

<b>APPLICATION NO.</b>	<a href="#">P15/V0986/FUL</a>
<b>APPLICATION TYPE</b>	FULL APPLICATION
<b>REGISTERED</b>	12.5.2015
<b>PARISH</b>	KENNINGTON
<b>WARD MEMBER(S)</b>	Edward Blagrove Bob Johnston
<b>APPLICANT</b>	Mr Adriano Figueirero
<b>SITE</b>	Sandford on Thames Weir, Kennington, Oxon
<b>PROPOSAL</b>	To install three Andritz Archimedean screw turbines on land adjacent to Sandford on Thames weir
<b>AMENDMENTS</b>	Yes
<b>GRID REFERENCE</b>	452842/201725
<b>OFFICER</b>	Sarah Green

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### SUMMARY

- The application is referred to committee due to an objection from Kennington Parish Council
- The application is for the installation of 3 archimedean screw turbines adjacent to Sandford weir.
- The main issues are the loss of trees and biodiversity habitats, impact of construction traffic, visual impact on the landscape
- The application is supported by a replacement tree planting plan, which includes the planting of 214 new trees, and biodiversity enhancements which will be included with the scheme. Overall the scheme is considered to not harm the visual amenities of the area.
- An update on an otter survey will be given at the meeting.
- The application is recommended for approval subject to conditions.

### 1.0 INTRODUCTION

- 1.1 This application is referred to committee due to an objection from Kennington Parish Council.
- 1.2 The application site is adjacent to the Sandford Weir on the River Thames. It is on the western bank of the river within Kennington Parish. A location plan is **attached** at appendix 1.
- 1.3 The site is located within an existing wet woodland. To the north, south and west of the woodland is open meadow land. To the west of this is the railway line, Sustrans cycle path and the built up area of Kennington. To the east is the River Thames and Sandford weir. Further east to this is an island of land and then the main river channel approx. 150m away. The Thames towpath follows the main river channel.

### 2.0 PROPOSAL

- 2.1 The proposal is to install 3 Archimedean screw turbines adjacent to the main weir, to generate electricity which will be exported to the grid. The development will involve widening the channel to accommodate the screws, a small control hut and a new semi-natural fish and eel pass. Extracts of the plans are **attached** at appendix 2.
- 2.2 The scheme would generate 390kw at optimum generation which would be 195kw averaged through the year dependent on the flow available in the river. The estimated annual generation would produce 1,620,000kw per annum with a carbon equivalent of

870 tonnes of CO2.

- 2.3 The screws would be sited to the west of the existing weir. A section of existing bank would be excavated, widening the channel to the screws. This would be achieved by piling along the existing bank and excavating behind. The screws themselves would be delivered to site by barge/pontoon and floating crane. A temporary coffer dam would be used to allow the piling to then be removed.
- 2.4 The fish and eel pass would be constructed to the west of the screws, following a similar alignment to an existing small stream. The pass will allow for upstream movement of fish and eels. Its design has been provisionally approved by the Environment Agency.
- 2.5 The scheme will involve the removal of part of the wet woodland. Significant replacement planting has been proposed as mitigation for this and an amended planting plan has been submitted during the application to show where this will take place.
- 2.6 The majority of the construction equipment would be brought to site via Sandford Lane and across a temporary track to the site which will be removed once construction is completed. An existing access onto Sandford Lane would be used. The cable route would follow the route of the existing unofficial footpath alongside the river to minimise any disturbance to the meadow grass. It will then meet up at a new substation to be located on Sandford Lane which has to be outside of the flood zone.
- 2.7 All licences required by the Environment Agency (full abstraction licence for main scheme; transfer abstraction licence for fish pass scheme; flood defence consent) have been granted.

3.0 **SUMMARY OF CONSULTATIONS & REPRESENTATIONS**

- 3.1 Below is a summary of the responses received. A full copy of all the comments made can be viewed online at [www.whitehorsedc.gov.uk](http://www.whitehorsedc.gov.uk).

Natural England	Previously commented on proposal. Advice in previous reponse applies equally to this application although we made no objection to the original proposal.  Previous application response – proposal is unlikely to affect any statutorily protected sites or landscapes.
National Grid Plant Protection	No objection
Environment Agency	No objection subject to conditions relating to water voles and flood risk mitigation
Countryside Access	No objection.
Highways Liaison Officer (Oxfordshire County Council)	No objections in principle subject to appropriate conditions
Landscape Architect - Vale of White Horse DC	<i>Original comments-</i> Loss of trees will be noticable in wider landscape to west towards Kennington. Proposed wing walls of turbines espeically those next to fish pass will be visually detracting feature, careful planting of rpelacement trees to mitigate this visual impact should be undertaken; needs to be comprehensive approach to replacment and mitigation planting, different tyoes of planting are

	<p>required in different areas of site. Do not feel have assessed landscape and visual impact of scheme.</p> <p><i>Revised comments</i> – see Forestry officer below</p>
<p>Countryside Officer(South Oxfordshire &amp; Vale of White Horse)</p>	<p><i>Original comments-</i>            Access road formed of temporary track way which will be removed should avoid any longer term harmful impacts on the BAP Habitat grassland;            Impact on BAP Habitat wet woodland not been addressed. Possible to address with condition requiring submission of habitat compensation strategy. Applicant needs to agree to this approach.            Impacts on tree roosting bats not addressed but note surveys being conducted. Will comment further in due course</p> <p><i>Revised comments</i> – has reviewed bat report. Suggests conditions to cover ecological issues, incorporating that of the EA on Water Voles; Advises updated otter survey is required before a permission can be granted.</p>
<p>Forestry Team (Vale of White Horse)</p>	<p><i>Original comments</i> –            Works will involve the loss of most of the trees within the application site although recognise that many of these trees individually make only a limited contribution to the visual amenity afforded to residents and users of nearby roads. Concerned some trees shown for retention will require removal; temporary road unlikely to have any adverse arboricultural implications; details of cable route and method of installation need to be agreed; number of replacement trees inadequate to mitigate loss of high number of mature trees; comprehensive landscape scheme is sought; will need consensus from landscape and countryside officers to ensure what's proposed will deliver wetland planting and managed woodland belt necessary to offset the loss of existing vegetation and soften the visual impact of the development.</p> <p><i>Revised comments</i> –            Landscape – stone cladding will improve visual appearance of exposed wing wall which will also be softened by planting to west. Existing woodland belt will soften and restrict viewing from Thames path national trail; proposed planting scheme now offers more realistic long term mitigation;</p> <p>Forestry – revised arboricultural impact assessment will safeguard retained trees; cable route submitted with resolve issues with trees; planting mitigation areas are now acceptable and will provide sufficient space for the planting needed to mitigate the visual and ecological impact of the development. Specification for planting is acceptable.</p>
<p>Berks, Bucks &amp; Oxon Wildlife Trust (BBOWT)</p>	<p>Concerns about potential to damage priority habitats. Have spoken to VoWHDC countryside officer and support the approach he suggests in his response to attach conditions to a permission requiring these concerns to be addressed through provision for a habitat enhancement strategy.</p>

Kennington Parish Council	Object. See comments <b>attached</b> at Appendix 3.
Sandford-on-Thames Parish Council	Fully supports
Neighbour Object (1)	Planning permission cannot be given without appropriate information on protected species (otters in this instance) and that any mitigation cannot be left to a condition after planning permission has been given.

4.0 **RELEVANT PLANNING HISTORY**

4.1 [P14/V2169/FUL](#) - Withdrawn (19/11/2014)

Installation of three Archimedean Screw turbines on land adjacent to Sandford-on-Thames Weir.

5.0 **POLICY & GUIDANCE**

5.1 **Vale of White Horse District Council Local Plan 2011**

The development plan for this area comprises the adopted Vale of White Horse local plan 2011. The following local plan policies relevant to this application were 'saved' by direction on 1 July 2009.

DC1 - Design

DC5 - Access

DC6 - Landscaping

DC9 - The Impact of Development on Neighbouring Uses

GS2 - Development in the Countryside

GS3 - Development in the Oxford Green Belt

CF10 - Production of Renewable Energy on a Commercial Basis

L10 - Safeguarding and Improving Public Rights of Way

L17 - The River Thames

**Emerging Local Plan 2031 – Part 1**

5.2 The draft local plan part 1 is not currently adopted policy. Paragraph 216 of the NPPF allows for weight to be given to relevant policies in emerging plans, unless other material considerations indicate otherwise, and only subject to the stage of preparation of the plan, the extent of unresolved objections and the degree of consistency of the relevant emerging policies with the NPPF. At present it is officers' opinion that the emerging Local Plan housing policies carry limited weight for decision making. The relevant policies are as follows:-

Core Policy 1	Presumption in favour of sustainable development
Core Policy 6	Meeting business & employment needs
Core Policy 7	Providing supporting infrastructure and services
Core Policy 8	Spatial strategy for the Abingdon & Oxford fringe sub-area
Core Policy 37	Design and local distinctiveness
Core Policy 41	Renewable Energy
Core Policy 42	Flood risk
Core Policy 43	Natural resources
Core Policy 44	Landscape
Core Policy 46	Conservation and improvement of biodiversity

5.3 **Supplementary Planning Guidance**

- Design Guide – March 2015
- Flood Maps and Flood Risk – July 2006

5.4 **National Planning Policy Framework (NPPF) – March 2012**

5.5 **National Planning Practise Guidance 2014 (NPPG)**

5.6 **Environmental Impact**

The application site area is under 5ha. Consequently the proposal is beneath the thresholds set in Schedule 2 of the Town and Country Planning (Environmental Impact Assessment) (Amendment) Regulations 2015 and this proposal is not EIA development and there is no requirement under the Regulations to provide a screening opinion.

5.7 **Other Relevant Legislation**

- Planning (Listed Buildings and Conservation Areas Act) 1990
- Community & Infrastructure Levy Legislation
- Human Rights Act 1998
- Equality Act 2010
- Section 17 of the Crime and Disorder Act 1998
- Natural Environment and Rural Communities (NERC) Act 2006
- The Conservation of Habitats and Species Regulations 2010
- Localism Act

5.8 **Human Rights Act**

The provisions of the Human Rights Act 1998 have been taken into account in the processing of the application and the preparation of this report.

5.9 **Equalities**

In determining this planning application the Council has regard to its equalities obligations including its obligations under section 149 of the Equality Act 2010.

6.0 **PLANNING CONSIDERATIONS**

6.1 The relevant planning considerations in the determination of this application are:

1. Principle of the development
2. Landscape and visual impact
3. Ecology
4. Flooding/impact on river
5. Highways and footpaths
6. Greenbelt

6.2 **Principle of development**

Policy CF10 supports the production of renewable energy provided it would not adversely harm the open and rural character of the countryside; nor adversely affect the living conditions of local residents or the enjoyment of the countryside by visitors in terms of noise, visual impact, odour, fumes etc. It should not adversely affect areas of archaeological, historic, architectural or nature conservation importance. Subject to meeting these criteria, proposals will be supported.

6.3 **Landscape and visual impact**

The NPPF seeks to enhance the natural and local environment by protecting and enhancing valued landscapes (paragraph109). Policy DC6 seeks that developments protect and enhance the visual amenities of the area.

6.4 The existing trees on the site vary in age and condition but they combine to be viewed as an elongated group with a continuous canopy growing adjacent to the bank. Eight trees at the northern end of the group will be retained but most of the mature specimens adjacent to the river bank will be lost. The Design and Access Statement

refers to a total loss of 43 trees/tree groups. The original proposal included 102 new trees, consisting of 12 trees and 72 whips. This was not considered acceptable by officers.

- 6.5 The level of compensatory mitigation has been discussed between the forestry officer and the applicant's agent. New planting mitigation areas have now been proposed to the west of the existing woodland and to the south. In total these areas equate to approximately 2650sqm of new tree planting and will include 39 new native trees at 180-240cm in size and 214 native whips at 90-120cm in size. In total 253 new trees. These areas are now acceptable to officers and will provide sufficient space for the planting needed to mitigate the visual and ecological impact of the development. The species and sizes set out in the specification is acceptable although the planting plan will also need to include the specification for the understorey that is to be planted between the whips to restrict weed growth. An updated planting plan to reflect this can be agreed by condition, as can the details of the stock fencing specification and the details of the fencing needed to protect the space during the construction process.
- 6.6 With regard to other aspects of the scheme, the western wing wall of the structure will be faced with local Oxfordshire stone cladding to reduce its visual impact from the west. The addition of the new planting adjacent to it will also help with mitigating the visual impact of this retaining wall. The control hut has been located to the north of the proposed screws on the land between the new channel and the fish pass. Views of the hut will therefore be screened from the west and south by the existing and new planting.
- 6.7 Officers consider the implementation of the planting plan will provide sufficient mitigation for the loss of trees and will also reduce the visual impact of the development in the long term.
- 6.8 In the short term, during the construction phase, officers accept that there will be a visual impact on the landscape. However this is not unusual for many development projects. The construction phase is likely to last for approximately six months. The site is located away from the Thames towpath to the east and views are restricted by the existing woodland belt to the east of the weir. The nearest residential properties to the west are approximately 300m away and between lie intervening vegetation, the railway line, and the Sustrans cycle path. Overall officers consider that the scheme will not have an adverse visual impact in the long term, and will not harm the amenities of residents.
- 6.9 **Ecology**  
Paragraph 117 of the NPPF refers to the preservation, restoration and re-creation of priority habitats, whilst Paragraph 118 sets out the basis for determination of planning applications. Paragraph 118 states that “...if significant harm resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused...”
- 6.10 The wooded area around the site has been identified as a wet woodland Biodiversity Action Plan Priority Habitat (BAP habitat). The surrounding meadow land is grassland BAP Habitat. The application is supported by an ecology report. The council's countryside officer has assessed the scheme and held discussions with the agent.
- 6.11 The access track will be a temporary structure across the field. Its removal following completion of the development should avoid any longer term harmful impact on the BAP habitat grassland. The countryside officer is satisfied with the impact of this.

- 6.12 The scheme will result in the loss of a significant portion of the wet woodland. The scheme now includes significant replanting proposals for the woodland as compensation, as set out above. Further biodiversity enhancements and compensation, such as the erection of bat boxes, can also be implemented. The countryside officer has recommended that a pre-commencement condition can be used to secure this.
- 6.13 The bat survey report has been submitted and reviewed. It did not record any evidence of use of the trees by roosting bats. Some of the trees have been categorised as having potential to support roosting bats. They will be felled taking reasonable avoidance measures to minimise the risk of harm to individual bats. These measures are set out in the survey and the recommended condition will ensure that the development is implemented in accordance with the recommendations of the report.
- 6.14 The increased presence of otters in the vicinity has also been raised as an issue by a third party ecologist. An otter survey was carried out in 2014 as part of the previous application and found no otter holts on or within 150m of the site. It has been brought to your officers' attention that otter activity may have increased during the last year, and therefore an updated otter survey is currently being undertaken. As otters are a European protected species it is important there is an up to date picture of otter activity in the area prior to any planning permission being granted. Officers will update the committee on the results of this survey at the meeting. Subject to the results of that survey, a detailed mitigation strategy may be required which could be agreed by condition.
- 6.15 The environment agency has also requested a condition requiring protection of and mitigation to River Thames habitats and for the protection of water voles. The requirements of these conditions have been incorporated by countryside officer into the recommended conditions to avoid repetition.
- 6.16 **Flooding/impact on river**  
A flood risk assessment has been submitted with the application and has been approved by the environment agency. They suggest a condition to ensure that the development is carried out in accordance with the flood risk assessment and that the finished floor levels of the control hut and to the plinth supporting the upper bearing to the screw, gearbox and generator will be set no lower than 54.94 AOD. This has been added as a recommended condition.
- 6.17 **Highways and footpaths**  
Policy DC5 seeks that developments do not have an adverse impact upon the highway network and have safe access. During construction a temporary track way will be constructed from an existing access point on Sandford Lane, across the meadow to the site. This route will be used for the majority of the equipment and for the removal of spoil. The trackway will be removed once construction is completed. The county highways officer has reviewed the proposal. The access will pass under a railway bridge with a height restriction. The agent has clarified that the bridge is owned by Network Rail and that they have been made aware of the project. He also confirms that a construction traffic management plan will be submitted prior to the commencement of the construction phase. This will satisfy the concerns of the county highway officer regarding the potential impact of construction traffic on Sandford Lane, which is narrow and constrained in places.
- 6.18 The development itself once operational will not affect public rights of way. However during the construction phase, to enable the screws to be brought to site by barge, the

footbridge to the north over the channel which feeds the weir, and which carries the Thames towpath, will need to be removed and a temporary footway provided. The temporary footway will be a floating pontoon based footpath which will be able to be moved for barges to pass through. An application has been made for the relevant footpath closures and licences. Once construction has been completed the original bridge will be returned.

**6.19 Green Belt**

The NPPF sets out that engineering operations are not inappropriate in green belt provided they preserve the openness of the green belt and do not conflict with the purposes of including land in green belt. Officers consider the proposed development would not harm the openness of the green belt.

**7.0 CONCLUSION**

**7.1** This application has been assessed against the National Planning Policy Framework (NPPF), relevant saved policies in the local plan and all other material planning considerations. The NPPF states that sustainable development should be permitted unless the adverse effects significantly and demonstrably outweigh the benefits. The NPPF also states that there are social, economic and environmental dimensions to sustainability and that conclusions must be reached taking into account the NPPF as a whole.

**7.2** The proposal would provide a source of renewable energy for a minimum of 50 years. The scheme as submitted, whilst would negatively impact upon the existing biodiversity and landscape, has shown that these impacts will be mitigated against with significant new planting and would result in an enhancement to the biodiversity of the area. The application is therefore recommended for approval subject to the conditions below.

**8.0 RECOMMENDATION**

**8.1 To grant planning permission subject to the following conditions:**

- 1. Commencement three years - full planning permission.**
- 2. List of approved plans.**
- 3. The exposed wing wall of the structure will be faced with local stone cladding.**
- 4. All works shall be carried out in accordance with the approved arboricultural method statement (dated 3 August 2015), unless otherwise agreed in writing with the Local Planning Authority.**
- 5. Routing of the cable shall be in accordance with approved drawing and details.**
- 6. Revised planting plan and implementation plan to be submitted and approved – to include understorey details and stock fencing specification.**
- 7. Maintenance schedule and a management plan for the soft landscaping works shall be submitted to and approved - minimum period of five years.**
- 8. Method statement for biodiversity enhancements to be submitted and approved.**
- 9. Prior to commencement a revised otter and water vole survey shall be completed and submitted for approval along with detailed mitigation strategy if required.**
- 10. Implemented in accordance with bat survey recommendations.**
- 11. Implemented in accordance with the approved flood risk assessment and mitigation measures (finished floor levels).**
- 12. Vehicular access in accordance with approved drawing number. Details of trackway to be submitted prior to commencement. All vehicles to only use track. Track to be removed following completion.**



**13. A Construction Traffic Management Plan (CTMP) shall be submitted and approved.**

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