

**PLANNING AND LICENSING COMMITTEE**  
**8 October 2025**  
**ADDITIONAL PAGES** (*Published 06.10.2025*)

**AVAILABLE FOR PUBLIC INSPECTION UNDER THE PROVISIONS OF THE LOCAL  
GOVERNMENT (ACCESS TO INFORMATION) ACT 1985**

<b>ADDITIONAL REPRESENTATIONS ON AGENDA ITEMS : Pages 1 - 34</b>		
<b>Agenda No:</b>	<b>Ref No:</b>	<b>Content:</b>
<b>8</b>	<b>25/01036/OUT</b>  <i>(Land East of Cotswold Business Village Moreton-In-Marsh)</i>	<p><b>Case Officer Update:</b></p> <p><b>Biodiversity Net Gain:</b></p> <p>The applicant has confirmed that it is their intention to 'secure any BNG deficit, providing on-site mitigation cannot be achieved, through purchasing units from a suitable provider.' The Council's Biodiversity Officer accepts such an approach. However, due to the size of the proposed development and the type of habitats present on site, it will be necessary to secure its delivery through a S106 legal agreement. At present, no such mechanism is in place. It is therefore recommended that the refusal reason relating to BNG is changed to:</p> <p><i>An appropriate mechanism, such as a S106 legal agreement, is not in place in order to ensure that the biodiversity gain objective can be met and that the biodiversity gain condition can be successfully discharged in accordance with Schedule 7A of the Town and Country Planning Act 1990 (as inserted by Schedule 14 of the Environment Act 2021).</i></p> <p><b>Consultations and Representations Received:</b></p> <p><b>Representation received from Cllr Angus Jenkinson (Ward Councillor, Moreton East &amp; Todenham) – please see attached</b></p>

		<p><b>Gloucestershire County Council Highways:</b></p> <p>Final consultation response received - please see attached dated 30 September 2025</p> <p><b>Environment Agency:</b></p> <p>Consultation response received - please see attached dated 30 July 2025</p> <p><b>1 further objection comment received:</b></p> <p><i>'Sewerage System Capacity</i></p> <p><i>The current treatment works capacity is insufficient for the existing dwellings in the town and the upgrade currently planned would not accommodate an additional 195 new homes. Any planning permission must make resolution of the sewerage capacity a pre-commencement condition.</i></p> <p><i>Highways</i></p> <p><i>The removal of traffic lanes for cycle lanes is not acceptable. The London Road cannot cope with the traffic levels as is and an additional 195 new homes will make an already dreadful road network even worse. The size of HGVs using the road would I'd suggest impinge on the cycle lanes in day to day usage. The plans will need to address the bottleneck that arises at the Railway Bridge and the impact on the town centre which on an almost daily basis is at gridlock for part of the day. The vast majority of people will argue that the site is walkable to the Town Centre, shops and supermarkets and, of course it is. BUT it's at least a 20-minute walk to the Town Centre and local shops and more to the supermarkets and health centre/MIU - people will drive! The impact on the roads needs to be fully considered and addressed.</i></p>
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		<p><i>Infrastructure</i></p> <p><i>The proposal is outside of the Local Plan and the application does not adequately deal with the requirement for infrastructure required for those who will live in the new homes including - Education, both primary and secondary; car parking in the Town Centre will be further pressurised with additional homes and there are no real facilities within the town centre; health facilities require improvement - the current wait time for a GP appointment, other than urgent, is too long and there are no NHS dentists in the area; there are no facilities, shops, cafes, eateries, pubs, etc. to the East of the Railway and a further 195 new homes will put additional pressure on the town centre. Infrastructure needs to precede development.'</i></p>
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Bloor Homes (25-01036-OUT)

***Cllr Angus Jenkinson, ward councillor. Moreton East and Todenham***

I am obligated to object to this project because it has inherent limitations, does not integrate with the town, and will cause significant problems. It would form a significant eastwards enclave, a disconnected residential extension that does not contribute to a cohesive development of a functional market town. Existing infrastructure constraints make it non-viable and prejudicial to resolution of key issues.

Having had a number of ongoing discussions with the Mr Martin Perks, the principal planning officer, I am unsurprised that the recommendation is REFUSE. I note the issues he cites:

- (a) Residential Development Outside a Development Boundary
- (b) Housing Mix and Affordable Housing
- (c) Impact on the Character and Appearance of the Area
- (d) Access and Highway Safety
- (e) Impact on Residential Amenity
- (f) Biodiversity
- (g) Flooding and Drainage
- (h) Contamination

I accept the concerns he raises.

I shall first briefly summarise my case for refusal and then provide some town context for you, along with further detail on some issues, including major medical constraints.

I am aware that Government decisions mean the Planning Committee is dealing with circumstances that have changed since last autumn. Nevertheless, this is a development that should not expediently be approved. In the unlikely event that you feel required to approve, I have therefore also proposed some recommended conditions for you to consider, in that unlikely event, but I urge you to refuse.

**The summary objections and case for refusal**

This application fails since:

- a) The location is isolated and far from the town centre, divided from residential development by a large business park, cemetery, and football ground. The application notes these weaknesses by proposing two transport features, a bus stop that would principally serve the development, so a mitigation rather than enhanced factor, and unprotected lanes way in a busy road. These do not comply

with guidance given by *Active Travel England's Standing Advice Note* for cycle safety on busy roadways like this one. Detail is provided in a later section.

- b) Since 2011, the town has built or is in the process of completing 1,324 dwellings. That is the second largest in the District in raw numbers and proportional to the original size by far the largest. My ward has borne the brunt of these and for much of the time the development was not managed by an operational Area Plan. Too much was piecemeal and lacking in corresponding infrastructure development. This development cannot put right that history but it must deal with their consequences, which include critical infrastructure limitations already at or beyond the edge. This application is unlikely to be incremental but rather catastrophic in such circumstances.
- c) It does not meet the conditions of Policy DS4: Open Market Housing Outside Development Boundaries and Non-Principal Settlements. It is a speculative ad-hoc project that is not needed for strategic reasons and does not provide strategic resolution of the town's development: it does not resolve various issues in the town including traffic and foul water management, discussed below. It may block strategic resolution of a key issue.
- d) It also fails the existing SHELAA on these and other grounds. The SHELAA considered this a possible location for a primary school when one was deemed necessary. It is not now, a matter I have investigated. Instead, it is a development a long way from the primary school, compounding problems since it will be too far for many youngsters to walk, would take too long for many parents, and to go by car would create massive traffic and parking issues given the physical location and approaches to the school in its corner of the old town.
- e) The SHELAA considered that the site is a candidate for further consideration for allocation within the Local Plan, *subject to overcoming the infrastructure capacity issues*, which this project would need to address. The SHELAA states:
  - i. Part of the site is unsuitable for housing due to the odour issue from the adjacent wastewater treatment works. The present application does not resolve this.
  - ii. The development of this site is reliant on the delivery of off-site infrastructure, namely sewage and wastewater infrastructure and town centre highway capacity issues through the town centre.
  - iii. It considered a development of around 162 homes (based on the density multiplier assumption) would probably be appropriate (when part of an integrated plan).
  - iv. The masterplanning of the site should reference the historic field pattern.
  - v. Problems of potential flooding need management.
- f) It remains a possible site for development at some point but only in the context of an integrated whole system strategic plan with associated infrastructure improvements that resolve issues of the town if it is to grow. This isolated enclave

is a development that does not provide these benefits. (I suspect the necessary conditions would exceed the financial model of the project.)

- g) The town centre highways are at capacity now. Already in 2011, the Planning Inspectorate recognised the problems of traffic in the town in a judgement that refused a proposed development. The mini roundabouts were already determined at the time of the adopted Local Plan as having limited additional capacity. That has now been exceeded. Capacity cannot be locally increased given the built form. Significant alternative infrastructure will be required to support any further growth in Moreton. That is a key reason for an integrated approach to any significant development in the town.
- h) This development would already breach capacity. It may also prejudice further strategic development that might be needed to meet Government targets. For this, a new link road to ease congestion in the town's centre is required. I am hopeful that the existing feasibility study that is due to report soon will show possible options but further investigation and then implementation would need the integrated approach noted above. This site is a potential option for that link, so accepting a speculative isolated project would not only create large problems now but also be counterproductive to the town, Cotswold District Council obligations, and the Government's ambitions for the future.
- i) The decision by the principal planner to refuse notes that the 2011 Inspectorate judgement (noted above) considered it inappropriate to prejudice emerging Development Plan document policies. The same is true today.
- j) It does not accord with CDC's up-to-date adopted development plan. The adopted Local Plan focuses large scale strategic growth in Cirencester "complemented by smaller site-specific allocations in the Principal Settlements." That was also true in 2011 and a reason to refuse as the present proposal also prejudices better allocations. Where the Moreton settlement will be in this depends on the link road, sewage works, and other resolutions.
- k) These include the absolute constraint in medical services in the town. I report from the town's two medical centres: they have already exceeded capacity. They advise: "*...it is highly likely that further development in the town will actually induce medical poverty in the community here.*" The adjustment would not be incremental. They cannot obtain funds for physical infrastructure from the NHS. If the development was accepted it would require a considerable contribution to provide resource for the increased capacity needed for those who take up residence. See details below.
- l) This project is therefore inconsistent with the present and future needs of the town and the recommendation for this site in the SHELAA is not a reason to accept it. I urge you to refuse.



## Background

The town is a classic Cotswold market town with origins in the middle ages, a wide centre roadway and trees suitable for horse and buggy and with an imposing Corn Exchange. Development was slow. Properties were varied but mostly terraced and conforming to the Cotswold vernacular. Pictures show varied roof lines, textures, colours. They meet the test of being interesting from a distance and close-up. It has 96 listed buildings.



### *Town centre diversity and interest*

In 2003, almost all of the land east of the railway station consisted of fields. The exception was ribbon development along the A44, Evenlode Road, Todenham Road and at the Fire Service College. The quality of this build varied, but the developments that were most representative continued this market town vernacular.





*Evenlode Road*

The first development (in 2003-4) continued this, as in the picture below, albeit with better parking arrangements. Note the terrace, trees, and grass, good build quality, and Cotswold feel.



*Blenheim Way*

Until the recent Area Plan was approved, the town then developed without a Plan, piecemeal, without proper infrastructure. My ward as of 2023 election had grown 6x faster than the District average since 2011. A different spatial organisation, density



and appearance was generally followed. Traffic grew and both developments and utility upgrades led to months of excessive town centre traffic blocks, harming retail businesses. The town centre became a car park and throughway for traffic, much of it heavy goods vehicles. The A429 Fosseway railway bridge is listed, dangerous (especially for pedestrians visiting from that side of town), and physically vulnerable.

There have undoubtedly been a number of positive contributions to the town that are enjoyed by owners, including four public open spaces featuring meadows, attenuation ponds, swales, woodland and streams. Apart from one adopted by the town council, they all have legacy compliance issues. However, they can and could offer attractive features. Many people have moved to the town and live in properties that they are happy to live in. But the balance of the town is disturbed. The “Transport Hub” and railway are considered a reason for development, but this implies that people will work elsewhere. A market town is not a commuter suburb: it needs a proper centre and a thriving local economy. “Transport Hub” is a misnomer and likely to remain so, since the cost is high, additional parking low, and a prime site in the centre of town would be lost when better alternatives for parking exist.

The town partly owes its existence to being at the meeting of two main routes, the A44 and the A429, now forming a bottle neck with traffic mostly just passing through and taking value from the town. Planners are aware of these issues and are undertaking feasibility studies with the county, which have not yet been resolved. Approving this development now would add both uncertainty and potentially conflict with a major opportunity to sort out town problems.

## **The application proposal**

### ***General comments***

It is noted that the present planning situation means that adverse impacts would have to significantly and demonstrably outweigh the benefits in order for an application to be refused. They do.

The site has been described by the principal planner. It is a large agricultural field 1.5km from the centre of town. It is a standalone residential development detached from other housing, primary school, shops, pubs, and supermarket and beyond the current eastern edge of the town (outside the Development Boundary). It is more like a village without a centre that will put a strain on the town. It is off the A44, a busy road with many cars, trade and HGVs. Part of the land is within the risky Flood Zones 2 and 3. The masterplan includes an attractive surrounding public green space but there is little indication of trees in the interior, which are so helpful in urban and rural development. Developing the surrounding land as green space would need improvement of the soil matrix, a noted problem with other Moreton developments.

Houses that face the busy A44 will be affected by high road noise. I counted 56 passing vehicles, many trade or HGVs, in a random late morning 5-minute period (not rush hour). The noise is very apparent inside the field.

The applicant reports that the town's retail centre "ranks fourth in the District". That does not make it a large thriving retail centre. Perhaps additional customers will help, but additional cars will contribute to the bottlenecks.

## **Additional features**

### ***Integration with the town***

The development is outside the town, separated by a large cemetery, business park, and football ground. It is therefore isolated and far from the centre. Recognising this problem, the developer is proposing a cycle way and bus stop, discussed below.

They provide suggested walking times to the centre or railway (18-19 minutes) but these would not apply to many older citizens or children going to school. This would be well in excess of an hour's return walk for a parent with child going to school.

The development is not part of any integrated plan for the town. A masterplan for the town was called for (in O&S) at onset of the recent Area Plan consultation and this is guiding forward planners. This development is not part of any integrated master plan and indeed could well undercut key elements, which the forward planners are aware of, including the feasibility of a much-discussed bypass. The committee will be aware of the rules governing such possibilities, but they are urged nevertheless consider these matters in the overall balance.

### ***Transport, Cycle lane and Bus stop***

The location is on a busy arterial road and exiting/entering might not be easy (see "56 passing vehicles" above) and traffic will be heavy. Speedwatch data and experience shows over 10% will exceed the speed limit discretionary zone, some considerably. This is context for the applicant proposals. The Planning Statement refers to "significant Active Travel Measures." There are two offered: a bus stop and a cycle lane.

#### **The bus stop**

A bus stop would mainly be useful for people living in the development. It is therefore a mitigation exercise not a reason to build.

#### **Cycle lanes**

A successful safe cycle pathway would be an asset for the town and assist active travel. Sadly, the proposed cycle lanes (DESIGN\_AND\_ACCESS\_STATEMENT-2170939) do not comply with the guidance given by *Active Travel England's Standing Advice Note* for cycle safety on busy roadways like this one. I have consulted with the local cycling club leadership (at the fine cycle shop and café in the neighbouring business park)



and they do not believe it is fit for purpose. See *Active travel and sustainable development recommendations* at Cycle infrastructure design, LTN 1/20. Guidance for local authorities on designing high-quality, safe cycle infrastructure.

### ***Excerpts from SECTION 6: Space for cycling within highways***

“On busier and faster roads, which are usually the most direct routes between places, it will be necessary to provide **dedicated space for cycling**. Facilities that provide **physical protection for cyclists are preferable to cycle lanes**. It might be necessary to reallocate some road space from moving and/or parked motor vehicles to allow good quality cycle facilities to be installed. Dedicated space for cycling should continue past bus and tram stops but here and in other places it is essential that the needs of pedestrians are taken into account, particularly disabled people. Cycle facilities should preferably be located between parked and service vehicles and the footway. Access for these vehicles will need to be considered in any design.”

“**6.1.4** Figure 4.1 shows that protected space for cycling is generally required to create inclusive cycling conditions on busier or faster highway. This can take the form of: Fully kerbed cycle tracks; Stepped cycle tracks; or Light segregation (protected mandatory cycle lane).”

“6.1.9 Creating space for cycling may require the reallocation of space within the highway boundary. Wherever possible, this should be achieved by reallocating carriageway space, not reducing the level of service for pedestrians.”

“**6.1.11** Space may be taken from motor vehicles by reducing the carriageway’s width and/or number of lanes. UK practice has generally adopted a standard carriageway lane width of 3.65m (12 feet).” [Note that this is a busy road with HGVs.)

“6.2.1 Cycle tracks within the highway may be:

- Fully kerbed cycle tracks, protected from motor traffic by a full-height kerb, preferably with some buffer space between the cycle track and carriageway; and
- Stepped cycle tracks set below footway level, typically protected from the carriageway by a lower height kerb and usually directly next to it.”

I am advised that regular cyclists would consider the proposed plan dangerous. If it is required to accept the proposal a requirement to create such a safe cycle way should be mandated.

<https://www.gov.uk/government/publications/cycle-infrastructure-design-ltn-120>.

<https://assets.publishing.service.gov.uk/media/5ffa1f96d3bf7f65d9e35825/cycle-infrastructure-design-ltn-1-20.pdf>).

### ***Travel to school***

Many children walk to school, young ones with a parent. This site would require a very considerable journey if walked and, as noted by the planner, this would be

difficult at times. I estimate a round trip for parents taking perhaps an hour given child and pram speeds. Access to the school by car is very awkward because of its location in the old town, so cars bringing children would exacerbate traffic and parking problems. Cars would generally have to park some way away and then pupils (with parent) would need to walk to the school. This is likely to increase congestion at a critical time. The proposed cycle path and effects on the narrow railway bridge will be affected by and increase this problem.

## **Constraints in the present town situation**

### ***Water and Sewage***

This development will be serviced by Thames Water (TW), which improperly transfers treated and untreated water into the River Evenlode. This project is assessed to add 58.5 tonnes/day of additional foul water! Thames Water is overloaded. No further pressure should be put on an overloaded system until the system is no longer overloaded.

The ability of Thames Water to meet its obligations is suspect given history and the present situation. Ofwat issued Thames Water a record £122.7 million penalty in May 2025 for environmental breaches and dividend rule violations, with £104.5 million specifically for failing to deliver over 100 environmental improvement schemes, including at Moreton-in-Marsh.

The problem is that the total TW system and each part is inadequate. The system is not just the sewage treatment works (STW). It also includes Primrose Court Sewage Pumping Station (SPS), and the connecting network. Foul water first flows to the SPS and then is pumped back up the hill to the STW. Each part of the system currently fails and the whole system is recognised as inadequate with ongoing illegal and/or non-compliant consequences reported by the authorities (see below) and the citizen scientists, who now play such an active part in the process of restoring Britain's water to its proper health.

During the preparation for the 2024 Sewage Summit, CDC met frequently with Thames Water and it was clear that the sewage treatment works (STW) in Moreton-in-Marsh are grossly inadequate and a completely new STW (not an upgrade) and improved pumping station nodes are required along with improvements to the network. This was also reflected in the Grampian conditions place on the Ellenbrook development by Spitfire Homes. The CDC team did not expect more than 50 homes to be occupied before the STW was significantly upgraded or replaced. Due to a semantic anomaly, the development went ahead with only limited network improvements as a holding operation. This development therefore increased pressure on an already overloaded system which is in process of being further extended by a development by Backhouse on the Evenlode Road.



This has serious effects on water quality. The town is one of the sites noted by Ofwat and the EA as having a problem. The Evenlode Catchment Partnership (ECP) have raised serious and urgent concerns regarding the deteriorating ecological health of the River Evenlode and its tributaries (<https://earthwatch.org.uk/report/evenlode-catchment-partnership-2024-water-quality-report/>). Several years of monitoring and data collection (led by ECP partner organisation Earthwatch Europe) as part of the Thames Water-funded Smarter Water Catchment initiative shows that there has been no measurable improvement in water quality. They note:

- “water quality in some headwater streams was also poor, for example near Moreton-in-Marsh.”
- “It is generally assumed that the population of the Evenlode catchment is increasing, and housing is observably being developed throughout the catchment and particularly in Moreton-in-Marsh”
- “There has been significant housing development pressure in Moreton in Marsh since 2024 with a proposed population increase ~20% served by the STW, but it is not possible to quantify this impact until the 2025 data is released.” (It is likely to have got worse. This is on top of annual average daily flows of around 2000 in the period up to 2023.)
- They note low storm overflows from the STW. However, the MiM system

This development would add further unacceptable pressure to an overloaded system. The applicant proposes a sewage pumping station close to the attenuation basin, and concerns of the town council are noted. But even if this perfectly deals with transmission to the STW and adds no further pressure on other parts of the system it will add to the load on the STW. Either it must not be approved, or it requires a Grampian condition that will delay occupancy until the system meets a good standard, in which case it is unlikely to meet the five-year land supply requirement.

The Sustainable Drainage Strategy (SDS) must therefore take note of the interlinked STW and Primrose Court Sewage Pumping Station (SPS) to treat and discharge the additional sewage in a legal manner compliant with its statutory Environment Agency permit. No further pressure should be put on an accepted overloaded system until the whole system meets the standard that all water in the Evenlode meets a “good” standard after processing.

It should also be of concern that a problem of odour from the STW is noted in the application but not dealt with. OBJECT

### **Pollutants**

There are acknowledged PFOS chemicals in the soil and PFAS persistent pollution in the water. Adding a large development with hard infrastructure is a real concern.

## **Medical resources**

As ward councillor for the larger part of the town population, In May, I met with the leaders of the town's two medical practices to understand their situation. The town is blessed with an excellent small local hospital that provides various supportive services but the medical practices, which share a single building which was financed and developed relatively recently, are the front line, serving also local parishes.

They informed me of the history and the present situation. The development in the town over the last decade has produced a situation in which their building, expected to give decades of capacity, is already overloaded. Services and staff to do it already exceed physical capacity — they gave graphic examples of such as sessions in the photocopy room. They confirmed that the NHS does not have financial resources available for a physical upgrade and both agreed and advised in person and by letter that their common situation should be factored into any planning scenario:

*"I would work on the basis that there is zero prospect for further development of the medical infrastructure in the community for the foreseeable future and as such we would advise against pushing forward any major development in the town for the foreseeable future on the basis that this need will not be met. This does need to be visualised and factored into any type of development plan for obvious reasons. Obviously if there is a change in the NHS or it collapses the situation may change over the decades, but it is highly likely that further development in the town will actually induce medical poverty in the community here." (14TH May 2025)*

This is a serious matter and means that any new development would need to meet an obligation to provide a substantial financial resource for an extension of infrastructure to meet its additional load.

## **Conclusion**

Accept the planner's recommendation to refuse.

## **Conditions required if the Council concludes it must accept a project that is neither timely nor fully fit for purpose**

In addition to any other conditions that would be considered necessary, I advise:

1. The conditions already specified by various utilities and authorities.
2. Require safe cycle lanes to provide security such as a physically separated lanes according to the relevant guidelines for busy roadways with HGVs and consult the local cycle club.
3. A Grampian condition whereby the developer must agree with TW an enabling path to ensure all foul water input through the total system only discharges such that all water exiting the system and entering the Evenlode or other land meets a

“good” standard. The Sustainable Drainage Strategy (SDS) must take note of the interlinked STW and Primrose Court Sewage Pumping Station (SPS) to treat and discharge the additional sewage in a legal manner compliant with its statutory Environment Agency (or equivalent future body) permit.

4. Provide a financial contribution sufficient to enable extension(s) of the Four Shires Medical Centre to meet additional case load.
5. Protect all mature woodland.
6. Ensure sufficient good topsoil to support the proposed green spaces to alleviate poor current soil and ensure that construction material is not buried on site.
7. A condition that ensures that the process of landscape compliance and transfer of maintenance responsibilities to the community or town council is properly carried out with a sufficient grant to provide for replacement and care while the development matures.
8. Condition roads to be developed and adopted by Highways.

Cotswold District Council  
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GL7 1PX

Highways Development  
Management  
Economy Environment and  
Infrastructure  
Shire Hall  
Westgate Street  
Gloucester  
GL1 2TG

30 September 2025  
Your ref: 25/01036/OUT  
Ask for: Ian Hunt

Dear Martin Perks

**TOWN AND COUNTRY PLANNING ACT 1990  
(DEVELOPMENT MANAGEMENT PROCEDURE) (ENGLAND) ORDER 2015  
ARTICLE 18 CONSULTATION WITH HIGHWAY AUTHORITY**

**PROPOSAL:** Outline application for up to 195 dwellings together with vehicular access from London Road, landscaping together with associated development including active travel measures along London Road  
**LOCATION:** Land Parcel At E421906 N232182 London Road Moreton-In-Marsh Gloucestershire  
**APPLICANT:** Bloor Homes Western

Gloucestershire County Council, the Highway Authority acting in its role as Statutory Consultee has undertaken a full assessment of this planning application. Based on the appraisal of the development proposals the Highways Development Management Manager on behalf of the County Council, under Article 18 of the Town and Country Planning (Development Management Procedure)(England) Order, 2015 has **no objection subject to conditions and financial obligations**.

The justification for this decision is provided below.

25/01036/OUT

Summary

No objection subject to conditions and financial contributions

Comments

Background

The application is sited along London Road and is proposed to be accessed by a ghost island right turn facility. The application is for 195 dwellings, with access and Highways Works details provided.

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The applicant proposes to provide a cycle/pedestrian route from the site along London Road including a signalised crossing to a point where it meets a route used by cyclists and pedestrians that provides a connection to the station through the existing development area.

#### Location / Sustainability

The site is located within a 17 min walk to both the mainline railway station and the High Street. This would be the same for the allocated commercial site at the fire station and comparable to :-

Cotswolds Link Business Park and Lysander Way, 15 min, High Street, 15 min Station

Evenlode Road Development 15 min High Street, 16 min Station

Ellenbrook (Spitfire Homes) 12 min High Street, 19 min Station

The development also provides enhanced facilities for walking and cycling as well as an extension for the 801 hourly service, new bus stops and a contribution to the future Moreton in Marsh Transport Hub.

#### Traffic Impact

In terms of the impact of the traffic associated with the development the predicted numbers have been agreed using both a calculation using figures from the TRICS Database and a nearby development as a “donor” site.

There are long standing issues at the two mini-roundabout junctions in Moreton in Marsh, both of which experience queuing on a regular basis. Many potential solutions have been considered over the years but none have been found to offer a practical solution to the problems.

It is acknowledged that a development of this size and in this location will inevitably worsen the situation but under the requirements of the NPPF any such impact needs to be considered “severe” in order to justify a refusal of planning permission.

The modelling that has been carried out to determine the impact of the development traffic shows that the access junction would operate within its theoretical capacity in all scenarios in 2028.

#### 2028 Scenario at A44 / High Street

For the avoidance of doubt, GCC have based its decision upon the “Worst Case Scenario”, based on Trics and a Donor site. The trip rates from the donor site, from “the Avenue” were 0.468 in the am and 0.412 in the pm. This resulted in 91 and 81 two way movements in the am and pm respectively. These are discussed below:-

2028 opening year, No Development allowing for Committed development using Temprow

High Street North shows a “worst case” average delay of 159 seconds in the am and 128 seconds in the pm

A44 Oxford Street 45 secs am and 216 sec pm

High Street South 44 sec am and 22 sec pm

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2028 Opening Year with development allowing for Committed development using Temprow

High Street North shows a "worst case" average delay of 178 seconds (+19 seconds) in the am and 185 seconds (+57 seconds) in the pm

A44 Oxford Street 101 secs am (+56 sec )and 272 sec (+56 sec) pm

High Street South 52 sec (+8 sec) am and 30 sec (+8sec) pm

These modelling results show an increase in average worst case delay, but GCC do not consider such delay would be enough to sustain a severe cumulative impact reason for refusal.

Testing of Allocated Sites, Robustness Testing (Commercial Site Previously Approved)

As a further test, GCC required further testing of the allocated site within the Local Plan of the commercial area at the Fire Station. This was based on the previously approved commercial application now lapsed. The forecast traffic associated with this site was some 150 two way movements in both the am and pm, however, the flow of traffic would be opposite to a residential development and would put greater strain on A44 East arm in the pm peak.

2028 results with the allocation but without the application site forecast a delay of :-

High Street North shows a "worst case" average delay of 381 seconds (+222 secs) in the am and 94 seconds in the pm

A44 Oxford Street 31 secs am and 677 sec ( + 461 sec) pm

High Street South 80 sec am (+36 sec) and 20 sec pm

The results of this test clearly show the additional impact of the allocated site with notable increased delays on A44 Oxford Street in the pm and High Street North and South in the am as compared to the 2028 scenario with no developments.

These increased delays have effectively been accepted as the commercial site is part of CDC allocated sites and was previously granted approval.

Traffic Impact of the development in Consideration of the Allocated Commercial Site (Should it come forward)

Based on the modelling results for the two mini-roundabouts (High Street (North) / A44 Oxford Street / High Street South & High Street (South) / East Street / A429 / Bourton Road mini-roundabout junctions), it can be seen, all scenarios show increases in junction delays, RFC (capacity) and vehicle queuing when comparing scenarios with and without development traffic in 2028.

Without the proposed development, the High Street north arm illustrates a future potential capacity issue, with delays of 381 seconds and a queue length of 64 vehicles during AM peak, while the A44 Oxford Street arm forecasts delays of 677 seconds and queues of 99 vehicles in 2028.

With the proposed development in 2028, the worst-case scenario predicts larger impacts, with delays increasing up to 46 seconds on High Street north during AM

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peak and 106 seconds on the A44 Oxford Street during PM peak hour compared to the 2028 baseline without the development. The longest queue may occur on the A44 Oxford Street during PM peak. Scenario 4 shows smaller development impacts, with delays increasing up to 25 seconds on High Street north during AM peak and 65 seconds on A44 Oxford Street during PM peak.

Overall, the modelling results indicate that the proposed development would add further delay and queueing on already constrained arms at the two mini-roundabouts in the 2028 baseline scenario. It is acknowledged that a drone survey undertaken to record the existing junction operation observed queues comprising both 'rolling' and 'Stationary' vehicles. It was noted that traffic was only truly stationary within 30 m of the give way lines.

An increase in delay and queueing does not in itself justify a refusal of planning permission. The predicted traffic with appropriate allowances for the impact of the Travel Plan and the cycleway/footway being provided show a 25 second additional delay on High Street and an existing delay of 381 seconds which represents a 7% increase, with a 65 second delay on Oxford Street in addition to the existing 677 second delay which represents a 10% increase.

#### Traffic Impact Conclusion

The scenario testing including the commercial allocated site without this development shows a notable increase in delay over the 2028 no development scenario. However, the development site itself adds additional "worst case" average delays of under a minute on High Street North and over a minute on A44 Oxford Street. This is based on traffic flows from the development with no allowance for reduction based on active travel initiatives.

The forecast traffic increases due to the application site are approximately 1.5 vehicles a minute two way in both the am and pm peaks. The modelling is based on a fixed traffic demand in the peak hours, however, in reality, people will choose to travel at different times to avoid queues or choose sustainable transport options. This is likely to result in a reduced traffic impact in the peak hours than forecast, but could lead to busier periods either side of the peak hours. On balance, these increases, whilst undoubtedly inconvenient, are not considered to represent the required "severe" impact to justify an objection that could be sustained at a planning appeal.

#### Accidents

An assessment of accidents occurring in the last 5 years in the vicinity of the site and High street, indicated there were 14 accidents.

The majority of these, 11 accidents were slight, 1 serious and 2 fatal.

3 involved motorcyclists, 5 pedestrians and 2 were cyclists, the rest were vehicles.

The causations included, speed, failure to look properly, misjudging speed. The fatal accidents involved a pedestrian at a controlled crossing facility and a motorcyclist at high speed and overtaking. It was noted only two of all of these accidents occurred in the peak hours, the period of the highest traffic generated from the application site.

The causations of these accidents indicates driver error or poor driver behaviour, with pedestrians also failing to look properly. The area is not included as a priority location for GCC for accident remedial measures and there is no evidence, given the accident record, that the development would have an impact on the existing accident record.

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## Public Transport

In terms of connection to the public transport network the developer had stated that they wanted the bus stop within the development as indicated in the developers indicative masterplan. It is understood that this view has now changed, and they are aligned with the opinion of the GCCs Integrated Transport Unit (ITU) in that bus stops need to be provided on both sides of the A44 with a suitable crossing method to connect an eastbound stop to the development. Both Pulhams and the ITU now agree that requiring buses to depart the A44 into the development would result in unnecessary delay to bus services which contradicts with the LTP and BSIP aspiration to improve bus journey times. The details of the positions of the stops, the facilities provided and the type of crossing to be provided are yet to be agreed but have been conditioned below.

In addition, the 801 service currently operates an hourly service, however, this is currently not financially viable and a financial contribution is sought to extend this service, without it the service would reduce to a 2 hourly service.

## Connections to Future Moreton Transport Hub

Connections to the station are enhanced by the proposed Footway / Cycleway making access to the rail network easier and safer without the need to use the private car. A £50,000 contribution to the Moreton Transport Hub has been agreed, which would help to contribute to facilities that would be used by residents of the site, such as ancillary walking and cycling facilities and parking spaces.

## Home to School Transport

Phase of Education	Name of closest non-selective school and/or the education planning area.	No of qualifying dwellings (QD)	Total Pupil Yield from QD
Contribution Requested (£)	Number of places requested		

Primary	St David's CofE Primary and/or Chipping Campden Primary Planning Area	195	58.500	£0.00	0 places
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Secondary - 11-16	Chipping Campden School and/or the Cotswold (N) Secondary Planning Area	195	28.665	£0.00	0 places *
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Details are shown above of GCCs calculation of the total pupil yield from the site and results in a contribution to provide bus services for secondary school pupils from the site to the Cotswolds N, Secondary Planning Area.

#### Financial Contributions

##### Moreton in Marsh Future Transport Hub

£50,000, to provide ancillary facilities for walkers and cyclists and a contribution towards parking spaces that may be used by residents of the development.

##### Public Transport Infrastructure 2 Bus Stops with :-

A shelter with power - £25,000

A bus stop clear way - £2,000

RTPI - £10,000

Hard Standing 6mx2m - £5,000

Total £84,000

##### Home to School Transport

£270,722.79

##### Travel Plan

GCCs guidance on Residential Travel Plans requires a contribution based on 195 dwellings of £58,230, inclusive of a £5,000 monitoring fee.

##### Extension of the 801 Hourly Service

£135,000

#### Conclusion

The existing congestion in Moreton in Marsh is a concern, however, without major Highway infrastructure improvements this can not be resolved. In consideration of the impact of vehicles generated by this development, in a worst case scenario, based on local donor site trip rates, there is an increase in congestion and this has been considered in GCCs conclusions and not the applicants vision scenarios.

##### Noting NPPF Para 116 :-

“Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network, following mitigation, would be severe, taking into account all reasonable future scenarios.”

In terms of Highway safety, given the accident history, there is no evidence that the development would exacerbate the existing situation. Noting that only 2 accidents that occurred in the last 5 years were in the peak hours. Indeed, additional congestion in the peak hours results in average lower speeds which would reduce the severity of an accident or even result in slights to damage only accidents.

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It is the view of GCC that this increase in congestion arising from the development cannot be considered severe that would meet the above test and could be sustained at an appeal.

The sites location / sustainable characteristics are also noted and are comparable with the allocated commercial site at the fire station and new developments at Evenlode Road and Ellenbrook.

The proposal also provides for sustainable and active travel improvements, Footway / Cycleways, Toucan crossing, extension of the hourly 801 service, bus facilities with real time information and a contribution to the future transport hub, which may help mitigate the impacts of traffic from the development.

It is therefore recommended that on balance, if the application is to be approved it should be subject to the above financial contributions and the conditions below :-

Conditions :-

#### Access and Highways Works

No part of the development shall be occupied until the Access Road and Highways Works details based on drawings

- 210431-TP-3200 P10 – Access Arrangements
- 210431-TP-6011 P06 – London Road Active Travel Route (1-4)
- 210431-TP-6012 P05 – London Road Active Travel Route (2-4)
- 210431-TP-6013 P03 – London Road Active Travel Route (3-4)
- 210431-TP-6014 P03 – London Road Active Travel Route (4-4)

Including, lines, widths, levels, gradients, cross sections, lighting, drainage, crossing points with refuges either side of the site access, 3m wide shared Footway/Cycleway(Excluding buffer), dropped kerbs, tactile paving, toucan crossing and a Traffic Regulation Order for the Prohibition of Waiting, have been submitted to and approved in writing by the Local Planning Authority. Prior to first occupation the access and Highways Works shall have been implemented in accordance with the approved details and retained and maintained for no other purpose for the life of the development.

#### Provision of Bus Stops

Notwithstanding the approved Highways drawings, details of bus stops including, their locations on the A46, shelters and real time information systems shall be submitted to and approved in writing by the Local Planning Authority. Prior to first occupation these shall be implemented in accordance with the approved details and shall be retained and maintained for no other purpose for the life of the development.

Reason, To promote public transport

#### Visibility Splay

No part of the development shall be occupied until visibility splays to the new access have been provided at the junction between the proposed means of access and the highway with an 'x' set back distance of 2.4 metres and a 'y' distance of 129 metres. No structure or vegetation exceeding 600mm in height above the adjoining highway shall be placed or allowed to grow within the visibility splay for the life of the development unless otherwise agreed in writing by the Local Planning Authority.

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### Construction Management Plan

Prior to commencement of the development hereby permitted details of a construction management plan shall be submitted to and approved in writing by the Local Planning Authority. The approved plan shall be adhered to throughout the demolition/construction period. The plan/statement shall include but not be restricted to: -

- Parking of vehicle of site operatives and visitors (including measures taken to ensure satisfactory access and movement for existing occupiers of neighbouring properties during construction);
- Advisory routes for construction traffic;
- Any temporary access to the site;
- Locations for loading/unloading and storage of plant, waste and construction materials;
- Method of preventing mud and dust being carried onto the highway, including wheel wash facilities;
- Arrangements for turning vehicles;
- Arrangements to receive abnormal loads or unusually large vehicles;
- Highway Condition survey;
- Methods of communicating the Construction Management Plan to staff, visitors and neighbouring residents and businesses.

Reason: In the interests of safe operation of the adopted highway in the lead into development both during the demolition and construction phase of the development.

### Reinstatement of Redundant Access

The vehicular access hereby permitted shall not be brought into use until the existing vehicular accesses to the site (other than that intended to serve the development) has been permanently closed in accordance with details to be submitted to and agreed in writing beforehand by the Local Planning Authority.

Reason: In the interests of highway safety.

### Residential Travel Plan

The Development hereby approved shall not be occupied until the applicant has submitted a travel plan in writing to the Local Planning Authority that promotes sustainable forms of access to the development site and this has been approved in writing by the Local Planning Authority. This plan shall achieve modeshift stars accreditation and will thereafter be implemented and updated for the life of the development.

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REASON: To reduce vehicle movements and promote sustainable access.

#### No Drainage to Discharge to Highway

No drainage or effluent from the proposed development shall be allowed to discharge into any highway drain or over any part of the public highway.

Reason; In the interests of Highway safety

#### Cycle / Pedestrian Signing

Prior to first occupation details of cycle and pedestrian signing from the site to the railway station shall be submitted and approved in writing by the Local Planning Authority. Prior to first occupation, these signs shall be implemented in accordance with the approved details and retained and maintained for no other purpose for the life of the development.

Reason; To promote sustainable travel

#### Informatives :-

#### Works on the Public Highway

The development hereby approved includes the carrying out of work on the adopted highway. You are advised that before undertaking work on the adopted highway you must enter into a highway agreement under Section 278 of the Highways Act 1980 with the County Council, which would specify the works and the terms and conditions under which they are to be carried out.

Contact the Highway Authority's Legal Agreements Development Management Team at [highwaylegalagreements@gloucestershire.gov.uk](mailto:highwaylegalagreements@gloucestershire.gov.uk) allowing sufficient time for the preparation and signing of the Agreement. You will be required to pay fees to cover the Council's costs in undertaking the following actions:

Drafting the Agreement

A Monitoring Fee

Approving the highway details

Inspecting the highway works

Planning permission is not permission to work in the highway. A Highway Agreement under Section 278 of the Highways Act 1980 must be completed, the bond secured and the

Highway Authority's technical approval and inspection fees paid before any drawings will be considered and approved.

#### Traffic Regulation Order (TRO)

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You are advised that a Traffic Regulation Order (TRO) is required. You must submit a plan to scale of an indicative scheme for a TRO, along with timescales for commencement and completion of the development. Please be aware that the statutory TRO process is not straightforward; involving advertisement and consultation of the proposal(s).

You should expect a minimum of six months to elapse between the Highway Authority's TRO Team confirming that it has all the information necessary to enable it to proceed and the TRO being advertised. You will not be permitted to implement the TRO measures until the TRO has been sealed, and we cannot always guarantee the outcome of the process.

We cannot begin the TRO process until the appropriate fee has been received. To arrange for a TRO to be processed contact the Highway Authority's Legal Agreements Development Management Team at [highwaylegalagreements@gloucestershire.gov](mailto:highwaylegalagreements@gloucestershire.gov).

The cost of implementing any lining, signing or resurfacing required by the TRO is separate to the TRO fees, which solely cover the administration required to prepare, consult, amend and seal the TRO.

The cost of the legal order to implement the Prohibition of Waiting at the site access is £15,000 and this can be provided by the applicant via the Highways Legal agreement process.

#### Highway to be adopted

The development hereby approved includes the construction of new highway. To be considered for adoption and ongoing maintenance at the public expense it must be constructed to the Highway Authority's standards and terms for the phasing of the development. You are advised that you must enter into a highway agreement under Section 38 of the Highways Act 1980. The development will be bound by Sections 219 to 225 (the Advance Payments Code) of the Highways Act 1980.

Contact the Highway Authority's Legal Agreements Development Management Team at [highwaylegalagreements@gloucestershire.gov.uk](mailto:highwaylegalagreements@gloucestershire.gov.uk). You will be required to pay fees to cover the Council's costs in undertaking the following actions:

- Drafting the Agreement
- Set up costs
- Approving the highway details
- Inspecting the highway works

You should enter into discussions with statutory undertakers as soon as possible to co-ordinate the laying of services under any new highways to be adopted by the Highway Authority.

The Highway Authority's technical approval inspection fees must be paid before any drawings will be considered and approved. Once technical approval has been granted a Highway Agreement under Section 38 of the Highways Act 1980 must be completed and the bond secured.

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## Street Trees

All new streets must be tree lines as required in the National Planning Policy Framework. All proposed street trees must be suitable for transport corridors as defined by Trees and Design Action Group (TDAG). Details should be provided of what management systems are to be included, this includes root protections, watering and ongoing management. Street trees are likely to be subject to a commuted sum.

## Impact on the highway network during construction

The development hereby approved and any associated highway works required, is likely to impact on the operation of the highway network during its construction (and any demolition required). You are advised to contact the Highway Authorities Network Management Team at [Network&TrafficManagement@gloucestershire.gov.uk](mailto:Network&TrafficManagement@gloucestershire.gov.uk) before undertaking any work, to discuss any temporary traffic management measures required, such as footway, Public Right of Way, carriageway closures or temporary parking restrictions a minimum of eight weeks prior to any activity on site to enable Temporary Traffic Regulation Orders to be prepared and a programme of Temporary Traffic Management measures to be agreed.

## Travel Plan

The proposed development will require a Travel Plan as part of the transport mitigation package (together with a Monitoring Fee and Default Payment) and the Applicant/Developer is required to enter into a legally binding Planning Obligation Agreement with the County Council to secure the Travel Plan.

Gloucestershire County Council has published guidance on how it expects travel plans to be prepared, this guidance is freely available from the County Councils website. As part of this process the applicant must register for Modeshift STARS and ensure that their targets have been uploaded so that progress on the implementation of the Travel Plan can be monitored.

Modeshift STARS Business is a nationally accredited scheme which assists in the effective delivery of travel plans, applicant can register at [www.modeshiftstars.org](http://www.modeshiftstars.org)

## Construction Management Plan (CMP)

It is expected that contractors are registered with the Considerate Constructors scheme and comply with the code of conduct in full, but particularly reference is made to “respecting the community” this says:

Constructors should give utmost consideration to their impact on neighbours and the public

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- Informing, respecting and showing courtesy to those affected by the work;
- Minimising the impact of deliveries, parking and work on the public highway;
- Contributing to and supporting the local community and economy; and
- Working to create a positive and enduring impression, and promoting the Code.

The CEMP should clearly identify how the principal contractor will engage with the local community; this should be tailored to local circumstances. Contractors should also confirm how they will manage any local concerns and complaints and provide an agreed Service Level Agreement for responding to said issues.

Contractors should ensure that courtesy boards are provided, and information shared with the local community relating to the timing of operations and contact details for the site coordinator in the event of any difficulties. This does not offer any relief to obligations under existing Legislation.

The Highway Authority has undertaken an assessment of the planning application. Based on the analysis of the information submitted the Highway Authority concludes that there would not be an unacceptable impact on Highway Safety or a severe impact on congestion. There are no justifiable grounds on which an objection could be maintained.

Yours Sincerely

**Ian Hunt**  
**Principal Highway Development Officer**

Cotswold District Council  
Development Control  
Council Offices Trinity Road  
Cirencester  
Gloucestershire  
GL7 1PX

**Our ref:** WA/2025/132165/01-L01  
**Your ref:** 25/01036/OUT  
**Date:** 30 July 2025

Dear Sir/Madam

**OUTLINE APPLICATION FOR UP TO 195 DWELLINGS TOGETHER WITH  
VEHICULAR ACCESS FROM LONDON ROAD, LANDSCAPING TOGETHER WITH  
ASSOCIATED DEVELOPMENT INCLUDING ACTIVE TRAVEL MEASURES ALONG  
LONDON ROAD LAND PARCEL AT E421906 N232182 LONDON ROAD  
MORETON-IN-MARSH GLOUCESTERSHIRE**

Thank you for consulting us on the above application on 11/04/2025.

**Environment Agency position – Flood Risk**

We have reviewed the following documents

- Flood Risk Assessment, 220467-BWB-ZZ-XX-T-W-0003\_FRA, 24/03/25

The proposed development will only meet the National Planning Policy Framework's requirements in relation to flood risk if the following **planning condition** is included.

**Condition**

The development shall be carried out in accordance with the submitted flood risk assessment (ref 220467-BWB-ZZ-XX-T-W-0003\_FRA) and the following mitigation measures it details:

- There shall be no built development or land raising within the 0.1% AEP flood extent (flood zone's 2 and 3) in accordance with paragraph 4.2 of the FRA

These mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the scheme's timing/phasing arrangements. The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.

**Reason(s)**

To prevent an increase in flood risk elsewhere by ensuring that the flow of flood water is not impeded, and the proposed development does not cause a loss of floodplain storage.

## Environmental permit - advice to applicant

The Environmental Permitting (England and Wales) Regulations 2016 require a permit to be obtained for any activities which will take place:

- on or within 8 metres of a main river (16 metres if tidal)
- on or within 8 metres of a flood defence structure or culverted main river (16 metres if tidal)
- on or within 16 metres of a sea defence
- involving quarrying or excavation within 16 metres of any main river, flood defence (including a remote defence) or culvert
- in the floodplain of a main river if the activity could affect flood flow or storage and potential impacts are not controlled by a planning permission

For further guidance please visit <https://www.gov.uk/guidance/flood-risk-activities-environmental-permits> or contact our National Customer Contact Centre on 03708 506 506. The applicant should not assume that a permit will automatically be forthcoming once planning permission has been granted, and we advise them to consult with us at the earliest opportunity.

## Environment Agency Position – Groundwater Contamination

We have reviewed the following documents,

- **LAND SOUTH OF LONDON ROAD, MORETON-IN-MARSH Desk Study Report Ref 14362/LP/24/DS. Dated August 2024**
- **Land South of London Road, Moreton-in-Marsh Site Investigation Report Ref 14362/FM/25/SI. Dated January 2025**
- **Land East of the Cotswolds Business Village, South of London Road**
- **Moreton-in-Marsh Sustainable Drainage Statement. Ref 220467-BWB-ZZ-XX-T-W-0004\_SDS Dated March 2025**
- **Land off London Road, Moreton-in-Marsh - Commentary on PFAS. Version 3. Dated 01/05/2025.**

The previous use of the Activities adjacent to the development site, specifically at the Fire Training College to the North presents a high risk of contamination that could be mobilised during construction to enter controlled waters. Controlled waters are particularly sensitive in this location because the proposed development site is:

- located upon a Secondary A and Secondary B superficial aquifers
- adjacent to a watercourse
- in an area with limited dilution of any contaminants present

The application's **LAND SOUTH OF LONDON ROAD, MORETON-IN-MARSH Desk Study Report Ref 14362/LP/24/DS. Dated August 2024; Land South of London Road, Moreton-in-Marsh Site Investigation Report Ref 14362/FM/25/SI. Dated January 2025; and Land off London Road, Moreton-in-Marsh - Commentary on PFAS. Version 3. Dated 01/05/2025.**

demonstrate that it will be possible to manage the risks posed to controlled waters by this development. Further detailed information will however be required before built development is undertaken. We believe that it would place an unreasonable burden on the developer to ask for more detailed information prior to the granting of planning permission but respect that this is a decision for the local planning authority.



In light of the above, the proposed development will be acceptable if a planning condition is included requiring the submission of a remediation strategy. This should be carried out by a competent person in line with paragraph 196 of the National Planning Policy Framework.

Without these conditions we would object to the proposal in line with paragraph 187 of the National Planning Policy Framework because it cannot be guaranteed that the development will not be put at unacceptable risk from, or be adversely affected by, unacceptable levels of water pollution.

### **Condition 1 - Universal Condition for development on land affected by contamination**

No development approved by this planning permission shall commence until a remediation strategy to deal with the risks associated with contamination of the site in respect of the development hereby permitted, has been submitted to, and approved in writing by, the local planning authority. This strategy will include the following components:

- A preliminary risk assessment which has identified:
  - all previous uses
  - potential contaminants associated with those uses
  - a conceptual model of the site indicating sources, pathways and receptors
  - potentially unacceptable risks arising from contamination at the site
- A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off-site.
- The results of the site investigation and the detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
- A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the written consent of the local planning authority. The scheme shall be implemented as approved.

### **Reason**

- To ensure that the development does not contribute to and is not put at unacceptable risk from or adversely affected by, unacceptable levels of water pollution in line with paragraph 187 of the National Planning Policy Framework.
- The three reports referred to above are inadequate.
- Although there is reference to groundwater seepages on the development site, these have not been sampled and analysed for the presence of PFAS.
- The effect of disturbance of the site during and following development on controlled waters has not therefore been assessed.

### **Condition 2 – Verification Report**

Prior to any part of the permitted development being occupied, a verification report demonstrating the completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to, and approved in writing, by the local planning authority. The

report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met.

#### **Reason**

To ensure that the site does not pose any further risk to the water environment by demonstrating that the requirements of the approved verification plan have been met and that remediation of the site is complete. This is in line with paragraph 187 of the National Planning Policy Framework.

#### **Condition 3 - Previously Unidentified Contamination**

If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until a remediation strategy detailing how this contamination will be dealt with has been submitted to, and approved in writing by, the local planning authority. The remediation strategy shall be implemented as approved.

#### **Reason**

To ensure that the development does not contribute to and is not put at unacceptable risk from or adversely affected by, unacceptable levels of water pollution from previously unidentified contamination sources at the development site. This is in line with paragraph 187 of the National Planning Policy Framework.

#### **Condition 4 -Piling**

Piling using penetrative methods can result in risks to potable supplies from, for example, pollution/turbidity, risk of mobilising contamination, drilling through different aquifers and creating preferential pathways.

Groundwater is particularly sensitive in this location because the proposed development site:

- located upon a Secondary A and Secondary B superficial aquifers
- adjacent to a watercourse
- in an area with limited dilution of any contaminants present

Piling using penetrative methods shall not be carried out other than with the written consent of the local planning authority. The development shall be carried out in accordance with the approved details.

#### **Reason**

To ensure that the proposed foundation method, does not harm groundwater resources in line with paragraph 187 of the National Planning Policy Framework and Position Statement N of the [‘The Environment Agency’s approach to groundwater protection’](#).

#### **Condition – 5 SuDS Infiltration of surface water into ground**

No drainage systems for the infiltration of surface water to the ground are permitted other than with the written consent of the local planning authority. Any proposals for such systems must be supported by an assessment of the risks to controlled waters. The development shall be carried out in accordance with the approved details.

#### **Reason**

To ensure that the development does not contribute to, and is not put at unacceptable risk from or adversely affected by, unacceptable levels of water pollution caused by mobilised contaminants. This is in line with paragraph 187 of the National Planning Policy Framework.

## **Environment Agency position statement regarding water quality risks due to wastewater capacity pressures related to the Moreton in Marsh STW**

### **Context**

- The Moreton in Marsh STW has a catchment that sits wholly within Cotswolds District Council and serves the town of Moreton in Marsh and the nearby village of Bourton on the Hill
- Under the Water Environment (Water Framework Directive) Regulations 2017, there is a requirement for water bodies not to deteriorate and to achieve 'Good Status' by 2027.
- The Catchment Data Explorer dataset on gov.uk provides data on the status of waterbodies.
- The Moreton in Marsh Sewage Treatment Works (STW) currently has separate discharge points for the treated final effluent and the permitted storm overflow. The treated final effluent discharges to the Evenlode (Compton Bk to Bledington Bk) and 4 Shires Stream, and the permitted storm overflow discharges to the Evenlode (Source to Four Shires Stream) and Longborough Stream.

The Catchment Data Explorer dataset which provides the status for the Evenlode (Compton Bk to Bledington Bk) and 4 Shires Stream (<https://environment.data.gov.uk/catchment-planning/WaterBody/GB106039037410>) shows that in 2022 (Cycle 3) the waterbody is classified as at 'Poor Ecological Status'. The Catchment Data Explorer show the Evenlode (Source to Four Shires Stream) and Longborough Stream (<https://environment.data.gov.uk/catchment-planning/WaterBody/GB106039037420>) shows that in 2022 (Cycle 3) the waterbody is at 'Moderate Ecological Status'

### **Evidence of capacity issues at Moreton in Marsh STW and risks to water quality and meeting statutory environmental objectives**

- According to Catchment Data Explorer dataset for Evenlode (Compton Bk to Bledington Bk) and 4 Shires Stream, Fish, Macrophytes and Dissolved Oxygen & Phosphate are failing to meet Good Status.
- The Reasons for Not Achieving Good status table states that water industry discharges are responsible for the Macrophytes, Dissolved Oxygen & Phosphate failures in the Evenlode (Compton Bk to Bledington Bk) and 4 Shires Stream
- In the Evenlode (Source to Four Shires Stream) and Longborough Stream, Macrophytes and Dissolved Oxygen & Phosphate are failing to meet Good Status
- The Reasons for Not Achieving Good status table states that water industry discharges are responsible for the Macrophytes, Dissolved Oxygen & Phosphate failures in the Evenlode (Compton Bk to Bledington Bk) and 4 Shires Stream
- We understand that the Moreton in Marsh STW has exceeded its permitted Q80 Dry Weather Flow (DWF) discharge permit in 2 out of the last 4 years, and its Q90 flow in 1 out of the last 4 years. .
- The DWF permit is set against the measured Q80. The Q80 is the flow value exceeded 80% of the time. Conditions within a discharge permit are set against this flow value to ensure the discharge does not lead to a deterioration of the receiving waterbody. Without improvements to the STW operation, it is likely to continue to fail to meet Q80 for the foreseeable future and this will be exacerbated with growth and the resulting increased discharges to the Evenlode (Compton Bk to Bledington Bk) and 4 Shires Stream. Should this occur, it is likely that discharges from the STWs will prevent achievement of 'Good status' and result in further deterioration of the Evenlode (Compton Bk to Bledington Bk) and 4 Shires Stream.

- Permit compliance is measured against the Q90. The Q90 is the flow that is exceeded 90% of the time. The measured Q90 is always lower than the measured Q80. Q90 is used for permit compliance as it takes into account year on year variations in catchment flow rates and monitor uncertainty. This tries to ensure that operators are not penalised for exceedances outside their control. However, we expect permit holders to plan to remain within their measured Q80.

- Thames Water need to apply for a new Dry Weather Flow permit to support new development over the future local plan period. This will require tighter nutrient discharge limits and an increase to Flow to Full Treatment and storm tank capacity. Discharge permits are set with conditions to protect the environment. When discharge permits are exceeded, these conditions are no longer protective and there is a significant risk of deterioration under the Water Environment Regulations. The EA have been approached by Thames Water for pre application advice to increase Dry Weather Flow at Moreton in Marsh STW, however we have not had an application to vary the permit. This means we are uncertain about whether there will be sufficient capacity at the Moreton in Marsh STWs to cope with increased discharges due to new development coming forward in applications and in the next local plan.

- Moreton in Marsh STW has insufficient storm tank capacity for the current population served. A Water Industry National Environment Programme scheme at Moreton in Marsh STW was identified and funded through the AMP 7 investment period to increase storm tank capacity to meet the Urban Wastewater Treatment Regulations 1994. The purpose of this scheme was to reduce to number and duration of storm overflow to the environment from Moreton in Marsh STW. This was due to be delivered by March 2025, but we understand it has been delayed until 2030. Additional flows connecting to Moreton in Marsh STW before this scheme in completed risks further increasing the number and duration of storm overflows into the Evenlode (Source to Four Shires Stream) and Longborough Stream.

### **Considerations for decision making on applications**

- Until the works to increase the capacity are delivered, all development requiring new connections to mains sewer will increase the load to the Moreton in Marsh STW and increase nutrient concentrations in discharges from it to the Evenlode (Compton Bk to Bledington Bk) and 4 Shires Stream & Evenlode (Source to Four Shires Stream) and Longborough Stream, presenting a risk of deterioration to water quality. It is important that LPAs account for this risk in their decision making.

- New developments connecting to the STW that increase discharges to the STW cumulatively, with planned growth, will have a greater impact. The cumulative impact of developments in applications combined with planned growth should be assessed using information provided by developers as part of their Environmental Impact Assessment (EIA).

- National planning policy does not require assessment of cumulative risks to the water environment when determining applications, so this assessment is not required for applications that are not EIA developments.

### **Considerations for plan making**

- Cumulative impact assessment is required as part of the plan making process to ensure that there is sufficient wastewater capacity for all future developments in the plan. It will also be required for the Strategic Environmental Assessment of the plan. We strongly recommend the local plan is supported with a Water Cycle Study to inform this cumulative assessment.

- The West Oxfordshire Local Plan 2031 was formally adopted in 2018 and provides the development strategy for the Borough until 2031. Local plans should be reviewed every 5 years and updated as necessary, and we assume this is underway, reflecting in your consultation on Regulation 18 Issues and Options.

- We have been informed by West Oxfordshire District Council that the West Oxfordshire Local Plan is currently being updated. We understand the plan would be accompanied with an evidence document - Water Cycle Study for West Oxfordshire. The Water Cycle Study will highlight the issue regarding STW and guide West Oxfordshire as to what they will need to do to address the issues through the Local Plan. West Oxfordshire District Council will consult the Environment Agency in due course.

### **Environment Agency advice**

This position statement will be the basis for EA advice for applications we are consulted on that will result in new connections to the Moreton in Marsh STWs and for growth proposed in the emerging local plan.

Given that national planning policy does not require assessment of cumulative risks to the water environment when determining applications, for developments that do not require EIA, it is unlikely that the impact of increased discharges from individual developments will be significant enough, in each instance, to contribute an unacceptable risk of water pollution (as per NPPF para 187(e)). LPAs should be satisfied this is the case for each development.

For developments requiring EIA and for the local plan, assessment of the cumulative risks from planned growth should be considered. It is our view, based on the evidence in this position statement, that the cumulative impact of increased discharges, arising from new, planned growth, is likely to present an unacceptable risk of water pollution.

### **Next steps**

It is important that the cumulative impact of planned growth on risk to water quality due to increased discharges to the Moreton in Marsh STW are understood. This will enable the LPA to properly account for them in their emerging local plan and for developers and the LPA to account for them when preparing and determining developments that require EIA.

To support this Thames Water, need to provide the following information: Future Q80 and Q90 flow projections for Moreton in Marsh STW to help us assess the environmental risks, and detailed timeline for delivering upgrades, including for the delayed AMP 7 scheme.

Should this information confirm a lack of capacity to support growth, Thames Water should set out their plans and timescales to increase capacity to meet the needs of growth, whilst ensuring the water environment can improve alongside.

### **Closing Comments**

If you have any additional questions, please contact me at [planning\\_THM@environment-agency.gov.uk](mailto:planning_THM@environment-agency.gov.uk).

Yours faithfully

**Mr Oliver Murray**  
**Planning Advisor**