works proposed are a well-established and widely used technique for dealing with precisely the kind of chalk dissolution features present at this site. The technical evidence demonstrates that the risk to the aquifer and public water supply is very low. The grout comprises naturally occurring materials with no

contaminants. A comprehensive monitoring programme will be in place to detect and respond to any unforeseen circumstances.

- 251.3. The drainage strategy has been developed through extensive engagement with statutory consultees and has been accepted by the Environment Agency, Thames Water, the Lead Local Flood Authority, and SODC's drainage officer. It incorporates a comprehensive SuDS system designed to a standard exceeding normal requirement.
 - 251.4. The applications were recommended for approval by the Council's own planning officers. No statutory consultee has maintained an objection. The Planning Committee's decision to refuse permission was taken contrary to professional officer advice and contrary to the position of every relevant statutory body.
 - 251.5. South Oxfordshire cannot demonstrate a five-year supply of deliverable housing sites, with the true position likely to be as low as 3.81 years. There is a desperate need for both market and affordable housing in the district. The Appeal Scheme would deliver 84 homes, including approximately 40% affordable housing, a 29.36% biodiversity net gain, high-quality sustainable dwellings, and significant public open space.
252. Whether the Inspector approaches the planning balance on the basis that the Appeal Scheme accords with the development plan — in which case paragraph 11(c) of the NPPF directs approval without delay — or on the basis that the tilted balance under paragraph 11(d)(ii) applies, the conclusion is the same. The benefits of this scheme are substantial and the adverse impacts, if any, do not significantly and demonstrably outweigh them.
253. For all of these reasons, the Appellant respectfully requests that the Inspector allows Appeals A, B, and C, and grants the planning permissions and discharge of conditions sought.

SASHA WHITE K.C. and ANDREW PARKINSON
LANDMARK CHAMBERS

9 April 2026.

APPENDIX 1 – DETAILED RESPONSES TO THE CRITICISMS OF THE CONCEPT MODELLING CARRIED OUT BY THE APPELLANT.

The Structure of this Appendix:

1. Introduction.
2. Criticism 1 - Mr Dodd's lack of experience in compaction grouting
3. Criticism 2 - His late involvement in this matter.
4. Criticism 3 - His engagement with the R6 party.
5. Criticism 4 - Failings in his conceptual model.
6. Criticism 5 - His flawed hydraulic gradient.
7. Criticism 6 - His misunderstanding of contaminant transport modelling
8. Criticism 7 - His mischaracterisation of the existing geological structure.
9. Criticism 8 - His reliance on inappropriate transmissivity and porosity values.
10. Criticism 9 - His assumption that the grout will contain sulphate resisting Portland cement.
11. Criticism 10 - His failure to acknowledge the conservatism in the Appellant's model.
12. Criticism 11 - The selective reliance on the Maurice et al. report.
13. Criticism 12 - The speculative sewage infrastructure failure scenario.
14. Criticism 13 - The alleged breach of the EA policies.
15. Criticism 14 - The cumulative errors and failures in the evidence.
16. The overall conclusion on Mr Dodds evidence.

Introduction

1. This appendix sets out a comprehensive criticism of the expert evidence advanced by Mr James Dodds.
2. For the reasons set out below, Mr Dodds' evidence is fundamentally undermined by misapplied methodology, selective use of data, a lack of relevant practical experience, and a failure to engage with the positions of the statutory consultees.

3. The Inspector is respectfully invited to place very limited weight upon it.
4. The Appellant makes 14 criticisms of this evidence as set out below:

Criticism 1: Mr Dodds lack of experience in compaction grouting.

5. He has no experience whatsoever of compaction grouting and has never been instructed on such a project.
6. Indeed, at two points in his proof of evidence he refers to "displacement grouting," which is an entirely different process, betraying a fundamental unfamiliarity with the works that are proposed.

Criticism 2: His late involvement in this matter.

7. Mr Dodds had no involvement in the planning application process, the committee report, or the decision to refuse.
8. He was instructed after the event solely to justify the committee's decision.
9. His first site visit was not until 14 January 2026, some six months after the committee's decision to refuse.

Criticism 3 – His engagement with the Rule 6 party.

10. He has had extensive contact with the Rule 6 Party throughout the course of his instruction and admits that his evidence was informed by seeing the evidence of Ms Parrish.
11. These matters raise legitimate questions about the independence and objectivity of his evidence as to why the statutory planning authority is meeting with a Rule 6 action group in formulating its evidence.

Criticism 4 - Failings in his conceptual model.

12. Mr Dodds' own conceptual model cross-sections — the very cross-sections upon which he relies to criticise the Appellant's conceptual model — are themselves based on a flawed conceptualisation of geological structures, incorrect groundwater elevations, a misrepresentation of groundwater gradients and a wholly misleading site position in relation to the PWS borehole.
13. These are not trivial matters. Mr Dodds' entire case rests upon the adequacy of his own conceptual model, and that model is built upon fundamentally incorrect assumptions.
14. The Inspector cannot place any reliance upon it.

Criticism 5: His flawed hydraulic gradient.

15. Mr Dodds' groundwater contours at Figure 5 of his proof show a hydraulic gradient of 0.0187 between the attenuation basin and the PWS. This gradient is critical because it controls how fast contaminants would travel.
16. However, the gradient is fundamentally flawed for the following reasons:
 - 16.1. First, Mr Dodds' contours use levels from three offsite observation boreholes, and he uses the average groundwater level from each borehole — not an actual groundwater level at any given time. These are not real groundwater levels.
 - 16.2. Second, at the PWS borehole, Mr Dodds has used the pumped water level of 27 metres above Ordnance Datum. However, this is not a real water level; it is the water level in the borehole while it is being pumped. As Ms Fraser explains in her rebuttal at paragraph 1.4.1, in a pumped borehole the water levels are lower in the well than in the aquifer immediately adjacent to it, due to a phenomenon known as "well losses." The actual groundwater level in the aquifer adjacent to the borehole will be significantly higher than 27 metres AOD.
 - 16.3. Third, Mr Dodds has no data between the observation boreholes and the PWS. He could put any contours he liked in between those points. The 34 metre AOD contour in the west of the site should be nearer 32 to 33 metres AOD, and the PWS level could easily be 3 to 5 metres higher than his 27 metres (that is to say 30 to 32 metres AOD), which would give a gradient of between 0.002 and 0.008 — very different from his 0.0187.

17. By contrast, the Appellant's contours are based on real site data from the onsite boreholes and show a gradient of 0.001.
18. Ms Fraser's proof at paragraph 6.23 estimates a range in groundwater gradients as between 0.0005 and 0.003 based on the extended baseline data set.
19. Mr Dodds' gradient of 0.0187 is nearly twenty times steeper than Ms Fraser's best estimate and is based on flawed data.
20. Even at the higher gradients Mr Dodds suggests, the sensitivity analysis — which includes increasing the hydraulic conductivity by a factor of ten, equivalent to increasing the gradient — demonstrates that the risks to the PWS are negligible.

Criticism 6: His misunderstanding of contaminant transport modelling.

21. At paragraph 4.14 of his rebuttal, Mr Dodds states that "in simple terms increasing the hydraulic gradient by some 10x will increase the groundwater velocity by circa 10x and make the travel time of contaminants 10x quicker."
22. This statement reveals a fundamental misunderstanding of contaminant transport modelling. Increasing the gradient would also increase the diluting groundwater flow below the site and potentially reduce contaminant concentrations arriving at the PWS. Mr Dodds has focused on travel time without recognising that a steeper gradient also increases dilution — a significant error in his analysis.
23. Similarly, at paragraph 4.20 of his rebuttal, Mr Dodds criticises the modelling for assessing risk to a "site boundary receptor" rather than to Harpsden PWS and states that "it is essential that the modelling and assessments take account of and treat Harpsden PWS as a receptor."
24. However, it is standard practice in contaminant transport modelling to assume a shorter pathway length to be conservative. If the contaminant does not reach the site boundary at unacceptable concentrations, it will not reach the PWS receptor, which is further away.

25. This criticism again suggests a lack of familiarity with standard approaches to contaminant transport modelling, consistent with the fact that Mr Dodds expertise does not extend to contaminant transport assessment.

Criticism 7: His mischaracterisation of the existing geological structure.

26. Mr Dodds' evidence gives the impression that solution pipes are part of, and connected to, the fracture structure in the structured Chalk, and that these features provide fast transport pathways from the surface to the deeper aquifer.
27. At paragraph 2.11 of his proof he refers to "the network of fractures and solution weathered pipes" providing "a three-dimensional network for water to move from the surface (or near surface), downwards to the water table and then sideways."
28. At paragraph 4.9, he postulates the "worst case scenario" of grout being injected through an open void connected to the water table.
29. The site evidence does not support this characterisation.
30. The clearest evidence of Dr Edmonds does not support this characterisation.
31. Ms Fraser's rebuttal at Figure 1.1 shows the thickness of unstructured Chalk as 9.5 to 20 metres below ground level across the site.
32. Photographs of borehole core from boreholes Z5 and Z7, reproduced in Ms Fraser's rebuttal at Figure 1.2, show the soft, clayey nature of the unstructured Chalk.
33. Core from Z5 at 11 metres is described as "structureless chalk composed of off-white silty clay." Core from Z7 at 9.5 to 11 metres is described as "structureless chalk composed of silty clay...clasts are moderately weak, low to medium density."
34. The core is so soft it has flexed. This is not material through which fast fracture flow can occur.
35. Dr Clive Edmonds, who possesses considerably greater expertise on these matters, has provided rebuttal evidence confirming that core loss in loose soils is not indicative of voided ground but rather of compression during core recovery, loss of material from the end of the

core, or the core barrel pushing aside loose deposits — all well-recognised phenomena in geotechnical drilling.

- 36. He also confirmed that view in Examination in Chief.
- 37. There is simply no evidence of macro-karst features in the locality.
- 38. Whilst dissolution pipes are recorded in the area, none of the karst features such as stream sinks, caves and conduits are mapped nearby.

Criticism 8: His reliance on inappropriate transmissivity and porosity values.

- 39. Mr Dodds cites literature values of transmissivity up to 25,000 m²/day and contends that the Appellant's value is too low.
- 40. However, the most reliable estimate of transmissivity for the Chalk at this location comes from the PWS borehole itself, because those measurements are on the same scale as the problem and from the real system in the relevant location.
- 41. Thames Water has provided information indicating transmissivity at Harpsden PWS of between 3,000 and 8,000 m²/day — a range which Mr Dodds himself accepts at paragraph 3.17 of his proof.
- 42. The Appellant's permeability value of 45 m/day is representative of the upper Chalk as measured at the PWS, excluding the deeper transmissive zones at depths greater than 38 metres below ground level, which are not relevant to the pathway from the potential sources of contamination near the surface.
- 43. The sensitivity analysis includes permeability up to 450 m/day — higher than the highest result measured at the PWS — more than covering Mr Dodds' concerns about transmissivity.
- 44. At paragraph 4.19 of his rebuttal, Mr Dodds suggests a porosity value of 0.001, whereas the Appellant uses a minimum value of 0.01, based on site observations of geological structure and fracture infilling, information from the PWS, and also supported by literature sources.

45. Ms Fraser's evidence is that the very high transmissivity values and low porosity values seen in literature are not appropriate for this assessment, because they relate to the deeper transmissive hardground horizons, not the upper Chalk through which the pathway runs.
46. Mr Dodds' insistence on deploying high transmissivity values and low porosity values from generic literature — rather than site-specific evidence — would greatly exaggerate predicted contaminant velocities.
47. Those literature values relate to the deeper transmissive hardground horizons, not the upper Chalk through which the relevant pathway runs.

Criticism 9 : He assumes the Grout will contain sulphate resisting portland cement.

48. At paragraph 4.11 of his proof and at paragraph 4.11 of his rebuttal, Mr Dodds raises concerns about Sulphate Resisting Portland Cement (SRPC) and the potential for leaching of chromium (VI) and high ph.
49. However, the ES Addendum at paragraph 6.69 refers to Ordinary Portland Cement, not Sulphate Resisting Portland Cement.
50. The grout mix is specified to contain only water, sand, cement and/or blended cement and bentonite — all natural materials meeting relevant British Standards.
51. There is no SRPC in the grout mix.
52. Mr Dodds' entire criticism about chromium (VI) and SRPC is based on an incorrect assumption about the composition of the grout and falls away entirely.

Criticism 10 : His failure to acknowledge the conservatisms in the appellant's model.

53. Ms Fraser's rebuttal at paragraph 7.5.11 identifies a number of significant conservatisms in the Appellant's model which Mr Dodds has not addressed.
54. These include the following: contaminant concentrations in run-off are set conservatively high, based on urban run-off, and are likely to be lower on a residential housing estate; the

model does not include removal of contaminants in the SuDS systems; the rate of infiltration is assumed to be consistently high for the entire model duration of 10,000 years without accounting for dry periods, thereby overestimating the mass of contaminants entering the aquifer; dilution in the aquifer is underestimated due to the high volume of infiltration assumed; the sensitivity analysis allows for uncertainty including secondary permeability in the unsaturated zone and highly fractured transmissive zones in the saturated zone; and, critically, the model does not include for dilution in the borehole, which will be of the order of one hundred-fold.

55. Cumulatively, the model is highly conservative in multiple respects — and it still shows negligible risk.

Criticism 11: The selective reliance on the Maurice et al. report.

56. In his rebuttal at paragraphs 3.1 to 3.12, Mr Dodds relies on Maurice et al. (2020) to argue that rapid groundwater flow and karst features are common in the Chalk of the Chilterns.
57. However, Ms Fraser also cites Maurice et al., specifically the passage that "many of them [dissolution features] appear to contain low permeability material and may be formed by in-situ bedrock dissolution and therefore may not be linked to larger dissolution voids in the subsurface" — which is consistent with the site evidence.
58. The tracer tests Mr Dodds cites — such as Banterwick Barn with velocities of over 6.7 km/day — were between boreholes in the deep saturated zone, not through the shallow unstructured Chalk at this site.
59. The conditions are not comparable.
60. Moreover, Maurice et al. own unsaturated zone tracer test in Berkshire demonstrated "very high attenuation" and "substantial retention of the tracers within the unsaturated zone."
61. Mr Dodds has selectively quoted the rapid transport element without acknowledging the high attenuation, thereby presenting a misleading picture of the reference material.

Criticism 12: The speculative sewage infrastructure failure scenario.

62. At paragraph 4.6 of his proof, Mr Dodds criticises the risk assessment for not covering the risk associated with failure of water management systems, including structural failure of sewage pipes leading to erosion of karst infill and migration of contaminants.
63. However, Ms Fraser's rebuttal at paragraph 1.6.1 explains that the assessment assumed all sewage would be contained within the infrastructure provided, and that the rebuttal evidence from Dr Edmonds and Mr Abley indicates that there is no expectation of differential settlement on the treated site that might cause breakage of sewage infrastructure, and that precautions such as flexible couplings and high-specification pipework can be incorporated in the detailed design phase, in accordance with the Environment Agency's recommendations for sewage infrastructure in SPZ1.
64. There is no restriction on sewage infrastructure in SPZ1. Existing developments in SPZ1, including the Wyevale site only 17 metres from the PWS borehole, are served by mains sewers. Mr Dodds' scenario is entirely speculative, not specific to this site, and represents a risk on every development within an SPZ1 — one that has never been treated as a ground for refusing planning permission.

Criticism 13: The alleged breach of EA policies.

65. At paragraph 5.14 of his proof, Mr Dodds concludes that the proposed development is contrary to nine Environment Agency groundwater protection policies — C2, C3, F1, G1, G4, G10, G12, G13 and N7.
66. This is a remarkable position, because the Environment Agency has actually applied its own policies and concluded that the risks are acceptable, removing its objection to the development.
67. Unless the proposition being advanced by Mr Dodds is that the EA do not apply or understand properly their own guidance.

68. The EA stated that "the outcomes of this work to assess the impact of uncertainty in model parameters on the model results gives us sufficient confidence that the risks to controlled waters from this proposal for infiltration with the planned SuDS mitigations/controls are acceptably low."
69. Mr Dodds' own topic paper records that "the approach proposed is therefore acceptable to the regulatory authority responsible for protecting groundwater resources."
70. Both the Environment Agency and Thames Water are satisfied that a Source Protection Strategy secured by planning condition is an appropriate and effective safeguard.
71. Thames Water, which has a statutory duty to provide wholesome water, has requested a condition rather than objecting to the proposals.
72. Mr Dodds effectively asks the Inspector to conclude that the Environment Agency does not understand its own position statements — a position that is without any sustainable evidential foundation.
73. Mr Dodds has had no contact with the Environment Agency and has made no attempt to discuss the matter with them. Or tried to contact them as he accepted in XX.
74. He has also had no contact with Thames Water. Or tried to contact them as he accepted in XX.
75. He has not discussed the matter with the case officer or sought to understand why the officers recommended granting planning permission.
76. The officers themselves raised no concerns about the adequacy of the material, the adequacy of the risk assessments, or the absence of planning controls.

Criticism 14: The cumulative errors and failures in the evidence.

77. The Inspector is invited to weigh the totality of the evidence on this issue.
78. In favour of the contention that the proposals are not harmful, the Inspector has the following:

- 78.1. the judgment of the Environment Agency (the Government's statutory consultee on groundwater matters), which has removed its objection;
 - 78.2. the position of Thames Water (which has a statutory duty to supply wholesome water), which does not object;
 - 78.3. the position of the Lead Local Flood Authority;
 - 78.4. the evidence of Mr Edmunds and Ms Fraser, both of whom have directly relevant practical experience;
 - 78.5. the professional judgment of the officers of the local planning authority, who recommended approval;
 - 78.6. and the precedent of the Wyevale development within the same SPZ₁, where piling with wet concrete was carried out just 17 metres from the PWS borehole without objection.
79. Against that, Mr Dodds who has no experience of compaction grouting, and claims the EA breaches nine of its own policies when the EA has itself concluded otherwise — asks the Inspector to place more weight on his position than on that of all the statutory consultees, based on a single site visit and a view reached in the course of his instruction.
80. The evidence does not support that position.

Overall Conclusion on the Dodds evidence.

- 81. Mr Dodds' evidence does not make a positive case that the proposed development will result in actual harm to the public water supply or the Chalk aquifer.
- 82. His case is, at its highest, that the Appellant has not sufficiently demonstrated the absence of unacceptable risk.
- 83. Yet when that case is examined in detail it is based on an assumption about grout composition that is simply wrong namely that it will not set, will travel and will pose a risk to the PWS.
- 84. His evidence is conjectural, based on what might theoretically happen rather than on any site-specific analysis of what would happen.

85. The Appellant's evidence, by contrast, is grounded in extensive site-specific data, robust modelling with multiple conservative assumptions and thorough sensitivity analysis and is endorsed by both the Environment Agency and Thames Water.

86. The Inspector is respectfully invited to prefer the Appellant's evidence and to place very limited weight upon the evidence of Mr Dodds.
