

Witness Statement

Introduction

My name is Richard Clayton, I am a local business owner. My company, Bluepark, has been building software for online shops since 2004.

My wife Priscilla and I moved to Minster Lovell in 2014. Our family, including James, our 8-year-old son, has been living in Repeater House for almost a decade. I am representing my family as an interested party.

Repeater House stands in a unique location on the west side of the appeal site. Built in 1949, it was previously a repeater station and was repurposed for domestic use in 1990.

This statement is related to the issues concerning ground surface water, drainage and integration to Minster Lovell, relevant to the Appeal ref APP/D3125/W/23/3331279.

Ground Surface Water and Drainage

The grounds of Repeater House, with a garden of approximately one acre, very obviously cut into a section of the intended development site. The land constituting the garden was originally purchased by the previous house owner from the appellant in 2001. The constitution of the land is therefore practically identical to the appeal site, it was seeded with grass and is otherwise unaltered.

We frequently observe standing water in the garden, particularly where it borders with the appeal site, separated only by a hedgerow. The ground remains waterlogged throughout most of the autumn and winter seasons, but any extended period of rain can cause this. Surface water forms visible puddles and moss thrives in this area. Puddles will drain after an extended dry spell, but the ground generally remains saturated with water.

In October 2023, Mark at APC Garden Services confirmed that he was unable to continue maintaining the lawn during this period after his ride-on mower became stuck in the waterlogged ground. The encroachment of moss in the garden, and the frequency of observable standing water, has undoubtedly worsened during our time at the property.

Our concerns regarding drainage were escalated by two major flooding incidents in our basement in 2023, the first dated the 13th of July after a week of heavy rain and again on the 4th of December after 3 days of rain. These were the first incidents of this kind after 9 years of living at the property, and the resulting insurance claim was in excess of £12K. In each case, the reason was pump failure in the soakaway system. During the initial incident, the reason for the failure was undetermined.

During the second incident, Ross Lamburn from Valley Pumps Ltd investigated the soakaway and determined that the brand-new pump failed due to a blockage caused by shingle

washed into the motor. Ross advised that it was likely an overwhelming volume of surface water, unable to escape via ditches or land drains, creating a heavy flow into our soakaway system. As a result, the shingle underlaid inside the gullies was disrupted and carried into the soakaway by the force of the flow, causing the blockage.

Ross was made aware of the proposed development during this visit, and we asked for his professional opinion on what the impact of such a large scale of development would be on our property. With decades of experience working in the drainage industry, Ross immediately pointed out that the ground would most likely have a thick underlay of clay. He proceeded to carry out a couple of test digs to get an idea of the ground condition, with both of them showing a thin layer of topsoil and then thick yellow clay underneath.

Ross was not paid to do this, or to perform a percolation test, only to fix our soakaway. He undertook this work purely to satisfy our mutual curiosity. Although no photographs were taken at the time, Ross wrote a site visit report based on his best professional opinion, as he was genuinely concerned about the possible negative effect this large development would have on our house and the local residents.

To quote the summary in his report:

“The local area isn’t coping with the environmental change in weather we are suffering already, leaving local properties under further risk of flooding due to surface water not draining away to the water course. Any new properties built within the area will have a further detrimental effect on the already flooded ground raising the risk of flooding greatly.

“If the new site was to also use private drainage systems, such as water treatment plants, this would add to the flooding but more importantly produce a health and safety concern, as the water can’t drain. Any treated effluent would then also puddle in the area, as the ground can’t take the water, allowing treated sewage to fester on the surface, which is illegal but more importantly a health hazard and cannot be allowed to proceed.

In my professional opinion, Repeater House is already at risk of ground water flooding due to poor land drainage, without any additional development compounding the issue further.”

In the Planning Proof of Evidence, the appellant contests these findings with the following:

4.7. *“There is no photographic evidence or other evidence of the flooding that was noted. Repeater House is located to the west of the appeal site and on higher ground than the vast majority of the development site.”*

We are providing numerous photographs that show significant standing water on the eastern side of the Repeater House garden, and covering a substantial adjoining area of the appeal site. The most recent of these photographs were taken just last week after two days of heavy rain. If Repeater House is indeed located on higher ground, the water clearly is not draining away to the south and east as suggested.

Also, as can be seen from the appellant's proposal, Repeater House is located rather inconveniently within what would undeniably have been the intended development site. Indeed, in 2001, WODC granted planning permission for:

"Change of use of land from agricultural to domestic garden."

Below the surface, there is no difference between the land in our garden and that to the west of the appeal site.

The appellant then states the following:

4.10. *"The GRM soakaway testing report that was undertaken on the site, states that the strata encountered in all trial pit test locations were 'visually similar'. According to the GRM report the strata consisted mainly of sandy, cobbly gravel, gravel and cobbles below the 250-300mm topsoil."*

The suggestion that "all" trial pits yielded only "sandy, cobbly gravel" calls into question the validity of these tests, in our opinion. The standing water in the area suggests clay, and since no prior photographic evidence was provided, I personally dug into our own garden in two randomly selected locations, around 10 metres apart, both within a metre of our boundary with the appeal site.

Once again, we are providing numerous photographs that show the thick layer of clay that was found in both locations, just 400mm below the surface. At that level, we found clay and virtually nothing else.

Considering the sheer size of the area, and that two random digs produced the volume of dense clay that we found, we believe it is statistically improbable that clay cannot be found in the appeal site, a significant proportion of which can be seen to be waterlogged for days at a time, as per our photographs.

The holes in our garden, and the clay found there, remain uncovered for anyone to see.

The LABC stresses the importance of using the right foundation when building on clay:

"Seasonal changes affect clay soils - causing them to swell in winter and shrink in summer. That's why there are minimum foundation depths for each type of clay. Strip, trench fill or pad foundations must be cast at a minimum of 750mm in low plasticity clays, 900mm in medium, and 1000mm in the highest risk areas."

The fact that the appellant denies the prevalence of clay to begin with is a significant cause for concern, and suggests either the inadequacy of the GRM report or the desire to circumvent the inconvenience of the clay rich soil extending over a significant area of the appeal site, as evidenced by the standing water.

Regarding their drainage strategy, the appellant states:

4.12. *“Whilst full detailed design has not been carried out at this stage, a planning condition requiring the design to be submitted to and approved by the local authority a standard procedure.”*

4.15. *“Construction shall not begin until/prior to the approval of; a detailed surface water drainage scheme for the site, has been submitted to and approved in writing by the Local Planning Authority.”*

So, in short, there is currently no tangible plan to tackle this issue, only the suggestion that it will be resolved in the future, inspiring little to no confidence in the local residents.

Integration to Minster Lovell

Repeater House lies technically outside of Minster Lovell, as does the appeal site it borders. The Burford Road runs from east to west throughout the village with a speed limit of 40mph, resuming the national speed limit immediately after the left turn into Dovecot Park, the appellant's previous housing development. It's a fast road with cars regularly accelerating towards the speed limit long before they reach it, and no pedestrian crossing near the entrance to Dovecot Park or the appeal site.

The path along the Burford Road lies on the far side and is quite simply treacherous, extremely narrow, overgrown and covered with rocks. For this reason, the only viable route on foot is the new path that was built to connect Dovecot Park with Minster Lovell, and this requires navigating a network of residential streets, depending on where you live. From the western edge of the appeal site to the nearest shop, this journey will be, according to Google Maps, 0.8 miles.

This adds up to a significant round trip, especially for parents with young children. Once inside the village, as the brochure for Dovecot Park by Bovis Homes states:

“There's a village shop, a post office and primary school with further amenities just a few minutes' drive away in Witney and Burford.”

The village shop, the SPAR, is a small shop with a limited selection of food and technically 9 parking spaces along the road, assuming cars are parking bumper to bumper. The school is very much oversubscribed and therefore irrelevant to most people reading the Dovecot Park brochure. I should also point out that Witney is significantly more than a few minutes' drive away, as anyone who's experienced the local traffic can attest to, and the parking in Witney has worsened every year that we've lived here.

In addition, there's no local GP, not even close to local. It's a minimum 10-15 minute drive, and their waiting times are numbered in weeks. There's no local pharmacy or vet.

Integration for my family has not been easy from this isolated location. Our son doesn't know the local children, the school in Minster Lovell was full when we considered it, so we missed the opportunity to mix with local parents.

Repeater House isn't integrated with Minster Lovell, nor is Dovecot Park which realistically had a better opportunity to do so. Dovecot Park is an extension to Minster Lovell, bolted onto the side of the village outside of its natural boundary. And the appeal site is worse still, an extension to an extension. I predict that the overtures made in the brochure to come will carry even less weight than the previous one.

The proposed development makes empty promises to its intended residents and vastly oversells the reality of the available infrastructure in Minster Lovell. The village simply wasn't designed to support a population of this size, and this proposal essentially benefits nobody except for the appellant. Instead, it puts more pressure on the existing community and infrastructure, both during the building work and after. We remember well the constant power and water cuts during the development of Dovecot Park.

The question must be asked then, do the benefits outweigh the costs? I believe they demonstratively do not. The appellant's ambitions go far beyond this proposal, as can be seen from the document currently still linked to but oddly removed from the Catesby Estates website, detailing their plan for the "wider area of land" several times the size of the appeal site.

In short, at some point in time, the answer has to be "no". WODC, with their knowledge and understanding of the local area, delivered a unanimous rejection, and rightly so. I hope the wisdom of that decision is clearly apparent, and that it is rightly upheld at the end of these proceedings.