BUCKINGHAMSHIRE COUNTY COUNCIL

APPEALS

BY

PROVOST AND FELLOWS OF ETON COLLEGE

PLANNING DEVELOPMENT CONTROL ROOM 805
FILE COPY

Inspector:	B H Smith DipTP MRTPI
Assessor:	J A Young CEng MICE FIWEM
Dates of inquiry:	12 May - 4 June 1993 and 21-22 June 1993.
File Nos:	APP/A0400/A/92/206792 APP/A0400/A/92/206793 E1/A0400/5/1/02

Tollgate House
Houlton Street
BRISTOL
BS29DJ

3 December 1993

To the Right Honourable John Gummer MP
Secretary of State for the Environment

Sir

1. I have the honour to report that on 12 May 1993 I opened an inquiry at the Conference Centre, East Berkshire College, Langley, Slough into 2 appeals by the Provost and Fellows of Eton College against the refusals of the Buckinghamshire County Council to permit:

1. the construction of an 8 lane full length rowing lake, park with arboretum and nature reserve, roads and parking; and

2. the change of use to rowing lake, arboretum and nature reserve, roads and parking (with outline permission for boathouse and ancillary structures).

on land south of Dorney, Buckinghamshire.

2. The reasons for refusal are the same in respect of both applications and are as follows:

i) The proposed daily number of vehicle movements associated with the development would have a detrimental effect on the environment of Lake End and the surrounding area and the Huntercombe Conservation Area, and hence be contrary to the provisions of policy ENV1 of the Local Plan for South Bucks.

ii) The proposal is considered to be contrary to the provisions of paragraph 29 of the approved County Structure Plan in that it would constitute a development which would damage the character and appearance of the Thames Valley Area of Attractive Landscape, and will almost certainly lead to further development on the site in the longer term which would be inappropriate if the essential character of the Area of Attractive Landscape is to be safeguarded.

iii) The development would result in the loss of an important archaeological site and hence be contrary to the provisions of paragraph 50(e) of the approved

County Structure Plan and policy C4 of the Local Plan for South Bucks.

iv) It has not been demonstrated that it is feasible to achieve a high standard of restoration on the areas of land that are proposed to be returned to agriculture. (not pursued at the inquiry)

3. The inquiry was also into proposals to make Orders under Section 247 of the Town and Country Planning Act 1990 to:

i) stop up Footpath No 17 at Dorney Meadows, from 4 New Cottages, Boveney (Grid Reference OS SU936776) to the Thames Towpath (Grid Reference OS SU936772); and

ii) divert Footpath No 8 at Dorney Meadows, from a point at Grid Reference OS SU922788 south-west to 80m east of the Thames Towpath at a point at Grid Reference OS SU917786, and to divert Bridleway No 8, Dorney Meadows from Climo's Corner at a point at Grid Reference OS SU923790 to a point at Grid Reference OS SU922788.

The reasons for the Orders are to enable development which may be authorised by planning permission to be carried out.

4. A pre-inquiry meeting under Rule 7(1) of the Town and Country Planning (Inquiries Procedure) Rules 1992 was held at the South Bucks District Council Offices, Windsor Road, Slough on 21 December 1992. As a result of that meeting discussions took place between the principal parties with a view to reaching agreement on certain material matters. This led to Agreed Statements on the following:

(i) Site Description (Document A17)
(ii) Traffic Counts (Document A18)
(iii) Soil Handling (Document A19)
(iv) Agricultural Land Classification (Document A21)
(v) Relevant Planning Policies (Document A22).

5. Mr J A Young C Eng MICE FIWEM was appointed as Assessor and he has advised me on hydrological matters. His report is attached as Annex A.

6. Annex B contains comments made by the principal parties on the conditions suggested by the local planning authority in pursuance of the advice contained in paragraph 34 of Circular 18/86.

7. This report also includes a description of the appeal site and its surroundings, the gist of the representations made at the inquiry, and my findings, conclusions and recommendations. Lists of appearances, documents and plans are attached.

THE APPEAL SITE AND ITS SURROUNDINGS

8. The appeal site of some 174ha (431 acres) lies within the Green Belt adjacent to the river within the flood plain of the Thames. It is located to the south of the M4 motorway and some 3km to the west of Eton. The edge of the built up area of Slough is about 1km or so to the north, the outskirts of Maidenhead are about 2km to the north-west and Windsor lies across the Thames to the south-east. Thus the appeal site forms a significant part of the open area between these towns. An open area which also accommodates the small settlements of Dorney Reach, Dorney village and Eton Wick. Dorney Reach, comprising for the most part inter-war housing and a primary school, lies just to the north-west of the appeal site. Dorney village is spread out along the B3026 to the north of the appeal site and the more modern settlement at Eton Wick lies across Dorney Common to the north-east. The B3026 links Eton, Eton Wick and Dorney with the A4 (Bath Road) in Slough.

9. The appeal site comprises a single field (known locally as Thames Field) which, save for the extreme western part, is in agricultural "set-aside". It is generally flat, featureless and, visually, reasonably well contained by trees and hedgerows on the site boundaries (the site vegetation is described in detail in Document A17). The site is traversed by an overhead power transmission line and two public footpaths.

10. The proposed vehicular access to the site for both construction and rowing lake traffic is via an existing bridleway (No 8) in the north-east corner of the site (Plan B). This joins Court Lane, a local distributor road, at Climo's Corner.

11. The western and southern boundaries of the site are formed by an intermittent hedgerow beside the Thames towpath. Here the river is sinuous and, on average, about 60m wide. Towards the northern end of the site a wooded island (Queens Eyot) accommodates a single building used by Eton College as a clubhouse. Across the river from Queens Eyot is Bray Marina and beyond this a sand and gravel pit worked by the Summerleaze Gravel Company. Other uses having frontages to the south bank of the river opposite the appeal site include Bray Film Studios, residential development at Down Place and Ruddles Pool, an hotel (Oakley Court), Windsor Marina, The Willows Caravan Park and Windsor Race Course.

12. The small hamlet of Boveney adjoins the south-eastern corner of the appeal site. North-westwards from this point, open land, comprising Dorney Common and a series of small fields, many with hedgerow trees, stretch as far as Climo's Corner. Beyond these fields is Dorney village and the Tudor manor house at Dorney Court, a Grade 1 listed building.

13. Adjoining the northern site boundary an open field contains some 8 water abstraction boreholes operated by Thames

water. Beyond this field are the rear gardens to houses in Harcourt Road, Dorney Reach. To the north-east a bungalow (Elm View Farm) has a frontage to Marsh Lane some 75m to the north of the site access at Climo's Corner.

14. The access point at Climo's Corner gives onto Court Lane which runs east for a distance of 500m to meet the B3026 on the outside of a sweeping right angle curve where traffic on the classified road has priority at the junction. To the north of this junction the B3026 is known as Lake End Road; to the east it becomes Village Road through Dorney and thereafter it is called Common Road. From a right angle bend at Climo's Corner, Court Lane continues north-westwards as Marsh Lane and passes through Dorney Reach to join the A4 Bath Road at a T-junction.

15. Court Lane has a generally poor alignment and a carriageway width varying from 4.5m to 6.1m. Apart from two short sections at the junction with Lake End Road, there are no footways. Dorney Court, its outbuildings and St James' Church lie back from the road but The Hermitage, a dwelling, is within 30m of the road.

16. Lake End Road joins the A4 (Bath Road) at a roundabout about 2km north of the Court Lane junction (Document A78 Plan 2). The carriageway of this district distributor road varies in width over much of its length, being about 10m wide at the Court Lane junction, 7.3m wide at the bridge over the M4 and between 4.6m and 6.1m elsewhere. The road is generally narrow through the hamlet of Lake End where the Pineapple Public House is set back only some 5m from the edge of the carriageway. Several residential properties, including Ashford Cottages, Wheelers Cottage, Rose Cottage and Cypress Cottage, have frontages onto the road at Lake End. North of the M4, Lake End Road forms the western boundary of a Conservation Area centred on Huntercombe Manor and a convent at Burnham Abbey. To the north of this the road passes through a pronounced double-bend at Pondley Cottages before joining the A4 on the edge of the built-up area of Slough at Burnham. In all there are some 26 residential properties on or within 30m of Lake End Road. A 30mph speed limit extends southwards from Lake End to Court Lane and therafter eastwards through the village of Dorney.

17. The local footpath network comprises the Thames Towpath (designated as Footpath 18/18A) which runs along the north bank of the river adjacent to the appeal site. The Barge Path (Footpath 8) which runs some 760m south-westwards across the appeal site from Climo's Corner to join the Thames Towpath, the first 165m of this path is also a bridleway. Footpath 17 which starts at Boveney and runs southwards for a distance of some 480m across the appeal site to join the Thames Towpath. Finally, Footpath 10 abuts the eastern boundary of the appeal site and runs over a distance of about 200m from Boveney to the Thames Towpath (Document A80 Figure 1).

THE CASE FOR THE APPELLANTS

The material points are:

Introduction

18. There is a long and distinguished history of rowing at Eton College. Rowing is a very important part of school life. There is a large and active boat club and this year the school is celebrating the 200th anniversary of the ceremonial "Procession of Boats". Eton College has the largest schoolboy rowing club in the country, it is believed to be the largest in the world, as well as being one of the oldest. There are over 300 boats (Document A69 Appendix 6), and an average of 600 (out of 1267) boys row each year. Of these, about 100 boys are in an advanced group which does a great deal of serious training. An average VIII might spend one and a half hours on the water each day; crews frequently train six days a week, and the best amongst them may train twice a day. The school has been extremely successful at national and international competitions. 106 Eton schoolboys have represented Britain at the Junior World Championships, 659 have earned "Blues" in the Oxford and Cambridge Boat Race, and 55 Old Etonians have rowed or sculled in the Olympics, winning 33 Olympic rowing medals.

19. The College has 3 boathouses, each on a separate stretch of the River Thames and all within easy reach of the College (Document A69 Appendix 3). Andrews Boathouse, a modern building, is located on the Thames Towpath close to the south-eastern end of the appeal site. It serves "Andrews Reach", the 4km stretch of river between Boveney Lock and Bray Lock which lies adjacent to the appeal site. Andrews Boathouse is a twelve-minute cycle ride (about 3km) away from the school.

20. During the summer holiday period, the College subsidises and runs the largest rowing instruction course in the country, attended by 160 boys and girls from throughout the United Kingdom (Document A69 Appendices 2.2 and 5). This number will increase to 240 in 1993. With the courses coinciding with the peak of holiday traffic on the river, rowing has to take place in the mornings, and then again in the early evenings after the locks have ceased to be manned, to avoid the busy afternoon periods.

The Need for a Rowing Lake

21. Rowing in this country evolved on rivers, but rivers are no longer generally suitable unless they are very straight, not liable to increases in water speed, and free of other extraneous influences. On the Thames there are major constraints which hinder and at times curtail rowing. First, the physical conditions with an irregular flow across the meandering river, wind eddies due to bankside trees, buildings and bridges and a seasonal flow varying widely with rainfall

and weir control. All these factors combine to make side-by-side and coxless rowing difficult, if not impossible. Second, the use of the river by increasingly large, and in some cases seagoing, powered vessels whose wash not only interferes with competitive rowing but poses a threat to the safety of fragile craft with limited freeboard through swampings and collisions (Document A69 Appendix 14 and A66). Third, there are incidents of vandalism and hooliganism on this popular stretch of river. These include stone-throwing from banks and bridges, "bombing" - jumping off bridges near passing boats, and direct damage to boats.

22. River traffic congestion has led to dangers created by motor vessels travelling at speed along the river, and to dangers caused by their wash. The number of launches passing annually through Boveney Lock more than trebled from about 12,000 in 1958 to over 39,000 in 1980 (Document A69 Appendix 8). There has been a steady decline since 1980 to the present total of around 24,500 (1992); but the number of locks made (that is to say the number of times that a lock opens and closes) has dropped by far less, from 14,500 to 11,000. This suggests an increase in the size of boats (Document A69 Appendix 8). Over the same period (1958-1992) there has been a marked decline in the number of unpowered vessels passing through the four locks between Windsor and Bray (Document A69 Appendix 9). According to the NRA the average "chargeable area" of Thames registered launches increased between 1983 and 1990 (Document A51) and there is a general perception that launches are tending to become more powerful, shorter and wider. Indeed, this modern shape is apt to create a larger and more turbulent wash than the more classical lines of the traditional river craft. Moreover, lock statistics do not reflect the movement of craft using the river without locking. There are a number of pleasure craft on the Eton Reaches who tend not to use the locks.

23. The widely held perception of an increasing number of motor boats on the river is recognised by the Windsor and District Local Plan 1992 (Document A69 Appendix 10) and the NRA publication "The Thames Navigation: Charting the Future 1992" refers to "an increasing number of pleasure boats" and "a marked trend towards bigger craft" (Document A69 Appendix 11).

24. The Windsor Boys' School, a comprehensive school with 870 pupils, also have a School Boat Club and some 95 boys row on the reaches either side of Boveney Lock. This school also finds the river far from satisfactory for competitive rowing and training young oarsmen for two main reasons. First, the river is relatively narrow with tight bends which make rowing especially difficult when the stream runs faster in the winter months and the bends cause much turbulence. The winter of 1992/3 was particularly bad in this respect, and but for two occasions between mid-November and mid-January it was judged to be unsafe for use by the school's rowers. The second reason is the volume of river traffic around Windsor. From

April to October the number of pleasure craft of all sizes on the river, combined with a lack of experience of many of the holiday-makers, leads to a potentially hazardous mix with rowing craft.

25. Similar problems are experienced by local rowing clubs such as that at Maidenhead, local sprint canoeists, and National Lightweight rowing squad members based on the tideway at Putney. All see the need for dedicated training facilities on still water.

26. The river has become unpredictable, crowded, and increasingly unsuitable for rowing and coaching. There are no indications that it will get any better and if approved the Maidenhead, Windsor and Eton Flood Alleviation Scheme, which would re-enter the river on the College's busiest reach (Masters), would make matters worse. An alternative to the river, in the form of a safe and controlled environment, is needed for Eton oarsmen and summer visitors. This could best be achieved by a purpose-built rowing lake within easy reach of the College, where crews could move along properly buoyed lanes in still water and in full view and earshot of the person coaching them, where accurate measurements of time and distance could be obtained, where proper side by side racing could take place without danger to the racing crews or to anyone else, and where there would be no interference from other river craft and inconsiderate river users.

27. Apart from the College's own needs, there is also a regional need for a properly constructed rowing lake laid out to the standards required by the Federation Internationale des Societies d'Aviron (FISA), the International Rowing Federation. FISA rules provide that the standard course shall provide fair and equal racing conditions for six crews racing in separate, parallel lanes over a distance of 2000m. The course shall be straight, with not less than six or more than eight lanes each 13.5m wide, and with a minimum depth of 3.5m. In practice a "run-off" area beyond the finish is required giving a minimum length of 2,150m.

28. The sport in Great Britain is essentially a river-based activity, in contrast to the situation in European and other countries. There are only two standard rowing courses in the United Kingdom; one at the National Water Sports Centre at Holme Pierrepont, Nottingham and one at Strathclyde in Scotland. This contrasts with the provision of still water multi-lane standard courses in other major rowing nations such as France (9 courses), Germany and Italy (8 courses), Spain (6 courses), Switzerland and Australia (5 courses) and the USA (4 courses plus 2 under construction).

29. Training methods have become more technical and systematic over the last 30 years or so (Document A70) and the availability of the standard course at Holme Pierrepont has shown the effectiveness of uninterrupted time controlled group training methods on still water. Standards in British rowing,

at both Senior and Junior level, have improved over the last 10 years. Policies for encouraging modern methods of identifying, training and selecting talented athletes for national teams have been implemented. However, the recent successes of national crews have been achieved in spite of, not due to, the training facilities available to them. For example, one Olympic champion has found Henley to be unsatisfactory for training purposes due to the river current and presence of pleasure craft. He tried training and competing in Docklands, but this was also unsatisfactory, relatively inaccessible from the west of London, and he has sought still water abroad.

30. The Amateur Rowing Association organises the selection of national squads who train and race in VIIIs, IVs, pairs, quadruple, double and single sculls. Both Juniors and Seniors compete over 2000m. Multi-lane still water facilities are required for assessment and training and few opportunities exist to meet the demand. Holme Pierrepont is used for a number of trials and assessments (Document A81) but rowing has to compete with other priority uses and there are very few weekends when the water is not booked. "Shared use" of the water has increased in recent years with windsurfers, canoeists, jet-skiers, water-skiers and anglers all using the 2000m course. The management have attempted to overcome the potential for conflict between the various users by allocating the first 500m to windsurfers, the middle 1000m to rowers and the final 500m to jet-skiers: but this arrangement is far from satisfactory. Rowing training needs isolated and continuously accessible water dedicated for rowing. With 75% of the Senior Squad living and working in the south east of England training sessions at Holme Pierrepont are time consuming and costly.

31. According to the Amateur Rowing Association, the Thames region is far and away the largest region in the country with almost half the total number of oarsmen and oarswomen (Document A89 Appendix A) and with 39% of the total number of rowing clubs located on the Oxford to Putney stretch of the river (Document A89 Appendix D). The ARA's Forward Plan (Document A89 Appendix C) has been agreed with the Sports Council and aims to encourage the establishment of a number of rowing courses across the country, including new courses at Cotswold Water Park and at Cambridge to supplement existing courses at Nottingham, Peterborough and London Docklands (Royal Albert Dock).

32. In the Thames area there is a need for four multi-lane courses. London Docklands will serve the east of the area, Cotswold Water Park the west and this leaves the central area with a requirement for two courses. Even then the Docklands course is a six lane 1750m course where vertical dock walls cause problems with wash reflection. Extension to 2000m requires major engineering works at an estimated cost of some £6m. The Cotswold Water Park course will have six lanes of 1000 and extension to 1500m is planned.

33. The proposal for a rowing lake at Dorney is supported by the Sports Council. Whilst it is not normal for the Sports Council to support the development of private sports facilities at public inquiries, the Eton scheme would be widely available to meet an acknowledged need from school and club rowers and merits endorsement for this reason. The report "Rowing: A Review and Requirements 1981-1986" (Document A83 Appendix 2) focused on the detailed consideration of still water rowing requirements having identified many of the problems of river rowing which have been referred to above.

34. The Councils have attempted to distinguish between a need and a demand for rowing facilities. This is a wholly arbitrary distinction. A need for particular facilities can only arise where there is a demand for them. In this case there is a regional demand for a purpose built rowing course in the Thames Valley. It follows that there is a need, one which has been identified by the bodies charged with the organisation of the sport, the ARA and the Sports Council. The latter has the task given to it by Government to further sport and recreation.

35. PPG17 stresses Government support for sport and recreation and puts emphasis upon it. If the claim here to have a facility of regional significance for a sport of such importance as rowing is not a need to be met in the light of that policy, what is? There is no chance that a facility such as that now proposed would be provided unless a body such as Eton College undertook it. Their need and the interests of rowing chime harmoniously to make this enterprise possible and translate PPG17 into real action. In his report to the Planning Sub-Committee on 16 December 1991 (Document A9), the County Planning Officer accepted that there appeared to be a real need for this type of facility in the south-east of England.

36. The Dorney Parish Council suggest that, apart from the Cotswold Water Park, Docklands and Cambridge, there may be other alternative locations for the development of a rowing lake. However, none are viable. The Wraysbury Reservoir and the proposed reservoir at Abingdon comprise raised water of an irregular shape where coaching would have to be by motor boat. Moreover, Wraysbury, which is held on a 30 year lease by the Ministry of Defence, is not available and multi-use is proposed at Abingdon. The suggestion that the gravel pits at Sonning/Caversham could be joined to provide a facility of sufficient length is just not possible. The water in the two lakes is at different levels, one is extremely shallow and it would be prohibitively expensive to excavate silt to the required depth. An amalgamation of the gravel pits in the Colne Valley at Denham would require a river diversion and a rowing use would impinge upon a major bird sanctuary and SSSI. The possibility of incorporating a rowing facility into the NRA Flood Relief Scheme has been fully investigated and rejected, not least because it would not be possible to obtain even a 1000m straight for rowing. In short, the College has

investigated various bodies of water in and around the Eton area. All the supposedly alternative site suggested by opponents of the Dorney scheme are not suitable in practice. There are a number of difficulties including: the lack of appropriate dimensions; exposure to wind; conflict with other water sports; travel distance; expense in construction; conflict with wildlife and other development proposals.

37. No challege has been made to the need put forward for the rowing lake by the College and in relation to its justification to meet the local and regional needs. In his report to Committee (Document A9) the County Planning Officer proceeded entirely on the question of how the balance with perceived planning objections was to be made.

Planning History

38. Most of the land on which the planning applications are based was acquired by Eton College between 1929 and 1931 (Document A68 Appendix B). In launching an appeal for a Land Fund at that time the then Provost wrote to Old Etonians pointing out the threat of urban sprawl and the benefits of preserving open countryside south of the Bath Road (Document A68 Appendix A). Thus in 1929 the College set in place its own "green belt" policy from which the residents of Eton, Eton Wick and Dorney have derived and continue to derive benefit.

39. Throughout the 1950s Rowing Masters at Eton were seeking ways to develop a stretch of still water to promote fair rowing and in the early 1960s the College commissioned Ove Arup to undertake a feasibility study for a 2332m six lane rowing course which would be constructed and managed by Eton. The resultant proposal met with an adverse reaction from council planning officers.

40. The 1970s saw the construction of additional marinas on the stretch of river used by the College. Congestion on the river increased whilst, at the same time, competition from other countries with still water facilities and advanced training methods became more intense. To try to improve the chances of getting planning permission it was proposed to build a 1500m course (1500m being the racing length for juniors at that time). The planning officers, however, would not accept that the proposal should be viewed primarily as one for a sporting facility. They considered that it should be judged on planning criteria applicable to sand and gravel operations.

41. The possibility of constructing a rowing course at Dorney was considered again in the 1980s. It was proposed that the College should collaborate with Summerleaze Gravel Company with a view to conveying unwashed gravel in a pipeline under the Thames to be processed at the company's existing plant on the south (Berks) side of the river. It was envisaged that the design and construction of the lake would be undertaken by Summerleaze based on ARA guidelines. A planning application

was submitted on 28 April 1983 but could not be registered because it was deemed to constitute a proposal for mineral extraction and required advertisement. In the event, emerging information on land ownership, archaeology and the flood relief channel necessitated a reappraisal of the situation and the application was not pursued.

42. In view of these factors the College considered that it ought to look again at any other solution which might meet the rowing need. Various options were considered including nearby stretches of water such as the Queen Mother Reservoir at Datchet and the proposed Flood Relief Channel (Document A68 Appendix C) as well as other land in Eton's ownership; and once more it was concluded that there really was no other practicable alternative to the present application site.

43. Whereas previous arrangements relied upon studies undertaken at the expense of an interested mineral operator it was now decided that the College and its advisers should prepare detailed specifications for a contractor to implement. From this emerged the concept of a nature reserve of flower rich meadows and wetland and of parkland with an arboretum forming an integral part of a plan to produce an attractive country setting of parkland, meadows and trees for the lake.

44. The College holds the freehold of the site with vacant possession and has control over land necessary to effect improvements and landscaping over Court Lane and sections of Lake End Road. Considerable archaeological investigation has been carried out and if the appeal is successful a sum of £350,000 will be made available for further exploratory works including educational programmes.

45. The proposal has been the subject of wide consultation with statutory bodies, local residents and rowing and other aquatic interests. There have been public meetings in Dorney and an exhibition at the College, an illustrated leaflet describing the proposal has been circulated to local households and there have been several meetings with local planning officers. It is fair to say that the District Council has remained implacably opposed to a rowing course proposal for the Dorney site over the years, viewing it primarily as a mineral operation. The proposal is, however, supported by the neighbouring authority, the Royal Borough of Windsor and Maidenhead and by Eton Town Council.

46. Extensive talks have taken place with the NRA and Thames Water Utilities plc over a number of years. Engineering studies and computer modelling were undertaken and both bodies are now satisfied the drainage aspects of the scheme and have withdrawn there original objections (Documents A23 and A29). A Legal Agreement has been concluded between the College, the NRA and Thames Water Utilities (Document A27.4). Some queries have been raised as to the flooding of the site and consequent inability to use the lake. However, the mean water level of the lake would be 19m AOD and the Thames has only ever risen

above 21m AOD on 18 days since 1894, 10 of these were since 1915 and 4 since 1947. The Assessor's Report on drainage matters is appended to this report (Appendix 1).

47. The project was discussed with officers of Berkshire County Council who were unreceptive on both planning and highway grounds to the idea of taking the material across the river to the Summerleaze plant. On further detailed examination the pipeline was found to be technically suspect, needing to be dual to serve the purpose with problems of construction and economics. A conveyor bridge would not be environmentally acceptable. Both, of course, would merely transfer construction traffic from Buckinghamshire to Berkshire without reducing its amount. The use of barges has also been examined but would not be practicable because of the number of barge movements required to service the site would exceed the capacity of the locks between the site and the nearest suitable wharf at Penton Hook, even in the unlikely event of this latter facility remaining available.

48. Originally the County Council Highways Department suggested that material should be taken from the site to the A4 via Marsh Lane. Studies were also undertaken to see whether the mineral could be split, with part taken across the Thames and part along Marsh Lane or by a haul route emerging at Ashford Lane in Lake End. The studies showed that from an engineering, traffic and environmental viewpoint the Court Lane/Lake End Road route was to be preferred. This route found favour with the County Council Highways Department, provided that certain planned improvements to the alignment were brought forward and implemented to take the gravel traffic.

49. Nature conservation interests were also considered. Advice was sought from the Countryside Commission, English Nature, the RSPB, the British Butterfly Conservation Society, the River Thames Society and Thames Heritage. The Buckinghamshire, Berkshire and Oxfordshire Naturalists Trust was retained to advise on conservation matters and the former Head Forester of the Crown Estates on trees. The Countryside Commission suggested a change in design of the nature reserve so that the flower rich meadows could be viewed from the Thames Towpath and the plan was amended accordingly. The Royal Botanic Gardens in Edinburgh are willing to advise and assist in planting the arboretum.

50. On 19 April 1991 the planning applications were submitted to the South Bucks District Council. The applications were accompanied by a Supporting Statement, Plans and an Environmental Statement which included a Non-Technical Summary. These comprise Documents A2 and A3. Revisions to the applications comprise Document A1.

51. The applications were registered by the District Council on 31 May 1991 and forwarded to the County Council for determination as a County Matter (for legal submissions on

this see Document A64). Following a meeting between a Panel of members from the County Council's Planning Sub-Committee responsible for determining planning applications and members of the District Council on 4 November 1991, and the deferring of a decision at the 11 November meeting, the applications were refused by the Sub-Committee at its meeting on 16 December 1991. Appeals against the refusals were lodged on 10 June 1992.

Proposed Use of the Rowing Lake

52. The rowing course would be owned and managed by Eton College. It is College policy to make its facilities and expertise available to suitable outside users provided this does not conflict with the day-to-day education of its pupils. The vast majority of lettings are on a goodwill basis: that is the letting fee is intended to cover the College's costs. Had the school not had some 600 young oarsmen it would not have contemplated building a rowing lake. However, if the appeal is allowed and planning permission granted, it is the firm intention that the lake would be made available to as many other oarsmen as possible for training. In line with current practice a fee would be charged sufficient to cover the expense of managing and letting out the facility. It is not the intention to treat the lake as a profit making venture.

53. Most of the school's rowing activity would be transferred to the lake. Masters Boathouse would remain, primarily as a home for the ten VIIIs used in the Procession of Boats. Rafts Boathouse is likely to be retained for boat storage but Andrews Boathouse is likely to be superseded by the facilities at the lake.

54. Apart from use by Eton boys (Document A69 Appendices 2.1 and 2.3), the lake would be available to local schools, training establishments, clubs and national squads and would provide a regional centre for rowing training. It would also be available for school, club and regional canoeists and for the canoe-related sport of Dragon Boat Racing.

55. There are 75 rowing clubs, 60 University and College rowing clubs and 43 school clubs along the Thames between Oxford and London, all within about one hour's travel time from Eton. To quantify the potential demand, a questionnaire was circulated to rowing clubs, schools and universities asking for likely use of the lake. The responses, showing a strong demand which reflects the shortage of facilities in southern England, are tabulated in Document A69 (Appendix 2.4). The actual use made by the various organisations would depend upon a management timetable drawn up by the College.

56. Events at the lake would be limited to no more than 8 per year, 4 major events (of no more than 3 days duration with more than 500 but less than 751 competing crews on any one day) and 4 minor events (of no more than one days duration with more than 250 but less than 500 competing crews). Such

arrangements are provided for in the Planning Obligation (A27.2) which also provides that the consent of the local planning authority would be required for any major event which exceeds the limitations imposed by the Obligation. Potential major events include the National Schools Regatta (which may require specific consent), Windsor and Eton Regatta, Maidenhead Regatta, the Canoeing Regatta and the Dragon Boat National Regatta. Such events are unlikely to attract many spectators.

57. A purpose-built rowing course increases the opportunities for fair racing in regattas at all levels of the sport. Eight lanes gives a better chance of eliminating wind shadow and providing equal conditions over six lanes at the expense of two void lanes on the sheltered side. The Eton lake would fulfil the FISA requirements even for events at the international level. However, given the number of major championships and the fact that there are 88 nations in FISA it is extremely unlikely that Great Britain would be awarded a championship regatta more than once a decade. Whilst the College would be prepared to stage a limited number of major events, the primary purpose of the lake would be as a training facility.

The Proposed Development

58. The lake would be designed to FISA standards. In order to improve the training potential of the basic body of still water, it would be necessary to create access points, to construct paths and roads, to build pontoons in order to launch the boats, to define the lanes on the course by lines of buoys and erect marker posts to identify the intermediate points along the length of the course. It would also be necessary to erect a starting platform some 3m above water level, a finish tower some 6m in height (although it would be possible to use a camera supported at this height by a slender retractable pole), and a number of small shelters along the length of the course (for timing purposes at 500m, 1000m and 1500m). A boathouse of not more than 2112 sq m with a maximum of 500 sq m at first floor level would be the subject of a subsequent application in the event of permission being granted. An illustrative sketch of the type of building envisaged is shown in Document A2 (Figure 5.3). The building would accommodate boat storage and repair areas, toilets and changing rooms, a clubroom, a staff flat, an office and an ergometer (rowing machine) area.

59. There would be no permanent grandstands nor scoreboard as at Holme Pierrepont. At major events temporary accommodation in the form of marquees may be needed and spectators would view the course from grassed banks and mounds which would be incorporated as features in the overall landscape scheme (Document A37). Apart from the aforementioned permanent structures, further building development is not intended, indeed the College has made a Planning Obligation under Section 106 of the Act (Document A27.2) to limit the amount of

development. This answers the erroneous assertion in the second reason for refusal that the proposal:

> "will almost certainly lead to further developments on the site in the longer term which would be inappropriate if the essential character of the Area of Attractive Landscape is to be safeguarded."

60. With eight lanes 13.5m wide and 3.5m deep and with some 16m either side to allow for stable side slopes, the rowing course would be 140m wide (Document A72 Fig 5). It would be 2130m long to allow a 130m stopping and manoeuvring zone beyond the finish line at the eastern end of the course. There would be a parallel secondary channel or return lane approximately two lanes wide to the south west of the rowing course. This would provide a one-way circulation system during events and would also provide a quite separate course for novice training on a narrow strip of water (Document A72 Fig 2). The physical dimensions of the lake would be:

Rowing Lake	length	2230m
	minimum width at base level	108m
	width at mean water level	140m
	mean ground level	21.0m AOD
	high water level	19.5m AOD
	mean water level	19.0m AOD
	low water level	18.5m AOD
	maximum base level	15.0m AOD
Return Lane	length	2130m (approx)
	minimum width at base level	27m
	width at mean water level	60m
	maximum base level	16.0m AOD
	minimum depth	2.5m

61. The site at Dorney is of sufficient size to accommodate the rowing course with ample room for generously landscaped surroundings comprising nature reserve and park with arboretum. It is flat with the ground level ranging between 20.5m AOD and 22.1m AOD, and is without obstructions save the pylons and overhead 132 kv electricity cables near the western end, and underground gas and water mains south of Boveney (Document A72 Fig 3).

62. The length of the rowing course has, however, been adjusted to take account of the presence of public water supply boreholes on the adjacent land to the north-west. A reduction of 40m in the originally proposed length of 2270m has enabled the provision of a 200m buffer zone between the nearest borehole and the start end of the course. It is also intended to protect the supply to the boreholes by constructing a semi-permeable barrier at the western end of the lake. The design width of the proposal is 230m, comprising 140m for the rowing lake, a 30m return lane island and a 60m return lane. There would be bridges either end of

the return lane island, each with a 30m clear span and 2.5m minimum clearance to the water.

63. The orientation of the course is determined by the need to accommodate one of the pylons on the return lane island (Document A72 Appendix A) and to minimise the impact of excavations on archaeological remains. To achieve a minimum water depth of 3.5m would require excavation of the lake through soils, sand and gravel and into the underlying London Clay. Construction through the sand and gravel would maintain a free flow of water between the lake and the groundwater preventing the lake from becoming stagnant. To stop the water level falling below 18.5m AOD in particularly dry years it is proposed to top up the lake using ground water abstracted from the Chalk aquifer. A rising level in the lake in wet periods would be controlled by an overflow weir discharging into the Thames at the Boveney end of the course. The service mains would be lowered to a depth of 2m below the base level of the rowing lake.

64. For both the rowing course and return lane the banks would be graded to an angle which allows for natural stability and the establishment of reed beds and other appropriate shoreline vegetation which would dampen wave action (Document A72 Figure 5 and Appendix C). The shoreline itself would be scalloped so as to give a more natural appearance to the lake and return lane. Sheet piling would be necessary where vertical retainment is required below water level, that is at the finish end of the course, on the bank of the Thames near Boveney and possibly to the bridge foundations. Temporary piling would also be necessary to enable dewatering and re-positioning the service mains.

65. The main objectives of the construction are to create only sufficient voids either side of the lake for the disposal of surplus material; to develop a fine landscape with mounding which would not inhibit the flow of flood water across the site; and progressively complete each length of lake, park and nature reserve for use as early as possible (Plan A).

66. The access at the Barge Path (Footpath No 8) would be improved with the construction of 6.5m wide metalled road flanked by an avenue of specimen trees from Climo's Corner to the main northern access road - a 5.5m metalled road running through the park and arboretum to the boathouse and car parks at the eastern end of the site. An estate road, 4m wide, would encircle the rowing lake and a 2m wide surfaced cycle ways would run close to the rowing course and return lane as shown on Plan A. The cycleways would be used by trainers and other cyclists following crews.

67. It is anticipated that there would normally be up to 50 vehicles at the site during training sessions and that this might increase to 700 cars and 5 or so coaches for major events four times per year. As a result provision is made for a surfaced area of 0.4ha (1 acre) for normal daily parking,

with a grassed and landscaped planted area of 1.6 ha (4 acres) for events.

Construction Works

68. The overall construction programme is given in Document A72 Fig 6. From this it will be seen that ongoing works would be more or less continuous for the 7 construction phases which, together with preparatory and completion works are expected to span about 10 years. The principle behind the programme of works is one of progressive construction, creating each length of lake, park and nature reserve for use as early as possible. In this way it is expected that the first 1000m of the rowing course could be available for use in just under 5 years. The College would appoint an independent resident engineer to monitor the activities of the Contractor for the rowing lake.

69. The mineral extraction operations are dictated by the design principles of the rowing lake which conforms to FISA standards and the proposals for a nature reserve and park with arboretum. This planning application is not for a mineral working. The development proposed entails the extraction of soils, sand and gravel and clay but it is not a sand and gravel quarry. The extraction of these materials is necessary to form the lake, and the sale of sand and gravel is essential to fund the very high cost of construction; any organisation outside Government would find it difficult to undertake such a project, and Government is not likely to do so. The construction phase may be similar to a minerals extraction scheme but a minerals quarry would be designed and operated in quite a different way from that now proposed at Dorney. There are many factors which reveal these differences, including the following:

i) the project is for a rowing lake; this dictates the area and depth of extraction and the amount of mineral left undug (some 60%);

ii) the direction of working and siting of the processing plant incurs higher costs due to long haul routes which would otherwise be avoided on a minerals site;

iii) a mineral operator would not contemplate moving all basal clay from the excavation;

iv) the timing of operations is dictated by the rowing lake construction; and

v) it is not normal practice at mineral sites to have an independent resident engineer present, in this case appointed by Eton College.

70. There would be a surplus of material from the construction of the rowing lake in the form of overburden

(topsoil and subsoil), sand and gravel (aggregate), silt and basal clay. The scheme is designed for the removal of sand and gravel off-site, with the balance of other material arising from the construction disposed of in reception voids below and above ground. It is not possible to dispose of all surplus materials above ground because of flood alleviation requirements and landscape considerations. Only sufficient void space would be created for the disposal of surplus material from the rowing lake, with no unnecessary excavation. Below ground reception voids would be created by the removal of material, mainly sand and gravel, at points either side of the rowing lake, one in the nature reserve area and the other in the park and arboretum area.

71. The extent of the potential reception voids in the nature reserve area is restricted by archaeological remains to the west, the gas main to the east, the return lane to the north and the Thames tow path to the south, with above ground fill limited by flood constraints. The extent of the park reception void is limited to the east and west by flood requirements and to the north and south by the Cress Brook and rowing lake respectively. The location and extent of land raising is limited by flood routing and storage requirements and the height by landscape design constraints. The proposed placing of soils has been agreed with MAFF who now appear satisfied with the arrangements and have not pursued their original objection.

72. Document A73 Appendix 1 details the scheme of working. It identifies the sequence in which materials would be stripped and stored, sand and gravel would be extracted, basal clay removed and sequences the replacement of those materials in a progressive construction programme (see also Document A2 Chapter 5). It shows the location of the plant and storage areas with their attendant silt pond, the initial topsoil and subsoil storage areas. It identifies the 7 construction phases which are sub-divided into 27 operational phases necessary to meet construction requirements. None of the operational phases represents more than about six months activity with an average of less than four and a half months. They have been kept to a relatively small areas in order to deal satisfactorily with the movement and replacement of varying soil types.

73. Document A73 Appendix 2 sets out the detailed descriptions, design and operations of all mobile and fixed plant. It should, however, be noted that further details of the mobile plant are contained in Document A77 Appendix F2(a).

74. Given the constraints imposed by the FISA design specification for the lake, the requirements of the NRA and MAFF, landscape considerations and time limits, the scope for any other scheme of working is extremely restricted. A change in the scheme so that all the clay and overburden are removed from the site, thus making the creation of reception voids unnecessary, is not a viable option. There is no sustainable

ket in the area of sufficient size to accommodate the ,700 cub m of surplus material over the period of nstruction. In addition there can be no guarantee that the lay would be suitable as lining material. In fact because of ts degraded nature it is unlikely to meet the lining specification. The upper surface of the London Clay is likely to be weathered and contain fissures. As a result it is unlikely that a permeability of less than 10^{-9} mm/sec could be found. It is normal practice in clay extraction to discard the top 1.2m of the London Clay. The depth of clay to be excavated at Dorney is less than 2m.

75. Furthermore, removal of the quantities of overburden and clay involved would impose significant economic cost. Indeed, such removal would be uneconomic given transportation and landfill costs. In any event this method of construction would not bring about any significant reduction in the number of lorry movements over the ten year period and would impose additional costs to no real advantage. As indicated in Document A55 the average reduction would be in the region of 4 lorry loads per day.

76. A further suggestion that surplus material could be spread on a small parcel of land opposite Dorney Reach or elsewhere on land owned by Eton College lacks credibility for want of serious investigation of the possible consequences. The environmental and economic costs would be unacceptable.

77. As far as this scheme is concerned the question of planning policy in respect of the supply and demand for aggregates is not strictly relevant. If, however, planning permission for the rowing lake is granted there would be a useful windfall supply of 4.5mt of sand and gravel to Buckinghamshire locally and the South East of England regionally. MPG6 advises that the South East Region should maintain a local land-won aggregates supply of 32.1 mtpa. Buckinghamshire's apportionment for their part of the regional supply is currently set at 1.3 mtpa.

78. The deposit Replacement Minerals Local Plan 1990 (Document A7) makes an allowance for windfall sites in the allocations required for the maintenance of a landbank. Thus the Structure Plan minerals policies (50, 51, 52A, 52B and 54) and the RMLP policies (MLP1-3 and MLP7-9) identified in the Rule 6 Statement and also referred to by local authority witnesses are not relevant to consideration of these applications. However, if planning permission is granted the appeal proposal would provide a windfall of significance which would give an opportunity the maximise the landbank and help defer working more sensitive sites elsewhere in the county. It would also enable demand to be met in the event the shortfalls occurring because the MPG6 landbank policy is not being met. Certainly, Redland have grave doubts whether mineral planning authorities will make provision for a continuity of supply and operation under the new proposals contained within the Draft MPG6 and, therefore, windfall sites

produced through the appeal system would assume an increasingly important role.

79. The Council refer to other sites in the county in order to draw a comparison in potential output figures. The construction of the rowing lake would yield a supply of sand and gravel very much bigger than any other site in Buckinghamshire. That is accepted, but it does not alter the nature of the lake as a windfall using existing resources to create a purpose-built internationally sized rowing course in the interests of sporting excellence. The project is, indeed, one of sustainable development enhancing resources today to give a better environment for future generations, and there is no doubt that the resources so gained would be able to play a useful role in the winning of aggregate for the South East Region.

80. Historically South Buckinghamshire, South Oxfordshire, Berkshire, Surrey and West Herfordshire have supplied approximately 7 mtpa to the West London market. Redland alone have continuously produced well over 450,000 tpa for this market. A market which has remained fairly stable over many years. Notwithstanding the draft MPG6 policy which expects an increasing use of seaborne rock and secondary aggregates, there will continue to be a high general demand for local sand and gravel. Not least due to proposals to widen the M4 and M25 motorways and to the possibility of constructing a fifth terminal at Heathrow. There is also the prospect of feeding Redland's ready-mixed concrete batching plants (Document A&3 Plan JL1) in periods of low demand and thereby making a viable in-house value-added product despite transport costs. Even if sand and gravel were to be extracted from the Flood Alleviation Scheme at the same time as the rowing lake, the supply onto the market would me maintained, albeit at a lower price.

81. If planning permission is granted the College would supervise operations on site with a resident engineer, to ensure that construction conditions are enforced. He would monitor the activities of the contractor, particularly in relation to environmental concerns such as traffic routing, noise and dust control. A project team would be appointed to manage the construction of the lake, nature reserve and arboretum and would be directed by a steering groups representative of nature conservation, agricultural and archaeological interests. Legal obligations, in the form of agreements and undertakings, are in draft and cover archaeology (A27.3), drainage matters (Document A27.4), highways including lorry routing (A27 and A27.1), and further building and the number of annual events (A27.2).

82. The operator responsible for the removal of minerals would pay a differential royalty to the College for minerals leaving the site having regard to any fluctuation in market demand. The prime purpose being to secure a steady flow of material from the site to meet the 10 year construction

programme. The capital cost of the project is likely to be in the region of £12-13m with a substantial amount of this expenditure incurred in the earlier stages. The College is not engaged in the gravel business and is not engaged in this project to make a profit.

83. The College's normal policy is to permit public access to its grounds consistent with security considerations and it would apply a similar policy to the park, arboretum and bridleways. Access to the nature reserve may have to be restricted but would be open to bona fide educational groups.

Planning Policy

84. The starting point for any planning assessment of this scheme must be with sections 70 and 54A of the 1990 Act. Regard is to had to the development plan so far as is material to the application, and to any other material considerations. Where the development plan is material the determination is to be in accordance with the plan unless material considerations indicate otherwise.

85. This exercise must also take into account prevailing Government policy contained in PPG1. Where there is no policy in a development plan relating to a proposal, or policies pulling in different directions, the application should be determined on its merits (paragraph 28 of PPG1). PPG1 identifies that this might be appropriate in the case of a development proposal that meets a particular need, or one not foreseen by the development plan (paragraph 30).

86. This is one such case. The rowing lake, the arboretum and nature reserve are not the kinds of development normally contemplated by development plans. Indeed, as the County Planning Officer indicated in his report to the Planning Sub-Committee, the proposal "is unique for which there are no clear policy guidelines" (Document A9 para 40).

87. The Development Plan comprises the approved 1990 Buckinghamshire County Structure Plan (incorporating Alterations 1-4) (Document A4), the Local Plan for South Bucks adopted in July 1989 (Document A5) and the Buckinghamshire Minerals Local Plan adopted in 1982 (Document A6). The Replacement Minerals Local Plan (Document A7) was the subject of an inquiry into objections and the Inspector's report is now being considered by the County Council. The College made representations at the RMLP inquiry to ensure that the nature and role of windfall sites in sand and gravel supply were correctly reflected in the plan.

88. As has been explained, the applications are not for the winning and working of minerals, they are for a rowing lake with the extraction of large quantities of material being necessary for that. The joint local authorities' Rule 6 Statement cites as being relevant a number of minerals

policies. It is clear from the Committee report on the application considered by South Bucks District Council in October 1991 (Document A10) that the District Council's view was strongly influenced by a misplaced belief that minerals policies were relevant. But the County Council, who are the planning authority for the purposes of these applications (Document A64), did not rely on minerals planning policies for the refusal of planning permission, notwithstanding attempts on behalf of the District Council to persuade them to do so. They did, however, quite rightly consider the environmental implications of mineral extraction. It is obviously necessary to consider measures to deal with the effects of excavation, processing, and moving and removing the material. Such matters can be mitigated by design and controlled by planning conditions.

89. The issues in this case stem from a consideration of the reasons for refusal put forward by members of the County Council. They received a range of representations which covered all the issues raised in this inquiry: in particular those relied upon by the South Bucks District Council and set out in the SBDC Committee report (Document A10). The County Council considered but rejected the case for refusal on grounds of minerals policy and Green Belt location. The Green Belt point was pressed by SBDC and again referred to in a letter to the County Planning Officer in December 1991 (Document A35). That letter is important because it noted that within the County Planning Department there had been informed and considerable discussion about the grounds of refusal. The fact is that the appropriate local planning authority considered the Green Belt issue and other issues and on the basis of an informed, and not a cursory examination, came to the view that the proposal was not inconsistent with development plan policies other than those relating to the traffic impact, the Area of Attractive Landscape (AAL), archaeology and agriculture. The last mentioned not being pursued at the inquiry. Thus despite the protestations of SBDC, there are no Green Belt grounds for refusal: the County Council do not think the mineral strategic policies apply, they believe noise and dust can be dealt with by condition and do think that the rowing lake requires a countryside location. Their witness does not seek to suggest, quite properly, that the County Council have revised their views.

90. Dorney Parish Council suggest that the College could have objected to the Local Plan for South Bucks on the basis of the omission of a specific allocation for a rowing lake at the Dorney site. However, that would not have been an appropriate forum to discuss the detailed proposals for this site and, furthermore, the District Council has long been implacably opposed to the development and it is most unlikely that the plan would have been modified, even though PPG17 encourages the promotion of sporting activity and advises local planning authorities to take full account of the community's need for recreational space.

Traffic

91. The first reason for refusal alleges conflict with Policy ENV1 of the Local Plan for South Bucks (Document A5) on the basis that traffic generated by the lake would adversely affect the environment of the Lake End area and of the Huntercombe Conservation Area (Document A78 Plan 2). Policy ENV1 provides that development will only be acceptable where its design, layout and impact are compatible with the surrounding area. Particular regard is to be paid to traffic considerations, including traffic generation, access and car parking.

92. The Rule 6 Statement indicates that the reason for refusal relates both to construction traffic and to vehicles visiting the lake when in use for rowing. Dorney Parish Council are also concerned at the lorry traffic generated during construction of the lake, and do not wish to see the local roads improved by widening. Others are concerned at the prospect of dust and mud on the roads, at the increase in traffic hazards, and possible damage by lorries to listed buildings. The County Engineer has not objected to the proposals on highway grounds; he considers that the road improvements proposed by the College would increase the capacity of the access roads sufficient to accommodate the predicted traffic flows from a road safety point of view (Document A60).

93. The proposed 2.5km access route from the site at Climo's Corner to the A4 Bath Road via Court Lane (a local distributor road) and Lake End Road (B3026 a secondary distributor) has been carefully selected and examined. The alternative via Marsh Lane (a local distributor), although originally suggested by the County Engineer, was rejected on two grounds:

i) there are 65 properties fronting onto the Marsh Lane route. This compares with only some 26 properties, including a block of 8 flats, on the selected route;

ii) there are concerns as to the safety of the junction of Marsh Lane with the A4.

94. The County Council has improvement lines on Lake End Road north and south of the M4. These are recognised by SBDC and safeguarded in their Local Plan. While the improvement is not programmed, it is one nevertheless justified by current traffic flows and conditions. Court Lane equally is a well-used local road with poor alignment. Neither are "country lanes": both are rural roads having a significant distributor function.

95. If planning permission is granted the appellants intend to enter a section 278 Agreement with the highway authority to carry out improvements to Lake End Road and Court Lane (Document A27). These improvements are substantially in line with those already proposed by the County Engineer and

comprise widening, realigning and improving the junction at Climo's Corner as shown on Plans D to H. Document A27.1 comprises a unilateral undertaking under section 106 to secure the section 278 Agreement.

96. A number of traffic flow surveys were undertaken on local roads in July 1989, February 1990 and January 1993. These consisted of peak period junction counts, junction counts for 12 hours, and automatic counts for several weeks in January 1993. Document A78 Appendix A illustrates the location of the counts (A1), tabulates the results (A2), and sets out typical current traffic flows (A3). The percentage of heavy goods vehicles (HGVs) has been obtained by averaging this component of the flow. A further survey was undertaken during a bank holiday week in May 1993 (Document A18.3). It is likely therefore that the traffic flow on this count will be abnormal.

97. The surveys indicate that the B3026 (Village Road/Common Lane and Lake End Road) is the busiest local road with the highest flows. The average flows between 9am and 5pm on Saturdays and Sundays being similar to those on weekdays over the same period. Typical flows are:

ROAD	TOTAL WEEKDAY FLOW (7am-7pm)	HGVs (RANGE) (6 or more tyres)
Court Lane	1450vpd	50vpd (18-80)
Lake End Road	2900-4000vpd	200vpd (97-287)
Village Road	4300vpd	200vpd (105-300)

These flows reveal that Court Lane and Lake End Road are not rural lanes but are already busy local roads.

98. The Council's traffic assessment is derived from the January 1993 count alone, which cannot give a representative picture of the flows, and should therefore be accorded less weight than the more comprehensive approach adopted by the College.

99. There has also been some disagreement as to the definition of HGVs. The College's approach of taking HGVs as vehicles with 6 or more tyres, is to be preferred as this accords with the guidance given in "Calculation of Road Traffic Noise" (Document A24.10).

100. Mean speeds of about 70kph were observed on Lake End Road, but on Court Lane speeds were lower at about 50kph due to its poor alignment and restricted width (Document A78 Appendix B). The five year personal injury accident record for Lake End Road, Court Lane and Marsh Lane is shown on the plan at Document A78 Appendix C). Many of the 29 accidents occurred on bends, and the accident rates are somewhat higher than the national average for these classes of road.

101. Three types of traffic would be generated by the proposal: construction, normal and events traffic. Construction traffic would be generated during the 10 years of excavating the lake and would involve some 180 construction and 30 ready-mix concrete lorry movements per day on average from year two to year ten. Operations at the site would extend from 7am to 6pm (or until dark in winter months) Monday to Friday, and from 8am to 1pm on Saturdays, when total lorry flows would be less than half those on weekdays. Thus the hourly lorry traffic movements would be about 20vph. However for the purpose of the assessment a worst case position of 30 vph has been taken (Document A78 Appendix E). In addition there would be 20 or so staff at the site, adding at most 20vph at the start and end of each working day. These increases would be well within the carrying capacity of an improved Court Lane and Lake End Road. HGVs would be a small percentage of the total daily flow along Lake End Road (ie. approximately 9.5% normally and at worst case, assuming peaks of 30vph, only 14%). Estimates of typical daily traffic levels on the approach road network following development are given in Document A78 (Appendices A6-A8). An assessment of link and junction capacities shows that there is ample spare capacity to deal with the increased flows on the improved network. Certainly, these flows would not be out of character with rural roads of this kind.

102. Normal traffic would be very light and largely associated with the College's training and instruction sessions. Many of the boys would walk or cycle to the lake. Other schools and club use would generate some additional traffic but in all the average daily movements are estimated to be about 100vpd on weekdays and at weekends. This figure could increase 400vpd on the few occasions when intensive training and assessment takes place (Document A78 Appendix E1/3).

103. Events traffic would be infrequent and take place on Saturdays or Sundays mainly in the summer. This could vary between 820vpd for the Canoe Regatta to 2600vpd for the National Schools Regatta which would take place on a Saturday and Sunday every other year (Appendix E/4). The College would use its best endeavours to ensure that those coming to the lake for such events would not use Marsh Lane by proper liaison with the local authorities and the police.

104. Traffic volumes attracted by the construction and normal stages of development would be low, well within the operational and environmental capacity of the improved highway network. Levels of traffic attracted to significant events would be higher but nonetheless acceptable given the infrequent nature of such events.

105. The Councils assert that the flow of construction vehicles would not be constant but would fluctuate significantly. Particularly as the processing plant would have the capacity to produce more than 170 tonnes per hour.

106. The flow of vehicles can, of course, be controlled by the use of proper management techniques on site. The need to wash lorries, cover loads and deal with administrative matters concerning the loads would provide scope to even the flow of vehicles from the site. In terms of site operations sufficient soil and overburden could be moved to maintain a constant supply of sand and gravel to a market area with a traditionally high demand for these products. A market area which also anticipates a number of major engineering projects requiring large amounts of aggregates. Furthermore, there would be sufficient flexibility in the relationship between the College and the contractor to ensure that fluctuations in demand would not affect the flow of materials significantly, even if the flood alleviation scheme were to occur at the same time as the construction of the rowing lake.

107. Processing plants are generally operated significantly within their capacity to prevent wear and tear. It is simply not realistic to assume that the processing plant would operate at full capacity when assessing the likely flow of vehicles.

108. Despite the concerns expressed by local residents, queuing of gravel lorries is unlikely to be a problem at the site. A small number of lorries may seek to leave the site soon after it opens in the morning, but the loading, wheel washing, weighing and checking would tend to even the flow from the site. Wheel washing would remove mud and lorries would then proceed along a 400m length of surfaced and swept road before leaving the site at Climo's Corner, thereby ensuring that mud and dust are contained within the site.

109. Legal Agreements provide that before construction starts, and in order to cater for the lorry traffic, the College would fund implementation of works to realign and widen the narrow and poorly aligned sections of the B3026 north and south of the M4, including the length through Lake End, as well as Court Lane (Plans.D-H and Document A78 Appendix G). The carriageway of Lake End Road would be increased to a general width of 7.3m (24ft). Court Lane would be widened to 6.1m (20ft). In addition to the widened carriageway a footway/cycle track (2m wide) would be provided, along the access route, although there are few pedestrians and cyclists using these roads at present. This joint facility would be on the west side of Lake End Road and on the north side of Court Lane. A verge 2m wide would be provided on the opposite side of the roads. These road improvements have been designed taking account of existing constraints and cannot therefore follow the standards applicable to entirely new roads. Nor is there any clear means of measuring the environmental capacity of this type of road which falls outside the urban area.

110. The additional lorry traffic generated by the development could be safely accommodated on the wider, realigned roads. The provision of footway/cycle track and adequate verge would also minimise the risk of accidents. While the widening of

the roads would tend to increase traffic speeds, the realignments and improvements to radii and the consequent enhancement in forward visibility would more than off-set any adverse effects due to higher speeds. Moreover, HGV drivers, as professionals dependent upon their driving skills for their livelihoods, are comparatively safer drivers according to national accident statistics.

111. Improvements to the alignment of the access roads have had regard to the likely impact of the road on listed buildings, important trees and the Huntercombe Conservation Area. In all between 5 and 10 trees would need to be felled, but about 200 new trees would be planted together with new lengths of hedgerow (Document A74/1 Plans GKH7a-8c). The widening would be apparent, but its effect would be limited by the alignment of footways behind hedgerows or verges, and by the new planting. Some 4 to 8 trees would be removed on Court Lane but east of the Hermitage the road would remain substantially unchanged. New fences would be erected and the dilapidated fence alongside Dorney Court replaced with a brick wall. The Hermitage, which faces away from the road, would be protected by a close boarded fence. The landscape quality and long term appearance of Lake End Road would not be materially altered. An adjustment to the alignment at Rose Cottage and Cypress Cottage would have less impact on these properties than would be the case with the County Council's improvement line.

112. Measures are in hand to improve the road and to provide additional land for parking and for the beer garden at The Pineapple public house on Lake End Road (Document A58). But there are complications in the relationship between the freeholders and the licensee who is opposed to the rowing lake development. The sitting area at the front of the roadside pub would be reduced to 4m. Only the weekday lunchtime periods are likely to be affected in any way by construction traffic. The peak times of trading such as evenings and weekend lunchtimes would be outside the hours of operation at the construction site. The County Engineer accepts that even without improvement the road has sufficient width at The Pineapple PH to cope with the construction traffic. Indeed, all that would be done would be to introduce improvements in the vicinity which the County Engineer has decided are necessary.

113. The setting of listed buildings, such as those at Dorney Court, would not be materially affected (Document A15.19). To the extent that there may be any perceived harm to the setting of these buildings this would be mitigated by the planting of trees and hedgerows.

114. The rowing lake proposals would have no direct impact upon the Huntercombe Conservation Area (Document A78 Plan 2). Huntercombe Lane is not an appropriate access route to the lake and it would not be a route designated for generated traffic during any stage of the development. The realignment

of Lake End Road so as to ease the bend along the western perimeter of the Conservation Area would free additional land between the highway and Huntercombe. This factor together with additional planting and landscaping would ensure that the setting of the Conservation Area was enhanced rather than adversely affected by the development.

115. There is some suggestion that the construction of the rowing lake and the traffic generated as a result would, when examined in conjunction with other proposed developments such the Flood Relief Channel, Preferred Area 12 and the Sainsbury superstore, result in a significant cumulative impact.

116. If approved, the Flood Relief Channel would cross Lake End Road south of Lake End and its construction would be confined to the width of the channel. Earthmoving equipment would cross Lake End Road at ground level controlled by traffic signals. Total movements would be in the order of 50 movements an hour. Eventually a bridge would be constructed to carry Lake End Road over the Channel. There would be a temporary diversion of the road to minimise disruption during the construction of the bridge. These arrangements would cope satisfactorily with construction traffic from the lake. The M4 widening is unlikely to be undertaken within the next few years. The details are unknown but the impact on Lake End Road is likely to be similar to that of the Flood Relief Channel.

117. Preferred Area 12 has been recommended for deletion by the Inspector who held the RMLP inquiry. Assuming this recommendation is accepted there would no longer be any conflict between the two developments.

118. Sainsburys are concerned that 20 extra lorries per hour from the lake when added to the flow on the A4 would deter customers from shopping at the new superstore which is about to be erected at the junction of Lake End Road with the A4. Tests have shown that the A4 roundabout has sufficient spare capacity to accommodate rowing lake traffic. The A4 has a two-way 10 hour flow of some 23,200 vehicles of which 6% are HGVs. The addition of 20 more per hour would not affect the use of the Sainsbury superstore.

Traffic Noise and Vibration.

119. Noise surveys at four locations on Lake End Road and one on Marsh Lane were undertaken in the off peak periods during January 1993. The location of the sites and the results are described and presented in Document A78 Appendix D.

120. Noise levels on Lake End Road are quite significant at some 72dB(A) at Lake End and 71dB(A) near Burnham Abbey, due to the fairly high traffic flows at present, and the proximity of the M4. Near Court Lane and approaching the A4 the noise levels are somewhat less at about 67dB(A). Within Marsh Lane

(South) and Court Lane, because of the modest traffic flows, the noise levels are lower at 64dB(A).

121. Document A78 Appendix D gives predicted increases in traffic noise on the local road network due to the proposed development and also explains the procedure adopted in assessing traffic noise. From this it will be seen that during construction the extra lorry traffic on Lake End Road would add about 2dB(A) to the existing noise levels for most of the weekday between 8am and 6pm, with a few peak increases of just under 3dB(A). On Saturday mornings, the increase would be less than 3dB(A) for most of the operating period.

122. According to the DoT "Manual of Environmental Appraisal", published in 1983, the minimum level of significance for road traffic noise change is 3dB(A).

123. There are some 26 properties on or within 30m of Lake End Road where the predicted increase in noise would at worst be only just noticeable. The change in noise on Court Lane would be more noticeable, but there is only one property within 30m of the road, The Hermitage, and this would be protected by a 2m high noise barrier in the form of a close boarded fence. The Council suggest that the attenuating effect of the noise barrier would be diminished by the fact that the noise source from gravel lorries and many HGVs is much higher than that for general road traffic. However, HGVs are only one component of the overall, noise generating, traffic flow and in applying the methodology of the DoT publication "Calculation of Road Traffic Noise" (Document A24.10) the effective source position is given as 0.5m above the carriageway. This is so because the faster an HGV travels the lower the noise source becomes as the tyres become the dominant factor in the make up of the sound.

124. There would be no noticeable change in the noise climate in Marsh Lane as this road would not be used by construction traffic. The expert witness appearing for Mr J Baker of Elm View Farm, has mistakenly assumed that construction traffic would pass along Marsh Lane and, therefore, his figures cannot be relied upon. Furthermore, this property would be protected from noise emanating from the Barge Path road within the site by an acoustic fence.

125. During normal use of the lake, generated traffic flows would be low for most of the time and any increase in traffic noise would be imperceptible. On the few occasions when events take place at weekends there would be some increase in noise levels. Such an increase would be acceptable given the infrequent occurrence of such events.

126. The Councils' noise witness has produced predictions based on a worst case of 47 HGVs in a single hour. Not only is the 47vph an unrealistic figure but this approach ignores the advice of paragraph 13.2 of the "Calculation of Road Traffic Noise" which advocates spreading flows over an 18 hour

period (Document 24.10). The College make a case against itself by taking the 12 hour period but the Councils' use of a one hour peak flow gives a wholly distorted picture.

127. The Council's error is compounded by applying a 1dB(A) threshold against which to assess whether any increase in noise is significant (as opposed to the 3dB(A) in the Manual). Their witness relies upon new research by Griffiths and Raw (Document A85 Appendix 3) and Langdon (Appendix 4), and upon the criteria laid down in the Noise Insulation Regulations. He also makes reference to the possibility that the new "Manual of Environmental Appraisal" could reduce the threshold from 3dB(A) to 1dB(A).

128. This approach is misconceived. The research by Griffiths and Raw examined the effect of the opening up of new by-passes and new roads upon rural towns. The research by Langdon examined non-free flow traffic, included the operation of vehicles at night, and the roads in that study were loaded beyond capacity. Both situations are entirely different from that of the rowing lake development where the existing, but improved, road network would be free flowing, no operations would be carried out at night and the roads would be well beneath their capacity. Furthermore, the suggestion of a 1dB(A) threshold in the draft Manual has delayed its publication and it is now thought that the 3dB(A) level will be retained.

129. The Noise Insulation Regulations (Document A24.1) do not set a scientific threshold as to when increase in noise might become perceptible. The were introduced in the mid-1970s in response to political pressure to provide noise mitigation measures to properties. Accordingly the level is set for political purposes and is not a reflection of the point at which increases in noise become significant.

130. The correct threshold to apply is 3dB(A) which is the convention in the assessment of road traffic noise. This was the level of perceptible noise increase used in the Willingham case referred to by the Councils (Document A85 page 69).

131. Recent research by TRL concluded that there was no evidence to link ground-borne vibration from traffic to structural defects in properties. In any case the narrow sections of Lake End Road and Court Lane would be widened, realigned and generally moved away from houses. Also these roads would have new, smoother carriageways so that ground-borne vibration would be minimised and the problems of reverberation from unladen lorries would be obviated. Similarly there is no reason to believe that, despite its low frequency noise, construction traffic would cause any perceptible airborne vibration. The increase in noise levels, and hence any airborne vibration effect, would be generally less than 2dB(A)L_{10} 18hr on Lake End Road where most properties are located. This increase in noise and hence vibration would not be noticeable.

Noise and Dust from Site Operations

132. There is no reason for refusal in relation to noise and dust from the site during construction, although concerns have been expressed by local residents on these matters. They are much to the forefront of the concerns of the College, particularly because it is their policy to protect the environment of the area and because they wish to use the lake after the first 1000m has been constructed. They also wish to see landscaping and planting in place from the outset. Just as for traffic routing these matters would be controlled by the Resident Engineer to be appointed by the College.

133. In his report to Committee (Document A9), the County Planning Officer was of the view that noise and dust were matters that could be dealt with by conditions and the evidence confirms this.

134. Background noise levels at sensitive properties around the appeal site were monitored during the preparation of the Environmental Statement and during the Spring of 1993. The locations of these noise sensitive properties is shown in Document A77 Appendix B. The distances of these properties from the rowing lake and the fixed plant site are shown in Appendix C. A summary of background noise levels is as follows:

Location	$dBL_{Aeq(1\ hr)}$	$dBL_{A90\ (1\ hr)}$
1. Elm View Farm, Marsh Lane	64.3	54.4
2. Bray Marina	55.8	51.0
3. Downplace Cottage	55.7	50.0
4. Oakley Court Hotel	57.6	47.0
5. Willows Caravan Park	57.4	45.3
6. Boveney Court Cottages	55.7	44.2

These figures are reasonably consistent with those in Document A24.13 save that a wide variation in readings was obtained at Elm View Farm.

135. The appeal site itself is generally rural in appearance; however, the impacts of noise from the M4 which affects the northern part of the site, the Summerleaze workings which affect areas close to the river, and overflying aircraft going to and coming from Heathrow, result in ambient noise levels higher than those usually found in rural locations.

136. Using the prediction methodology contained in BS5228:Part 1; 1984 (Document A24.5), as modified to take account of the latest mobile plant corrections (MPG11 para 23) and making corrections for soft ground attenuation rather than the barrier correction if this is greater, cumulative mitigated noise levels (dB $L_{A90\ (1\ hr)}$) have been calculated. The "Calculation of Road Traffic Noise" (CRTN) correction method for ground absorption has been used and recent manufacturers data on sound power levels (L_{wa}) have been employed.

137. Taking the criterion of 55dB$L_{Aeq\ (1Hr)}$ as the daytime nominal limit at noise sensitive properties as recommended in MPG11 (para 34) and omitting the noise from temporary operations, the predicted noise levels can be illustrated as follows:

	Elm View	Bray Marina	Downplace	Oakley Ct	Willows	Boveney
Background (L90)	54	51	50	47	45	44
Criterion Level	55	55	55	55	55	55
Mobile Plant	44.8	49	52	54	55	56
Haul/Access Roads	46	39	41	44	47	41
Fixed Plant	32	37	38	33	26	26
TOTAL	48.5	49.7	52.5	54.4	55.6	56.1

138. It will be seen that the predicted levels at the Willows Caravan Park (55.6dBA) and Boveney Cottages (56.1dBA) are marginally above the 55dBA criterion. However, the predictions are for a worst case situation and the levels for mobile plant can easily be reduced by site management whereby all the machines are not operating at the same time at the point nearest to the noise sensitive location. This would bring these two locations within the 55dBA (free field) limit. Certainly there is no doubt that the site could be operated well within this limit in conformity with a suggested planning condition (Document A67).

139. Temporary operations, such as topsoil and subsoil stripping, bund formation (including permanent landscape mounds) and sheet piling, can all be carried out within the criteria referred to in MPG11 at paragraph 61; namely 70dB$L_{Aeq\ 1hr}$ for periods of up to eight weeks in a year (Document A56). The landscape mounds can be categorised as new permanent landforms as referred to in paragraph 42 of MPG11. Hammer-driven piling without shrouding or any form of silencing would have a sound power level of 128 L_{WA} and thus exceed the 70dBA limit. However, quieter methods using machines with a sound power level of less than 120 L_{WA} would be used to bring the operation within the MPG11 limit.

140. Noise from the processing plant, ready-mix batching plant and other fixed equipment would be reduced by baffle mounds between 2m and 5m high. These would be positioned so as not to impede the free flow of flood water across the site.

141. An acoustic fence would be erected alongside the Barge Path access in the position shown on Plan B. This would remain for the durations of the operations and would afford protection to the occupiers of Elm View Farm and users of the

realigned footpath from the noise of lorries travelling along the Barge Path to the site access on Court Lane.

142. The evidence on noise given by Mr Gough on behalf of the Councils is summarised in his Table 1 (Document A85). This contains a number of factors which are at odds with the advice of MPG11. Whereas MPG11 uses free field figures he applies a 3dBA facade correction. He makes no allowance for temporary operations, lumping short term and long term operations together to get figures above the 55dBA limit or, in his terms, over +10dBA using the BS4142 method. Overall his figures tend to be higher than those of the College's witness, Mr Curzon. This is attributable to the method of calculation and, to a greater extent, to the assumptions made about mobile plant and piling.

143. Mr Gough uses the tables in BS5228 as the basis of his assumptions on the sound power levels of various machines that would be used on the site (Document A40). These levels were derived from plant designed in the 1970s long before significant noise reductions had been made with the development of modern, quieter machines. Mr Curzon has used the manufacturer's certified L_{WAc} (or "badge") levels for his assessment. Although the manufacture's badge levels are based on static tests, they are in practice on the high side when measured against the machinery's noise level at work in the field. Tests carried out by the College's second noise witness, Dr Walker, are at Document A39.

144. A measure of the difference between Mr Curzon's values and Mr Gough's assumptions can be seen in relation to the dozer. Mr Gough assumes a sound power level at 122 L_{WA} which is so far from the current level of 108 L_{WA} (for a Cat D6) that it makes his conclusions for bund formation at Boveney Cottages in error by 14dBA (Document A50). Similarly, Mr Gough assumes a sound power level of 128 L_{WA} for a hammer pile driver but this could easily be reduced to 120 L_{WA} by using a quieter machine and screening it.

145. Mr Gough used the CONCAWE model for soft ground attenuation whereas CRTN is to be preferred (Document A43), especially for short distances. Even then, the CONCAWE method does not take account of ground reflection and therefore is always 3dBA lower than CRTN. Mr Gough did not allow for this correction. An example of the CONCAWE model calculation is at Document A41.

146. Once the necessary adjustments are made to Mr Gough's calculations and the distinction between temporary and other operations is applied there is no real difference between the parties. The operations for the construction of the lake could be carried out in compliance with the criteria of MPG11 and the construction carried on without undue detriment to local residents based on suitable conditions. There is no doubt that the County Planning Officer's view is vindicated and that the matter can be dealt with by conditions. The

College accepts the suggested conditions requiring compliance with MPG11 at the noise sensitive locations, including the Willows Caravan Park.

147. As far as Elm View Farm is concerned, Mr Baker's noise expert initially assumed that HGVs from the site would proceed along Marsh Lane in front of his client's property. His calculation for the side of the Elm View Farm bungalow is also in error because it assumes that all of Court Lane would be seen - although there is a barn to the south and the road is also screened by a significant section of wall. The traffic figures in themselves are flawed as they omit the full range of HGVs from the HGV side of the count, leading the CRTN calculation into error. In his CRTN calculations, the noise expert did include the Barge Path access road. Clearly if he wishes to do that it is a proper approach, but he cannot then treat the access road in isolation. If the access road is treated as part of the highway, the facade level is 54.8dBA_{10} 18 hour which is an excellent level: if it is not part of the highway, it is only then that the 55dBA L_{eq} criterion applies. That could be meet with the proposed screening and acoustic fence, even though the differences over background noise measurements at this location remain.

148. Use of the lake for rowing, including the proposed major events, is most unlikely to lead to any significant noise nuisance. One potential source is the use of poorly designed public address systems. However, the College propose to install a permanent purpose built system which would ensure that the sound is largely contained within the site.

149. The main construction of the lake would be by wet working which would not generate significant quantities of dust. The main sources of dust during construction would be the movement of plant on the roads within the site. However, the Barge Path access road would be surfaced and swept on a regular basis, the main haul roads would graded and compacted and a fixed sprinkler system installed. The dust suppression measures would comply substantially with the Code of Practice in "Environmental Effects of Surface Mineral Workings" (Document A24.8).

150. Soils and overburden do not have to be absolutely dry when moved, there would still be some moisture contained in the soils and certainly in the overburden. This should reduce the potential for dust blowing from the site. Lorries leaving the site would be washed, cleaned and covered thereby obviating the possibility of noticeable deposits of dust on adjoining roads. Despite suggestions to the contrary, Elm View Farm is not in the path of any prevailing winds from the line of the rowing course or the processing plant, and could only be affected, if at all, in southerly winds at the end of the construction period. Given the precautions that would be taken even this is unlikely. The College has a direct interest in reducing dust effects and the resident engineer

would exercise firm control to ensure that the suppression measures are in place and utilised effectively.

Landscape Policy

151. The second reason for refusal alleges conflict with the Policy at paragraph 29 of the Buckinghamshire Structure Plan (Document A4) on the basis that the development would damage the character and appearance of the Thames Valley Area of Attractive Landscape (the AAL), and would lead to further development in the longer term which would be inappropriate to the essential character of the AAL.

152. Policy 29 introduces a presumption against any development likely to damage the special character and appearance of an AAL other than in accordance with the exceptions set out in paragraphs 35 and 36. The Councils concentrate on the presumptions without having proper regard to the exceptions in this case. One such exception is at paragraph 35(b) which concerns countryside recreation; a matter referred to later in the appellant's case in the context of Green Belt policy.

153. The AAL designation requires that "special attention be paid to the conservation and enhancement of scenic beauty and wildlife interest". The definition of the AAL by use of the county boundary suggests that the same or a similar designation would apply across the river to the south and west. However, the Berkshire Structure Plan does not have a landscape designation for these areas.

154. Dorney was not among those areas originally proposed as AALs in the Consultation Draft Document prepared by the County Council in 1979 (Document A45). Selection was based on two broad criteria: that the area has special quality and that it is large enough to warrant identification on a county-wide scale. Dorney did not qualify, not surprisingly for it is not of the quality of the much finer landscapes to the north at Stowe, Quainton, Ivinghoe nor those on the Brickhills and in the Ouse Valley which did qualify as AALs.

155. Dorney was eventually added as an AAL following representations from members of the District Council, then known as Beaconsfield District Council, who imported additional selection criteria (Documents A8, A46 and A47). The justification for the Dorney AAL gives no clue to its inherent landscape quality, rather its is seen as important because it is an undeveloped area between the river and the hills.

156. The Dorney AAL comprises for the most part the appeal site which is a flat and featureless field according to the agreed site description (Document A17). It does not have the landscape merits of the other AALs. A person living in Buckinghamshire and wishing to visit the County's finest landscape is not likely to go specifically to the appeal site

to see flat and featureless land when they can go to Quainton or the other AALs.

157. The appeal site, indeed, has no special character or appearance, save that of its open nature. That is important and it is the policy of the College to retain that openness consistent with the purpose for which the land was purchased; namely to prevent the suburbanisation of the land around Eton. Under the current proposals the open space would remain, unbuilt upon but graced by hedges, trees and parkland whereby diversity would replace the present monoculture. The scale of the landscape would change by reverting to a more intimate scale in keeping with the surrounding area, but the essential open nature of the site would remain.

158. In his evidence, the Councils' landscape witness goes beyond the Structure Plan policy at paragraph 29 by assessing the rowing lake against minerals policies generally, including that at paragraph 50, notwithstanding that the County Planning Officer and the Committee had both rejected such a stance. He also fails to recognise the distinction between conservation and preservation. This distinction is made clear in Circular 8/87 at paragraph 4; conservation allows for change. It does not mean that no alteration may be carried out. Landscape is a plastic medium; it has evolved over centuries.

Landscape Appraisal

159. Between Henley and Chiswick the Thames Valley has three distinct landform zones. The central section, around Dorney, has a wide valley floor, with hills set back and less prominent than in the other zones (Document A74/1 Plans GKH 1-5 and views 1-17). Scale is largely defined by vegetation and in terms of landscape character and quality the Dorney site is comparatively undistinguished.

160. Large scale parks are a characteristic feature of the Thames Valley (Plan GKH1). These parks changed the previous landscape, often with very large-scale, formal features such as the 1000m Long Water at Hampton Court (GKH9a). These parks have retained a sense of space and rural character, whilst surrounding agricultural areas have become built-up.

161. The drawing GAC-1 (Document A74) is a context plan showing the locations from which photographic panoramas were taken early in 1993. These comprise Document A74b. Drawing GAC-2 (Document A74) is an appraisal plan of the appeal site showing landscape features and local photographic viewpoints. This plan contains two small errors concerning the exact position of the hedgerows and trees at positions H-G and the position of the hedgerow at position C. These features are shown in the correct position on the air photograph in Document A74b.

162. The main part of the site was, until very recently, intensively cultivated, and there are few remnants of the

hedgerows which have been progressively removed over the last twenty years. Only two of these hedgerows are now clearly discernible and comprise intermittent hawthorn hedgerows containing a number of solitary mature trees, some covered by a TPO. Historic maps (Document A74/1 Appendix B) show a considerable change in the field pattern over the last 250 years. Through much of the 19th Century, there was a complex of land uses across the site, most probably divided by hedgerows. The current appearance of the site is probably the most open and uniform it has ever been.

163. The appeal site is part of the network of small and large scale landscapes that characterise the valley floor in this area. There is a close relationship between the site, the river and Dorney Common, but less of a relationship between the site and the hills forming the wider valley sides. The inherent quality of the appeal site itself is not high. However, the existence of such a large undeveloped area adjacent to the river and between large built up areas is important (Document A74/1 Plan GKH-4).

164. The site is not visually prominent from the surrounding areas, due to the flat nature of the landscape and intervening screens of vegetation. The only public open views of much of the site are from the two internal footpaths and from the Thames towpath. There are partial views from some lengths of public roads and footpaths in the immediate vicinity and at Clewer Green (Document A74/1 Plan GKH6a). There are no views from the main part of any villages or towns; there are partial views from some dwellings in the immediate area; the only open views of the whole site are from Boveney Cottages. These views can generally be satisfactorily screened during construction.

Landscape Design

165. The design objectives of the proposals are to construct a rowing lake to FISA standards; to provide a permanent and attractive landscape framework for the lake; to minimise the impact of the construction on adjoining areas; to retain or enhance the landscape character of the area; and to comply with the planning policies for the area.

166. The development would be phased as indicated in the plans and text comprising Document A73. Landscaping, in the form of mounding and planting as part of the parkland, arboretum and nature reserve, would commence at the outset and progress throughout the construction phases. Additional temporary landscaping would be introduced to screen the site during this period. The processing plant would have earth mounding to the south-west thereby screening it from view from across the river throughout the working period. Shorter term mounds would also be placed alongside the haul route and construction areas. These would be graded and treated with a grass and wild flower seed mix. The acoustic fence would be erected alongside the Barge Path and part of diverted Footpath No 8.

Planting carried out prior to construction and in the early stages would become effective in screening terms for the middle and later stages of construction. The permanent earth modelling proposed in the parkland area and around the Boveney end of the lake would further screen construction activities from the north and east.

167. The temporary effects of construction would be such that they would thus be contained by the use of the mitigation and management techniques, and the progressive development planned means that improvement in the landscape would become evident almost from the outset. Thus the visual effect of the construction upon local amenity is unlikely to be significant.

168. As can be seen from Document A74/1A Plans GKH6a-j, views into the site would be progressively reduced as construction takes place culminating in effective screening by permanent landscape features on completion of the development.

169. The final development would be a fine addition to the landscape of this country for the enjoyment of thousands of visitors over the years. It is conceived as a new great park with water and trees of rarity and merit. No one can predict the future, but the scheme has the potential for the creation of a landscape of importance in keeping with the College's long traditions of quality and foresight, as heritage of the future. The proposals are shown on the Masterplan (Document A74 Plan GAC-3).

170. The parkland area, including an arboretum of some 30ha, would be landscaped with soil stripped and re-spread from the excavated areas. The existing and proposed ground levels for the whole site are shown the contour plans (Plans J and K). The intention is to create a gently contoured parkland as an imaginative design, in the "English picturesque" tradition. As well as introducing indigenous trees such as oak, ash and lime, a number of ornamental species would be used. The arboretum would contain cedars, wellingtonias and deciduous ornamental trees, providing interest throughout the year. The project has the support of the Royal Botanic Gardens at Kew, the University of Oxford Botanic Gardens and the Botanic Gardens in Edinburgh. Document A74a and Plan GAC-5 shows the general concept of the arboretum and the exact details of its content would be developed over a number of years, during the course of its creation. Public access to the parkland would be permitted by the College on a controlled basis.

171. A nature reserve would be created in the southern part of the site, between the lake and the river, to be constructed progressively as the rowing lake itself is developed. It would comprise small riverside meadows contained by hedgerows and fields for barley and ley grass. Plan GAC-4C shows a typical section through the nature reserve. The College has set up an Environmental Fund to develop and manage the nature reserve. The Berkshire, Buckinghamshire and Oxfordshire Naturalists' Trust (BBONT) has provided advice on the design

of the nature reserve and see it as an opportunity to provide a valuable wildlife habitat and important educational resource in an area increasingly under pressure from less favourable forms of development.

172. The lake itself would be integrated into this new landscape in a seamless way. Although on plan, the lake and return lane may appear as a large "engineered area" of water, as suggested by the County Council, from ground level from both within the development and from adjoining footpaths, there would be filtered views of gently modelled landform with glimpses of new areas of water in certain cases. The edges of the lake and especially the return lane would be indented or scalloped in a manner that would be aesthetically pleasing, technically satisfactory and beneficial to wildlife (Document A74a and Plan L). With the water level between 1m and 2.5m below the surrounding ground level the site would still present itself as an undeveloped part of the valley floor. Thus the scale and openness of this land would be unaffected.

173. It follows that the only character which this land is said to possess, namely openness, would be preserved by the development; and the introduction of the nature reserve and arboretum, together with other landscaping measures proposed, would positively enhance the site within the scope of conservation of the open character and appearance of the land. Furthermore, the College recognises the need to protect this area from building development and, as previously mentioned, there is a legal undertaking to give effect to this recognition.

174. The rowing lake proposal is not in conflict with Policy 29 of the Structure Plan as it is not likely to "damage" the special character and appearance of the AAL. On the contrary, it would enhance visual amenity in this locality. But even if damage were to be done, an exception exists to Policy 29 where the proposal is one for recreation. The County Planning Officer reported to his Committee that the lake was of a scale which required a countryside setting (Document A9).

Nature Conservation.

175. An ecological assessment of the appeal site was conducted soon after the land was "set-aside" following arable use (Document A76). The principal feature of ecological interest was certain weed species of arable cultivation, notably the nationally rare *four-leaved allseed*, which has not been seen since the sward closed over. In addition a range of birds used the area for feeding and breeding, including one sighting of the nationally rare quail, a summer migrant frequently associated with arable sites. A large range of birds classically associated with land in set-aside is now present at the site. However, in view of the fact that no wildlife habitat of national or county importance is threatened and no known populations of flora or fauna of similar importance other than those sporadic occurrences mentioned above, the

scheme for a rowing lake and nature reserve is sound. It would represent a positive gain for nature conservation.

176. Three options were considered feasible for the 34.7 ha of land between the lake and the river: first, non-intervention with the present use continuing; second, a return to arable use; and, third, a nature reserve.

177. As for the first option the continuation of set aside could not be guaranteed and the wildlife habitat would be destroyed with a return to conventional farming. The second option would re-introduce the least species rich of all agricultural landscapes. The third, and favoured, option is to designate the area as a nature reserve and create wildlife habitats that may be managed within modern farming practice.

178. The nature reserve would be divided into a series of meadows by hedgerows, some of which would have associated ditches draining away towards the river. The meadows would be seeded with native grasses and wildflowers and dedicated to permanent pasture and low density grazing. The three fields at the south east end of the nature reserve would be rotated with spring sown barley and short term grass ley, thus providing a feeding station for birds such as quail and corn bunting.

179. The idea of a nature reserve was welcomed by English Nature when they were consulted in 1991 (Document A76 Appendix F and A15.15). At that stage they regarded it as one of the more exciting habitat creation projects in the three counties and gave it their support. However, following last minute correspondence from the Councils' witnesses English Nature adopted to a neutral stance on the project (Document A86). Nevertheless, the local Naturalists' Trust (BBONT) continues to welcome the scheme and wishes to have full participation in it.

Archaeology

180. The third reason for refusal is that the development is contrary to Policy 50(e) of the Structure Plan and Policy C4 of the South Bucks Local Plan in that it is alleged that the development would result in the loss of an important archaeological site.

181. PPG16 explains that in national policy terms the desirability of preserving archaeological remains is a material consideration when determining a planning application. But it also goes on to clarify that the extent to which preservation is possible or desirable is dependent upon a number of matters. Prior excavation and recording is acceptable as an alternative where preservation is not feasible. PPG16 emphasises that:

> "the case for the preservation of archaeological remains must however be assessed on the individual merits of each

case, taking in to account the archaeological policies in detailed development plans, together with all other relevant policies and material considerations, including the intrinsic importance of the remains and weighing these against the need for the proposed development."

182. Policies 74 and 74A of the Structure Plan are the relevant development plan policies in respect of archaeology. Policy 74 provides, inter alia, that "new development should not adversely affect the setting of, or endanger, and such building or ancient monument, important archaeological site...". Policy 74A contains policies relating to the imposition of suitable conditions when development is permitted on a site containing archaeological remains.

183. Policy 50(e) is a minerals policy. As such it can have no bearing on the present applications.

184. Policy C4 of the South Bucks Local Plan provides that "proposals affecting an historic landscape, ancient monument, site of archaeological interest,...will only be considered favourably if the District Planning Authority is satisfied that the potential impact of the proposal on the special interest of the site or feature is acceptable...". It then goes no further than to refer to the use of conditions.

185. Field evaluation has clarified the character, variety and date of archaeological deposits on the appeal site. Trenches were excavated to investigate areas of good crop marks and to examine blank areas adjacent to known crop marks (Document A79 Fig 1). Archaeological features were excavated by hand to assess the character, condition, quality and dates of the archaeological deposits. Trenches through palaeo-channels (ancient stream courses) were dug to assess the potential for environmental data contemporary with the archaeological activity. Further trenches were dug to investigate cropmarks not covered earlier.

186. The location of the trenches was generally on the edges of the gravel terraces or "islands" where remains were more likely to be found rather than in the damp channels which are not likely to have been settled. Field walking and geophysical survey techniques were not used. With the land in set-aside, surface conditions were such that field walking was most unlikely to reveal any remains of note, particularly since this is an early Bronze Age site. Geophysical surveys would have been a very expensive way of confirming what is already known about the site.

187. PPG16 emphasises that the sampling exercise prior to any application for planning permission should be small but should aim to identify the character and extent of archaeological remains, and thus indicate the weight which ought to be attached to their preservation. In this case the investigation has been small (0.4% of the total area) but, given the nature of the deposit, it is more than adequate to

establish the character and value of the site in archaeological terms. Any attempt to discover really valuable archaeological remains by further preliminary investigation would be to try and look for a needle in a haystack.

188. Investigations have confirmed that the site is not "nationally significant" although the County Council, whose area only just reaches into the Thames Valley, see it as important in a county-wide context. English Heritage have been aware of the site and the County Council's view since 1987. However, they have not acted to schedule it as an Ancient Monument. The County Council say that this is because English Heritage are currently reviewing their scheduling allocations but this explanation is simply not credible because EH regularly act swiftly to protect nationally important remains.

189. The investigations show that, from the west, the archaeological sites consist of scattered and slight Neolithic deposits of c. 3,000BC, middle/late Bronze Age settlements, fields and a cemetery of cremation urns c. 1200-800BC (Site F west - Document A79 Fig 2); continuation of the middle Bronze Age landscapes (Site F east); Romano-British settlement enclosure (Site G); and early Bronze Age ring ditches (Site I) with some evidence of later Bronze Age activity.

190. The archaeological features are of interest for their coherence, extent and group value, but their state of preservation is not of good quality. All deposits have suffered from ploughing, for example the cremation urns have been ploughed down until only the lower parts of the pots survive. The lowering of the water table by abstraction at the Dorney Boreholes in recent years has dried out organic deposits. This desiccation of the remains will continue so that waterlogged ancient biological material will survive in only the deepest deposits, unless of course the rowing lake is constructed and stabilises the water table thus helping to preserve those remains which would be left *in situ*.

191. The lake would be bound to have an impact on archaeological remains and would remove those in the line of the course and return lane. But the construction process would not adversely affect the remains which would be left *in situ*. The location of bunding and of haul roads has been carefully selected to minimise the impact upon those remains and a considerable proportion of the deposits would be preserved beneath the parkland and nature reserve. Care would be taken with the planting of trees to avoid damage to archaeology.

192. A mixed strategy of mitigation measures is proposed including: careful design, *in situ* preservation, conservation management, excavation and publication. The impact of the project would be fully discussed with the County Archaeologist and there would be reasonable investigation and recording of significant remains (Document A79 Appendix A). Prior to

finalising of a research design and project specification, further evaluation would be carried out (Document A79 Fig 3).

193. This is not a nationally important site. It is of more limited regional interest and the strategy of investigation and preservation, secured by a legal undertaking (Document A27.3), would yield the best compromise. The excavation would provide an opportunity for on-site education which is becoming increasingly rare these days with an unsatisfied demand for archaeological digs. Senior school children, students of all ages, local societies and overseas visitors would participate in fieldwork and training.

194. The creation of a written record would ensure that the knowledge obtained from this excavation is not lost to future generations and would ensure that a complete archaeological assessment could still be drawn up. The preservation of a substantial part of the remains would also secure opportunities for the future. This development is, therefore, in accordance with national and development plan policy with regard to archaeology and would be secured by £350,000 to be allocated to it by the College for investigations by an Educational Trust.

Green Belt and Recreation

195. Although the appeal site is in the Green Belt there is no reason for refusal based on Green Belt policy. That is not surprising as the local planning authority responsible for determining the applications in this case, the County Council, were advised by their planning officer that the proposal "should not be refused on Green Belt grounds" and of his view that "..if there were no other objections, I would recommend approval as an exception to policy simply because a much needed facility such as this can only serve the College if it is indeed located in the Green Belt".

196. The Rule 6 Statement, however, is a joint one representing both the County Council and South Bucks District Council and this says that the proposal conflicts with Green Belt policy, claiming that it is not one of the listed exceptions and that the need is insufficient to override the policy. It can be assumed that the Green Belt issue was imported by the District Council who had previously tried, unsuccessfully, to persuade the County Council to widen the reasons for refusal at the application stage (Document A35).

197. The Structure Plan policy for the Green Belt establishes a general presumption against development there with certain listed exceptions. The relevant exception in this case is at Structure Plan paragraph 35(b) which allows for "development for countryside recreation, so far as is consistent with recreational policy (paras 57-60E)". The recreational policy expressed at para 57 states, *inter alia* that "countryside recreation means those activities which require a countryside

setting or are intended to serve the rural population and cannot be accommodated within a village".

198. The general Green Belt policy also makes it clear that all the listed exceptions must be consistent with the policies in paras. 28 to 31 of the Structure Plan. These paragraphs concern the conservation and enhancement of scenic beauty and wildlife interest in AsONB, and protection of farmland and farm structure. The proposed development is not in conflict with these provisos.

199. PPG2 on Green Belts excludes outdoor sport from the general presumption against development (para 13). None of the five purposes of the Green Belt which are set out in paragraph 4 would be prejudiced by the proposed development. To the contrary, Green Belt objectives would be promoted. Paragraph 5 states "Green Belts also have a positive role in providing access to open countryside for the urban population. Such access may be for active outdoor sports or for passive recreation". The development of a rowing lake would increase opportunities for outdoor sport, and in addition there would be large parts of the site available for passive recreation in the proposed parkland.

200. Thus the proposed development does not prejudice the objectives of the Green Belt, in fact it promotes them. Quite apart from the need for the development which the County Planning Officer identified, the proposal is not in conflict with the development plan on Green Belt grounds. It falls within (b) of Policy 35 (development for countryside recreation) and meets the criteria qualifying that exception in Structure Plan paras. 57 to 60E insofar as they apply. The proposal would also ensure that the Green Belt at Dorney would be protected in perpetuity against the development pressures which are intense in this part of the Thames Valley.

201. In referring to Green Belt policies the planning witness from the District Council neglects to mention certain significant national policies: namely those at para 5 of Circular 42/55, para 6 of Circular 14/85, and para 5 of PPG2. All these documents, together with various parts of the SERPLAN review, refer to the use of Green Belt land for recreation. Development plan policy has to be interpreted in the light of these other policy statements.

202. Whether this proposed development constitutes a recreational use has, surprisingly, been at issue partly because the development plans talk of policy relating to "countryside recreation".

203. There is no policy in the South Bucks Local Plan which provides that "countryside recreation" has a special definition. There is a definition in the glossary appended to the Plan but that does not form part of a policy. The guidance in paragraph 7.12 of PPG2 distinguishes between policy and explanation.

204. The planning witness from the District Council pursues the point, however, by quoting from an appeal decision (Document A88 Appendix 4) where an Inspector accepted the glossary definition. How extensively the point was argued is not known since that was a written representations case and that Inspector had neither oral evidence nor the benefits of cross-examination to help him in his assessment.

205. The County Council Committee Report (Document A9) cites the recreational policies at Structure Plan paragraphs 56, 57, 59 and 60 as being relevant to the applications. Policy 56 sets out the general strategy for recreation and tourism which is to encourage further development of both so far as is consistent with conserving the character and appearance of the county. Policy 57 deals with these aims in the countryside; it seeks to ensure that countryside recreation needs are met with minimum conflict with the interests of agriculture, forestry, local residents, landscape, archaeology and wildlife conservation. The evidence shows that there would be minimal conflict with these interests.

206. The Local Plan for South Bucks has no policy for additional sport or recreation facilities but relies on a separate Sport and Recreation Policy Statement (Document A5 paras 15.4.2 and 15.4.4) and cites the Structure Plan policies referred to above.

207. Although Structure Plan policies 56, 57, 59 and 60 encourage the provision of recreational facilities and despite the fact that the improvement of opportunities for sport and recreation is a planning objective of the government (PPG17 paras 1-4), the Councils fail to give due weight to the contribution this proposal would make to meeting local and national objectives for improving facilities for sport and recreation.

208. Surprisingly the planning witness from the District Council attempts to argue that the rowing lake does not require a countryside setting. He does so despite the views of the County Planning Officer who was supported by his committee and the Planning Officers of the Royal Borough of Windsor and Maidenhead and of Berkshire County Council. The witness claims that the Eton proposal could be provided in an urban area, citing the sub-standard course in docklands.

209. There are many sports which can be and are played in urban areas such as cricket, showjumping, rugby and association football. On the Council's reasoning these too would not be "countryside recreation" and thus could not be appropriate in the Green Belt. Indeed it is hard to think of a sport which cannot be provided for in an urban setting. But that does not mean that the Structure Plan conflicts with national policy and provides that sport is inappropriate in the Green Belt.

210. This proposal does require a countryside location and is therefore appropriate in the Green Belt, and, as already indicated, is equally consistent with policy 29 relating to the AAL. It is not even a case of making an exception to Green Belt policy on the grounds of need as the proposal is in full compliance with Green Belt policy.

Footpaths

211. An application under sections 247, 253 and 261 of the Town and Country Planning Act 1990 for the diversion and stopping up of the footpaths and bridleway on the appeal site was made on 9 February 1993 by Glen Kemp Hankinson, agents for Eton College. The application was made to the Bedford Office of the Departments of Environment and Transport and the draft public path orders were published on 19 March 1993.

212. The proposals are that Footpath No 17 from Boveney to the Thames Towpath (Footpath No 18) should be stopped up and that Footpath No 8 (the Barge Path) from Climo's Corner to a point near the Thames towpath should be diverted north-westwards from its existing alignment. A short length of the Barge Path is also a bridleway (Plan M). The proposals, together with other footpaths in the immediate area, are shown on Plan M/1. However, it should be noted that it is now the intention to extend the permissive bridleway southwards around the eastern perimeter of the site as far as Dorney Common, thereby enabling a circular ride from Climo's Corner.

213. The original purpose for Footpath 17 is now largely redundant as it used to give access to a ferry across the Thames which no longer runs. Therefore there is a reasonable and pleasant alternative via Footpath No 10 which abuts the eastern boundary of the site. This is a relatively short (200m) track which starts in Boveney and provides access to both Boveney Church and the Thames Towpath. This would be enhanced by the proposal to provide a formal car close to the start of this footpath. Furthermore, the proximity of Dorney Common, where walking is permitted, and other public footpaths in the area add to the alternative walks available in and around Boveney.

214. Footpath No 8 would have to be diverted in order to make it possible to construct the rowing lake. Bridleway No 8 would be temporarily stopped up until Phase 7 of the construction has been completed. This is in the interests of safety and due to the requirement to restrict public access to operational areas. However, permissive rights would be sought from Mr Palmer to use Big Meadow as an alternative during this period. The diversion of Footpath No 8 would produce a route which would be slightly less direct but would make a pleasant meandering walk through landscaped areas to the Thames Towpath. During construction the diverted path would be protected by a fence and bunds from the effects of the extraction operations. It would be only during the last

operational phases that the extraction would draw close to the diverted route.

215. The Countryside Commission, whom one might have expected to be concerned about the effect of the development upon the long distance Thameside path, have not expressed any reservations. They have merely asked that the site be opened up to give views across it to those using the riverside walk.

216. The College, together with Mr Palmer, have undertaken to create a large number of permissive paths and bridleways. These would more than offset the loss of one small circular route. Access to the rowing lake and its associated parkland would necessarily have to be restricted in the early years to some extent due to the various planting requirements. This would be regulated by the College in association with a local liaison group set up to allow for input by local residents into the running of the site.

217. It is clear that there would be no demonstrable harm arising from the effect of the development upon the surrounding footpath and bridleway network.

Conclusions

218. The proposed development would not seriously conflict with any strategic policies in the development plan for the purposes of Section 54A. As a result this proposal when assessed against the development plan must be said to be in accordance with it and accordingly a presumption in favour of granting planning permission arises.

219. When assessed against planning policy the following conclusions emerge:

a) that the proposed development has to locate where it is proposed, and that it is then necessary to extract sand and gravel from the site;

b) there is no objection based on highway capacity or safety, and environmental effects of traffic are localised and within acceptable limits;

c) the development is appropriate in an AAL; the uses proposed and the landscape and nature conservation measures that form an intrinsic part of them are beneficial to the landscape policy objectives. The impacts upon the landscape during construction would be localised and contained;

d) the proposal does not contain the seeds of other development that could threaten main planning policies;

e) that the proposal is for a recreational facility that must locate in the countryside; the arboretum and

nature reserve reinforce the appropriateness of such a location;

f) it is not in conflict with Green Belt policy either in the Structure Plan or in national policy guidelines, and in fact falls within the listed exception in Structure Plan policy 35(b) for countryside recreation;

g) it actually promotes Green Belt policy objectives by assisting some of the five purposes for Green Belts in PPG2, especially in that it would give security from future inappropriate development;

h) recreation policy objectives would be promoted by the development, and an enhanced setting for Dorney Court (a Grade 1 listed building) would be provided;

i) there is no agricultural objection to the development;

j) objectives for archaeology would be met acceptably in the terms of PPG16.

Policies dealing with consequential matters, for example those dealing with protection against noise, or mitigating the effects of construction, are proper considerations but are more appropriately reflected in conditions on a planning permission than as determinants of such an important project. The County Council have suggested certain conditions and these are set out in Documents A67.1 and A67.2. *The appellants comments on these conditions are at Annex B of this report.*

220. The proposal carries with it a special vision, involving not the mere commercial needs of the present but the needs and as yet unspoken demands of generations to come. In the long succession of the years, the construction period seemingly so long, is a blink in history in the context of the future service this rowing lake would provide.

221. The College is setting out with a vision to provide, in the rowing lake, a sporting facility of excellence for generations of their own boys and for all those in outside clubs and schools who would have the opportunity to use it. It would preserve the openness of the site and the freedom from suburbanisation; the purposes for which the land was originally acquired. The lake would be able to serve all the regional needs for training at the highest level, provide safe rowing and training space for young people and would help save the Maidenhead Regatta. The chance should not be missed, for it is likely to be many years before another suitable site comes forward to meet the acknowledged need.

222. In the arboretum and parkland the College is undertaking an exercise few could do; a long term project to help the survival of rare species of trees and provide a landscape of distinction for the benefit of future generations. The

parkland would help to grace, with the adjacent water, a site which presently is a flat, featureless field and would provide for Dorney residents a facility which would be made available by way of permissive walks, bridleways and paths. In the nature reserve there is an opportunity to re-create a resource sadly disappearing in the Thames Valley in the form of the meadow, arable land and wet areas. Money would be available to help preserve and restore Dorney Court.

223. The construction of these facilities would inevitably have an impact on the area. The concerns of residents are understood but these should be placed in perspective and tested against objective criteria rather than subjective judgement. The fact is that is that most of those objecting are neither close enough to the works to be sufficiently affected nor are they, to any real extent, likely to be affected by the lorry traffic. The proposed access route must be unusual for a highway in the South East, in that it only has 26 properties along its 2km length and yet affords access to the main distribution system. The use of Lake End Road and Court Lane lies within acceptable environmental limits and normal traffic flows and would be accompanied by improvements which would bring footways, cycleways and a permissive bridleway to cater for those who might be affected. The extensive landscaping, including some 200 new trees, would enhance the route and far from a deterioration, within a few years there would be in place a route much improved visually. One footpath would be stopped up but others would be created in the lake area.

224. In terms of noise and dust from the construction acceptable standards would be reached. The changes to the landscape would not generally be significant outside the site. The found archaeology is the subject of a balanced compromise which in itself carries the benefits of past investigation and education of a new generation of archaeologists. The sand and gravel would augment the resources to be won in the South East as a useful windfall from a work designed to create a large and real public benefit.

225. Should planning permission be granted the College is determined to make certain that the works are done acceptably and that lorry traffic follows the prescribed route, and to that end would, by means of a resident engineer who would be appointed for the construction works, control the mineral operation. That is a safeguard for the residents whose interests the College believes it has not overlooked.

226. This proposal for a rowing lake is an investment in the future, for the sporting excellence sought by Government in PPG17: it is backed by approximately 3,500 people who have indicated their support (Document A65) and 840 boys and girls from Eton, Windsor Boys School and the National Schools Regatta who signed their names to the Eton VIII crushed by a cruiser on the river (Document A66). It is a scheme of merit, with temporary disadvantages and long term gains. The matter

was summed up by a local resident who lives nearer than most to the proposed excavation and would not like the construction in its early years but nonetheless supported the lake because it would benefit so many, and should be built, not just for Eton, but for the country. The appeals should be allowed.

THE CASE FOR THE PLANNING AUTHORITY

The material points are:

Introduction

227. Eton College had an aspiration. It is of fairly long standing but recently it has crystallised into an aspiration for a rowing course meeting FISA Category B standards which in effect is an olympic standard course without the sophisticated timing apparatus required for an olympic event. It consists of a huge expanse of water eight lanes wide with distinctive marker posts, aligners accommodation, start and finish structures and a return lane: a not inconsiderable project taking 10 years in construction. Since the aspiration crystallised the College have determined to have such a course and nothing less. No-one would suggest that Eton College should not strive for such a course or that from their point of view it is other than admirable that they do so strive. That is the background against which to assess that part of the College's case that as construction and management would be under their control everything would be done to protect the interests of the local population. It is accepted that Eton is one of the greatest schools in the country and it is not suggested that Eton's record in dealing with its facilities is anything but good, but the College is an educational trust and must, therefore, put its educational requirements first and other matters second. In effect this proposal should be considered on its merits as it is, warts and all with no special consideration given to the fact that the appellant is Eton College. The second point is accepted by the Headmaster, as to the first point they seem to deny that there are any warts in the proposal.

228. Eton have a site available which is the appeal site. The farmer has vacated, the land includes enough gravel to pay for the construction and the question is: is the development in accordance with the principles of good planning? Various matters fall to be considered and weighed before a correct decision can be made. These include as broad headings:

(a) policy considerations both national and local;

(b) the proposed development viewed against those policies and its effect on the area and the people who live there; and

(c) the benefits which flow from the development.

229. It is also useful to set out a brief account of the events leading to the determination of the applications by the mineral planning authority.

Planning History

230. Duplicate applications for both the change of use and the construction of the rowing lake or trench, park with arboretum and nature reserve on land south of Dorney were all registered by South Bucks District Council on 31 May 1991 and subsequently forwarded to the County Council for determination. Legal submissions in support of this course of action are at Document A64.1. The applications were accompanied by an Environmental Statement (Document A2) and Non-Technical Summary (Document A3). Subsequent revisions to the applications comprise Document A1.

231. The applications were taken as "county matters", since they also involved a very substantial mineral working with a proposed output well in excess of the 100-150,000tpa produced by most other pits in the county. However, in terms of minerals policy, it has not been the County Council's approach to consider the applications on the simple basis of whether or not the site was a Preferred Area for Mineral Working, nor would it be appropriate to attempt to justify the development in terms of its contribution to the landbank of consented mineral reserves. The development would, however, have many of the characteristics and effects of mineral working and, therefore, it is appropriate to consider the development against those policies concerned with the environmental effects of mineral workings, in addition to those relating to its use as a rowing course.

232. The applications were put before the County Council's Planning Sub-Committee in September and November 1991 but decisions were deferred, firstly to enable the views of South Bucks District Council to be considered and secondly to consider further submissions from the applicant. In response to consultations (Documents A15.1-A15.7), objections were received from South Bucks District Council (Document A10), the County Museum, the Director of Environmental Health for South Bucks, Berkshire County Council and Dorney Parish Council. Objections by the County Engineer, the NRA, Thames Water Utilities and MAFF were subsequently withdrawn. Support for the proposal was expressed by the Sports Council and Eton Town Council.

233. 164 letters of objection and 403 letters of support were received by the County Council. In addition there was a petition with 636 signatures objecting to the proposal (Documents A15.20 and A15.21). The main reasons for objection were:

a) effects of the proposal on the visual quality of the locality which is designated as being an AAL;

b) increase in levels of noise during construction of the lake and when completed and in use;

c) generation of dust, mud on roads and pollution during the construction;

d) increased traffic hazards from lorries during the construction period and visitors vehicles following completion;

e) duration of disruption from the prosed development is unacceptable and this may be increased because of fluctuations in the market for sand and gravel;

f) there are other possible sites for the proposed rowing course including worked out gravel pits and the proposed Maidenhead Flood Relief Channel. A rowing course is being constructed in the London Docklands area;

g) digging to the proposed depth is unnecessary to create a lake suitable for rowing;

h) the area has already been subject to extensive gravel workings;

i) the removal of the gravel would affect the water table and the area's drainage, land stability and the foundation of historic buildings in the vicinity;

j) the widening of roads in the vicinity to accommodate lorries would detract from the rural scenery and affect the tourism market;

k) the proposed use is inappropriate to a Green Belt location and would encourage other associated development such as hotels;

l) the prime intention of the development is mineral extraction and the proposed site is not a preferred area in the Minerals Local Plan nor is there a demonstrable need for the sand and gravel;

m) the proposed development would have an adverse effect on existing wildlife;

n) there is no need for a rowing course as the Thames is not crowded at all times and other stretches beyond those used by cruisers are available;

o) the lake would become a commercial venture and its use would not be controlled by Eton College;

p) the area would suffer simultaneous disruption because of the construction of the proposed Maidenhead Flood Relief Channel;

q) local listed buildings would be damaged by the vibration caused by the operations and vehicles associated with the removal of sand and gravel;

r) the development would result in the permanent loss of good agricultural land;

s) prevailing winds in the vicinity would render the rowing course unusable for much of the time; and

t) the development would devalue property in the vicinity.

234. The letters of support highlighted the following:

a) the need for a rowing course in the South East Region;

b) the inaccessibility of Holme Pierrepont;

c) the availability of the Dorney course for other water sports;

d) the desirability of the nature reserve; and

e) the long term benefits of the development would outweigh the disturbance to the locality during the construction period.

235. An analysis of the letters indicates little support from residents in the immediate vicinity of the appeal site, and that the majority of supporters have a specific interest in rowing or Eton College.

236. The applications were considered again when the Council were satisfied that they had sufficient information on the proposal and its likely impact to come to a decision. The applications were refused by the County Council's Planning Sub-Committee on 16 December 1991. Appeals against the refusals were lodged on 10 June 1992.

Planning Policy

237. An agreed statement on relevant planning policies is at Document A22 which includes extracts from both national and development plan policies. Of the two, the development plan policies should carry more weight because as a general rule the national policies are of general application countrywide whilst development plan policies are more site specific and are produced under statute. In particular, Structure Plan policies have been approved by the Secretary of State as applicable to the County of Buckinghamshire and can,

therefore, be taken as the application of Government policy extant at the date when the Structure Plan was approved to the area of Buckinghamshire. Furthermore, there is section 54A of the 1990 Act which, in effect, gives statutory force to Government policy promoting a plan led system.

238. The effect of paragraph 5 of PPG1 "General Policy and Principles" (Document A22) is that a development in accordance with the development plan should be permitted unless it causes demonstrable harm to interests of acknowledged importance. It does not say that a development not in accordance with a development plan should be permitted unless it causes demonstrable harm. Such an approach would be contrary to section 54A. That is made clear in paragraph 25. Paragraphs 26-31 continue with directions as to the proper approach to a planning application.

239. Paragraph 28 of PPG1 advises that where a plan does not have a policy relating to a particular development proposal, or has material policies pulling in opposite directions so that there is no clear policy guidance, an appeal should be determined on its merits in the light of all material considerations. But that is not so in this case where the development plan does have policies which show that the proposal would be inappropriate on the appeal site.

240. In furtherance of the policy in the White Paper "This Common Inheritance", paragraph 3 of PPG1 introduces the concept of sustainable development and stresses that the best of today's environment should not be denied to future generations by current planning decisions. The creation of the rowing lake would cause a once and for all loss of an open, undeveloped and attractive landscape alongside the river. This would hardly accord with the concept of sustainable development.

241. PPG2 "Green Belts" is dated January 1988 whereas Alteration 3 of the Structure Plan was approved by the Secretary of State in July 1989. Paragraph 4.3 of the approval letter states in respect of the Green Belt that the provisions of the Plan are appropriate for Buckinghamshire. Thus in terms of specific policies the Structure Plan is more up to date and apposite for Buckinghamshire than is PPG2.

242. PPG7 "The Countryside and the Rural Economy" indicates at paragraph 1.10 that "it is the Government's policy that the countryside should be safeguarded for its own sake and that non-renewable and natural resources should be afforded protection". Paragraph 2.4 refers to the need to protect the landscape, wildlife habitats, historic features and the best agricultural land. It also advises that it is seldom practicable to return "soft uses" such as golf courses to best quality agricultural use. The proposed rowing course would clearly be non-reversible development. It would neither protect the landscape nor historic features nor the good quality agricultural land which would be taken.

243. PPG16 "Archaeology and Planning" indicates at paragraph 8 that there should be a presumption in favour of the physical preservation of nationally important archaeological remains, whether or not they are scheduled. Paragraph 15 goes on to say that if physical preservation *in situ* is not feasible, preservation by record may be an acceptable alternative. If therefore this development is to be permitted the College's proposals for treating the archaeological remains could be an acceptable alternative, but in determining whether the proposal should be accepted the fact that it results in the destruction *in situ* of the remains is a material consideration.

244. Paragraphs 1 and 2 of PPG17 "Sport and Recreation" declare the importance the Government now places on sport and recreation. However, the emphasis is on publicly available facilities rather than privately available ones. Paragraph 11 suggests that Government policy should be carried out through the development plan process rather than by *ad hoc* decisions. Clearly PPG17 is not intended as a wholesale alteration to development plans outside the statutory procedure.

245. Paragraph 5(b) of the Structure Plan (Document A5) states that it is the policy of the local planning authority to conserve the character and appearance of the Chilterns AONB and other AALs. Paragraph 5(d) protects the open countryside from development whilst enabling provision to be made for, amongst other things, recreation. There appears a cross-reference to paragraphs 28-36 and it these paragraphs which indicate the kind of recreation referred to. Paragraph 28 states that there is a general presumption against sporadic and unrelated development in the open countryside. The policy is for land surplus to agriculture to be used *inter alia* for countryside recreation.

246. So the position is that even considering the appeal site as merely open countryside there would be a breach of policy if this development were to take place. It is not countryside recreation as defined in paragraph 57. That definition states that the activities must require a countryside setting and it is not satisfied, even if it is shown, that the scale of the development is so large that it is unlikely that a sufficiently large area can be found within an urban area. Rowing requires water not a countryside setting. Any argument that the definition should be altered or widened might have weight elsewhere but not in deciding whether the proposal is contrary to the development plan. For that purpose the Plan must be applied as approved.

247. Paragraph 29 makes it clear that the development proposed is contrary to Structure Plan policy. The appeal site lies within an AAL. Again for this purpose one must take the Plan as it is. To describe the site as flat and featureless is nothing to the point, nor is an academic consideration of whether Berkshire apply the same criteria, nor is a suggestion that there should be a similar designation on the other side

of the Thames. The appeal site is within an AAL whether or not the appellants like its appearance.

248. The policy in paragraph 29 states that there is a presumption against any development likely to damage the special character and appearance of the AAL. This development clearly would destroy the character, as it is, of the appeal site and would alter its present appearance. The opening part of paragraph 29 merely gives the motive for the policy. That special attention is to be carried out by the policy of a presumption against any development likely to cause damage. Development for countryside recreation is not an exception to this policy for the conservation of AALs.

249. The basic Green Belt policy is at paragraph 35. It was not given as a reason for refusal because the then County Planning Officer formed the view that the development should be treated as an exception to Green Belt policy because of need. However, not least in view of the opinion of the District Council, it would have been impossible to consider this proposal without mentioning Green Belt. It is very possible that the Secretary of State would have wanted the matter discussed. As to whether or not this proposal is contrary to Green Belt policy must be a material consideration. The point was raised in the Rule 6 Statement and is a matter properly before the inquiry.

250. The grounds of refusal contain matters primarily in dispute between the parties and they are therefore more important than other matters. That is true in one sense and in one sense only. That sense is that these matters were seen by the local planning authority as the reasons for refusal. The procedure now is that the authority gives reasons for refusal and at a later date a Rule 6 Statement containing details of its submission, such a document would have little purpose if it was restricted merely to reproducing the grounds of refusal. The Secretary of State hears an appeal as if the matters were referred to him in the first instance. He decides whether the proposal is proper for permission and not whether the local planning authority have hit the right grounds of refusal.

251. That this development is contrary to the Green Belt policy in the Structure Plan is clear. That was the view of the County Planning Officer as otherwise he would not have formed the opinion that if there were no other grounds for refusal it should have been permitted as an exception to that policy.

252. If the development proposed were countryside recreation things might be different, but it is not. If it were, paragraphs 57-60(e) would have to be considered. Paragraph 57 is the most important of these to this case. That policy requires the countryside recreation to be provided with a minimum of conflict with the interests of, among other things,

local people, landscape and archaeology. This development does not meet those requirements.

253. Paragraph 5(g) of the Structure Plan indicates that it is the policy of the local planning authorities to conserve as far as practicable the character, appearance and environment of the towns, villages and hamlets in the county. Paragraph 45B states that in considering the highway implications of development, various factors will be taken into account including "the avoidance of traffic of excess volume, size or weight on an unsuitable road system or in residential areas and conservation areas". Paragraphs 74 and 75 also contain policies to protect the settings of listed buildings and the need to conserve and enhance conservation areas.

254. The College put these applications forward as applications for a rowing lake and not minerals applications. Landbank policies and preferred areas policies are not germane but minerals policies dealing with appropriate environmental standards should be applied. That seems to be accepted by the appellants although they do seek to find advantages in the proposal for mineral workings in the county.

255. The minerals policies that are material are at paragraph 50(e) which concerns the need to protect important archaeological remains, paragraph 50(b) which identifies a need to protect local landscape, and paragraph 50(c) which is directed towards the adverse effects of vehicles generated by the development on the local environment, particularly on Conservation Areas. Paragraphs 51(c) and 52(b) of the Structure Plan and 75(xx) of the Minerals Subject Plan (Document A6) relate to minimising the impact of minerals traffic.

256. It is true that the Structure Plan does not have a policy for large scale non-countryside recreation in the countryside but that is not surprising, no such policy could be expected. But the Plan does contain policies clearly applicable to the proposed development on the appeal site and all those policies strongly suggest that this proposal is contrary to the Plan. This therefore is a case where paragraph 28 of PPG1 has no true relevance.

257. The Local Plan for South Bucks (Document A5) was adopted in July 1989, following a public local inquiry in 1988. The appellants did not raise any objection to the Local Plan when it was placed on deposit in 1987.

258. Paragraph 2.1.2 of the Local Plan sets out its main objectives which are to be obtained by the application of the detailed policies. The proposals map together with Policy GB1 confirms that the site is within the designated Green Belt. Policy GB10 defines Local Landscape Areas where there is a presumption against any development likely permanently to damage the special character and appearance of these areas. The appeal site lies within one such area. Policy GB11 brings

a presumption against the granting of planning permission for any development likely to affect adversely the use and character of rural lanes and by-roads. Court Lane is such a road.

259. The glossary to the Local Plan (page 166) defines "countryside recreation", thereby throwing further light on the Structure Plan policy at paragraph 35(b), as:

> "provision for public enjoyment of the countryside, for example country parks, picnic sites, footpaths and other areas set aside for public access, but not areas for organised sport or for pastimes requiring extensive equipment or where a countryside location is only incidental."

260. Local Plan policies R1 and R2 gives guidance on the acceptability or otherwise for proposals for the development of facilities for recreation. Policy ENV1, referred to in the first reason for refusal, indicates that development will only be considered acceptable where its design, layout and impact are compatible with the character and amenities of the surrounding area, having particular regard *inter alia* to traffic considerations, including traffic generation, access and car parking. Policy C4 reinforces Structure Plan policies to protect sites of archaeological interest.

Traffic

261. The first reason for refusal is concerned with the adverse environmental effects of the vehicle movements associated with the development of the rowing lake. The vice in the applications is in the large increase in the larger HGVs (3 or 4 axles rigid) during the construction phase.

262. Court Lane is a pleasant quiet country lane. A traffic survey on 19 January 1993 recorded 1,295 vehicle movements over a 12 hour period. Of these, only 18 (1.4%) were HGVs. The addition of 202 HGVs per day from the proposed mineral extraction would create a twelvefold increase in the level of HGV traffic and increase the proportion of HGVs to nearly 15% of the traffic on the road. In the case of Lake End Road, there would be a threefold increase in HGVs and an increase in the proportion of HGVs from 2.8% to 8.2%.

263. A further survey on 5 May 1993 (Document A18.3) recorded 1659 vpd and, of these, 38 (2.3%) were HGVs. None of the larger HGVs (4 or more axles) were recorded and all but 5 were in the lightest category of HGV. With an extra 202 HGVs per day there would still be a sixfold increase and the proportion of HGVs would increase to 12.9%. In the case of Lake End Road the latest figures suggest the proportion of HGVs would increase from 3.0% to 7.3%. Again the trend would be towards much larger HGVs since only 7 of the 133 HGVs recorded were of 4 or more axles and 94 were in the lightest category.

264. The estimate of an average of 202 HGV movements in an 11 hour working day (7am to 6pm) is on average the equivalent of nearly one vehicle every three minutes. In practice output tends to peak in the morning and tail off later in the day. In the winter the working day tends to be shorter and production is likely to fluctuate about the mean of 202 vpd. The application is based on a steady output of 450,000tpa over a 10 year period. In reality, experience shows that output varies substantially over such a long period. There have been wide variations in the output of sand and gravel in the county and in Great Britain over the last 10 years (Document A84). At present there are very large stockpiles of unsold sand and gravel at existing pits in the vicinity and recent consents which have not been taken up. This raises doubts over whether the appellants latest estimate of 210 HGVs per day would in practice translate into 20vph. Variations dependent upon market conditions are more likely and if the 10 year programme is not achieved, the area would suffer high levels of heavy traffic for even longer.

265. Court Lane is clearly a rural road. So is Lane End Road. Its classification as a B road or a local distributor does not describe its character. For most of the time it is also a quiet country road, it could not be described as urban. It is of course busier at certain times, but to suggest that the addition of 200 HGVs a day for 10 years would not change its character is an offence against common sense. To suggest that those lorries would pass alongside the edge of Huntercombe Conservation Area without altering that area for the worse is idle.

266. The Conservation Area centred on Huntercombe Manor and Burnham Abbey was designated by the District Council in 1977 and its location is shown on Plan 1 of Document A84. Appendix 1 of that document comprises a pamphlet giving details of the Conservation Area. Plan 2 and Appendix 2 of Document A84 give details of some 20 listed buildings on or close to Court Lane and Lake End Road. Those most affected are the Pineapple Public House, which would lose part of its frontage including a sitting out area to road improvements, Rose Cottage, Cypress Cottage, Halfway Cottage and The Hermitage. Moreover, the general ambience of the List 1 Dorney Court which is open to the public would be affected by a passing stream of gravel lorries.

267. The proposed road improvements to Court Lane would involve the removal of a substantial number of trees, bushes and saplings as it is shoehorned along the existing route. The works would be particularly damaging north of the entrance to Dorney Court where it is proposed to shift the carriageway some 5m eastwards on the inside of a bend. This would mean the removal of several mature trees, including one on the kerb line shown to be retained on Plan H and in Document A74/1A at Drawing No GKH8a. Here the character and appearance of the lane would change with an understorey of dense vegetation replaced by a raw brick wall.

268. On Lake End Road the proposed road improvement would involve works in excess of those shown on the Local Plan. Here too there would be a loss of mature trees and hedgerows, not least at Ashford Cottages and Northfield Cottage.

Traffic Noise

269. The Department of Transport memorandum "Calculation of Road Traffic Noise" (CRTN) (Document A24.10) provides a method of calculating the L_{10} noise level from road traffic in 1 hour and 18 hour values. The proposed construction of the rowing course could potentially generate traffic over an 11 to 12 hour working day but it is likely that the activities at the site would be compressed into a shorter period.

270. The appellants' figure of 200 vehicles per 10 hour day over a period of 10 years is only a valid figure, as a worst case situation, if the production over that period is steady. The likelihood of that is remote. It is much more likely that production and, therefore, traffic would fluctuate. It is unclear just how the appellants intend to deal with this situation.

271. Redlands' method of working the site (Document A73) is but one of a multitude of different methods and since neither they, nor anyone else, has been appointed as contractor by the College there can be no guarantee that the site would be worked in the manner described or that the plant would be as specified or that the work would be completed in the timescale proposed. Nevertheless, it is suggested that a royalty would be paid by the nominated contractor. Whether there would be payable a full royalty and a payment to the contractor for any cost of working required to meet the engineering standards demanded or whether a net royalty would be payable does not matter, there is clearly a commercial mineral operation. It is not the normal case of a contractor being paid for his work. He will pay a royalty and cover the costs to him not from the building owner but from the sale of gravel produced. The ability to sell the gravel over a 10 year period would be vital to the contractor. It would clearly be in his interest to sell when the market is receptive, and gravel stored in a lean period would be sold later on a receptive market.

272. Various suggestions have been made by the appellants to deal with any possible lack of demand. The idea of reducing the royalty is useless unless the contractor reduces his selling price. Selling gravel to the company's other batching plants would only be effective if the demand for concrete is sufficient and that might not be the case. Another suggestion is a reduction in output at other quarries but that is highly theoretical. In the result it is not shown that there would be a consistent production and hence steady flow of gravel lorries.

273. Taking a flow of 200 HGVs per day and assuming operations take place between 7.30am and 5pm the average movement rate

would be 21vph. Assuming the peak hour flow to be 15% of the total daily flow this gives a peak hour flow of 30vph. However, it is unrealistic to suppose that the mineral would be removed from the site on a uniform basis over the whole of the 10 year period. If the daily rate were 300 vehicles at certain times the peak hour flow, at 15% of the total, would be 45vph. The quantities of sand and gravel moved in years 6 to 10 would generate average flows of 33vph and peak hour flows of 47vph. These flows are a possibility given that the proposed processing plant would have a capacity of 300tph.

274. Thus to get a true figure of the likely increase in road traffic noise it is necessary to produce a range of increases. These are given in Document A85 Appendix 1 and summarised with the other noise impacts in an updated Table 1. It will be seen that the level of traffic noise at 10m from the edge of the carriageway would increase by between 1 and 3dBA over existing levels and, for much of the time, would exceed the $68dBA_{L10}$; the trigger for noise insulation under the Noise Insulation Regulations 1975. Under the Regulations an increase of 1dBA over the 68dBA threshold qualifies for sound insulation to properties where the increased noise level is attributable to new or altered carriageways. By definition, therefore, an increase of 1dBA is regarded as significant. The exercise is repeated in Appendix 2 using the most recent data supplied by the appellants which contains a significantly lower base line HGV flow rate. The net result is then an enhanced traffic noise impact of 1.4-3.8dBA but slightly lower ultimate levels.

275. The worst case prediction of $+3.8dBA_{L10}$ is matched and in fact exceeded by some of the appellants' off peak HGV impacts (Document A78 Appendix D). A 3dBA increase effectively equates to a doubling of traffic noise. The appellants, who rely on the Manual of Environmental Appraisal, suggest that this increase would be just perceptible when more realistically it would be very significant. Indeed, the revised version of the Manual to be published in June 1993 will reduce the threshold of significant change from 3dBA to 1DBA. This change reflects recent research by Griffiths and Raw (Document A85 Appendix 3).

276. The percentage of HGV traffic might be as high as 19% of the total flow and could certainly be more than the appellants own estimate of an upper limit of 10%.

277. The appellants assert that free flow traffic conditions would prevail in Court Lane and Lake End Road even with the imposition of the extra HGV traffic. This would not be the case with gravel lorries accelerating away from the site access at Climo's Corner, stopping at the Lake End Road junction and generally slowing to speeds of less than 50kph along some sections of the road. It is widely acknowledged that HGV traffic travelling under interrupted flow conditions gives rise to added nuisance and that CRTN tends to underscore this impact.

278. The reaction to road traffic noise is enhanced when the increase is due to the more penetrative low frequency noise from HGV traffic. Low frequency noise can also cause noise induced vibration within roadside dwellings, and it is this which is the cause of the familiar window rattles in such dwellings.

279. A major study by Langdon (Document A85 Appendix 4) has demonstrated a direct relationship between annoyance and the percentage of HGV traffic and there is evidence to show that people do not become accustomed to the changed noise climate for a number of years.

280. It is apparent that the use of HGVs to transport aggregates from the appeal site would be unacceptable when considered against normal criteria. The fundamental objection lies in the excessive length of minor road that must be used to gain access to the primary road network and the significant number of people who live alongside that haul route. Similar circumstances existed in an appeal at Bridge Farm, Willingham where the Inspector concluded that HGV traffic would have an unacceptable impact notwithstanding the fact that local roads were physically capable of carrying the extra traffic (Document A85 Appendix 6).

Noise and Dust from Site Operations

281. Background noise levels measured around the site are relatively low at around 45dBA$_{L90}$ (Document A85 Table 1 and Map 1). Although the site is occasionally overflown by aircraft departing from Heathrow, this does not detract appreciably from the general tranquillity of the area but it does account for the relatively large difference between existing noise level expressed in terms of L_{Aeq} and corresponding background L_{90} noise levels.

282. An assessment has been made of site noise using the method described in BS 5228:1984 (Document A24.5). The predicted noise levels are based on the scheme of working produced in the Environmental Statement and before MPG11 was published in its final form. However, the appellants' calculation of predicted noise levels contained within the Environmental Statement were subject to certain errors (Document A85 Appendix 7) which have been acknowledged and changed.

283. The noise impact assessment summarised on Table 1 of Document A85 assumes that earth bunds would provide either 5 or 10 dBA attenuation depending on whether the noise source is partially or fully screened (BS5228 page 11) and, for soft ground attenuation the CONCAWE correction factor is applied (Document A24.6 page 91). It is accepted however that as MPG11 uses free field figures, the applied facade correction of 3dBA should be deducted from the predicted levels to equate with the MPG11 figure of 55dBA. A further 4dBA should be deducted from the final figure for Elm Farm Bungalow to take

account of a screening bund. New information relating to construction methods and plant to be used would have a minimal effect on the figures in Table 1.

284. Table 1 gives the predicted noise levels at each construction phase and therefore includes activities such as bund construction and removal and sheet piling, as well as longer term impacts of noise from site haul roads, processing plant and soil depository activity. The rationale is that short term, as well as longer term impacts, give rise to legitimate complaint and the very high noise levels which can arise, during piling operations for instance, cause considerable distress.

285. To assess the likelihood of complaints the BS4142 approach, which is still regarded as valid in MPG11, has been used (Document A24.4). This suggests that an increase of 10dBA$_{Leq}$ above the background L_{90} will give rise to complaints while a 5dBA increase is of marginal significance. From Table 1 it will be seen that there would be extensive periods when the increase in site associated noise levels would exceed +10dBA thereby giving rise to justified complaints. Certainly a substantial loss of amenity could be expected at Boveney and at properties along the south bank of the Thames. The impact would be the most severe at the Willows Caravan Park where mobile homes have a poorer level of sound insulation than traditionally constructed dwellings.

286. A certain amount of confusion arises over the appellants' position on the appropriate sound power levels to be applied to plant working on the site. Rather than use the data contained in BS5228 which has been used for the predictions in Table 1 (Document A85), the appellants' first witness, Mr Curzon, relies on EC test levels for his sound power levels. He accepted that some of those tests were for stationary machinery and he would expect working machinery to make more noise. Then, the second witness, Dr Walker, relied on his experience and the fact that he had measured certain working machines and found them quieter than their test results or "badge" levels. He said he would advise the use of the quietest machines and thought the site could be worked within a 55dBA limit.

287. Certain points arise on the application of MPG11 limits. MPG11 is dealing with minerals operations and the appellants have consistently stated that these are not minerals applications. If that is right then MPG11 can only be some form of proxy. MPG11 sets out 3 limits: first, 55dBA for extraction; second, an unspecified higher limit in paragraph 42; and, third, 70dBA for bund construction (paragraph 61). It can be seen why a higher limit should be applied for bund construction as that is the bitter pill that makes the patient feel better, but no reason, other than that they do not last long, has been given for treating the other temporary operations including piling as other than part of the construction of the course.

288. The research report "Environmental Effects of Surface Mineral Workings" (Document A24.8) suggests that dwellings within 500m of a minerals site are vulnerable to nuisance from dust but that this distance can vary with topography and prevailing winds. On this basis dwellings south of the Thames would generally be safe but Boveney would routinely be at risk from the nearby reception void, cross site movement of materials and bund construction. Of particular concern is the total reliance on vehicles, rather than conveyors, to move material around the site.

289. Probably at the end of the day all that can reliably be said is that because Eton College wish to build a rowing course the surrounding area would suffer appreciably more noise and dust than if a permission is refused. On that question MPG11, deal as it does with minerals operations in an otherwise acceptable location, is nothing to the point.

Landscape

290. Although the Dorney area was not included as an AAL in the original consultative document in 1979 (Document A8), its subsequent inclusion followed very careful consideration. Not least from Taplow Parish Council whose submission (Document A86 Appendix LA 3.2.3) indicates that the character of the area was essentially the same in 1979 as it is now. The submission also draws attention to the historical and cultural importance of this last remaining large scale, open landscape in the locality. Certainly, the visual quality of this stretch of the Thames was appreciated much earlier by Jerome K Jerome (Appendix LA 3.2.4).

291. The designation of AALs in Buckinghamshire is sound. Landscape assessment was undertaken as a countywide exercise enabling discrete and recognisable landscape units to be evaluated on a comparative basis. Thus the defined areas are those of strategic landscape importance with more local landscape definitions undertaken by district councils.

292. Whereas the second reason for refusing the applications refers to paragraph 29 of the Structure Plan, South Bucks DC are also concerned that the proposal conflicts directly with paragraphs 50(b) and (e) of the Plan. This minerals policy seeks to protect AALs and archaeological sites from mineral workings. Exceptions are possible, but only to meet an essential need for the mineral which cannot be met from any other source and that is not the case here.

293. Paragraph 51 of the Structure Plan is concerned with the impact of mineral working and restored sites on the landscape. In this case the creation of a very large, highly engineered body of water would cause a material change in the landscape character of the area which would be contrary to policy.

294. The appeal site is in part screened by the surrounding vegetation but it can also be seen from certain vantage points

as illustrated on Plan N and shown on the photographs comprising LA 3.2.5 of Document A86. From the site itself there are clear views of Windsor Castle and tall buildings in Slough. Numerous other buildings can be seen from one part or another of the site, equally views into the site are possible from a number of public roads, footpaths and bridleways, including the Thames Towpath which forms part of the Countryside Commission's long distance footpath (Document A86 - LA 3.2.2). Thus the site is not particularly well contained in visual terms and the agreed site description (Document A17) and ES (Document A2) underplays the site quality, visibility and quite probably the value of the site for wildlife given recent sightings of a wide variety of bird species.

295. The ES also omits to identify and consider certain potential impacts (Document A86 - LA 3.2.1). Well documented features such as TPOs are incorrectly plotted and although this is rectified by the latest Master Plan there is still room for doubt over whether these trees would survive the proposed construction. There is no schedule of the existing vegetation nor of the losses that could be expected. There is no baseline study of the site's ecology although some data (eg. on butterflies) has been presented to the inquiry. There is no assessment of the effects of off site traffic nor of the likely impact of the proposed improvement schemes. The ES may have been accepted without requests for further information by the Council but that does not make up for its deficiencies. It proves less than helpful when forming a judgement on the impact of the proposed development.

296. The main impacts of the proposal can be considered as arising from two distinct stages in its development. First, the construction phase which is essentially a minerals operation and, second, the afteruse as a regional recreational facility.

297. As to the first, there would be a considerable visual impact upon surrounding properties. Although this could be mitigated to some extent by landscaping and bunding, the trees that would be planted would take time to mature and be effective and the bunding would be out of character on this flat site. There would be a distinct change in the views from certain footpaths, one would be extinguished and the other realigned behind bunding. The upper parts of the processing plant would be visible despite the bunding and would appear as an industrial feature in a rural area. The present tranquillity of the area and unspoilt nature of the river would be lost to the noise and general activity of a mineral working and its associated traffic.

298. In the longer, much longer, term, the outlook from nearby properties would change with views foreshortened by planting and bunding. The character and appearance of the site would change substantially. Its special character would be damaged thereby directly contravening the Structure Plan policy at paragraph 29. At present, and at the time of the designation

of the AAL, the appeal site is and was a large open field set in a landscape of somewhat smaller scale areas. One may like it as it is, and many of the local residents apparently do, or one may dislike it as the appellants landscape witness apparently does, but what is abundantly clear is that replacing that field with a large water feature, an arboretum and a nature reserve of small fields would damage the present character to complete destruction. The appellants suggest that the proposal would enhance the scenic beauty of the AAL. Whilst not accepting that argument, but assuming it is true for the moment, takes the matter no further. There is still a presumption against damage to the present character of the area and it is against that damage that the presumption in paragraph 29 operates. Even if true, which is denied, the appellants' argument can go no further than saying there is a breach of the policy, but benefit accrues from such breach. That proposition is, however, incorrect.

299. The appellants suggest that the landscape has deteriorated since it was surveyed and designated as AAL, they cite the loss of hedges and trees. However, aerial photographs taken in 1979 show that little has changed, as do Ordnance Survey maps going back to 1881 (Document A86). It is quite probable that the site has remained unchanged for centuries and is a relict of a pre-enclosure landscape. It could also be of great historical significance.

299. As originally presented in the ES, the rowing course was to be a true rectangle engineered to precise standards, standards dictated not by any consideration of its appearance as a landscape feature but by the requirements of FISA. Now it is the same except that it would have scalloped edges. In appearance with its necessary ancillaries including the buoyed lane markers it would still have that appearance. It would be of a similar length and width as the runway at a regional airport. There would also be a substantial boathouse, towers, roads, fencing, earthworks and planting on a scale commensurate with major development. All features which would be totally destructive of the open character of this particular AAL.

300. On one side of the rowing course would be an arboretum and on the other a pattern of small fields with some agricultural use all directed to producing a nature reserve which, as a landscape feature, would be of little value. These three disparate features are put together with some treatment at the joins and called an integrated design. If that is true then any housing estate with gardens bordering onto farmland can be described as an integrated design with that farmland. In reality, a rowing course, arboretum and nature reserve could exist independently of each other with physical, functional and visual breaks between them. Here there is gravel extraction producing a course for rowing with the other uses added as mitigation in the form of planning gain. To suggest that the proposal would result in future in a heritage landscape is to show an admirable, but misplaced,

confidence in the landscape architects' abilities. It may be that someone looking at the finished development would prefer the contrived landscape to an open field, others might regret the loss of a large open area alongside the Thames. But however that might be, it cannot be accepted in the context of the policy at paragraph 29 of the Structure Plan that it is open for landscape architecture to change an existing resource.

301. The appellants' landscape witness points to a wide area of the Thames Valley west of London (Document A74/1A Plan GKH1) to provide a context for development on the appeal site. This very extensive area embraces a wide variety of landscapes, so much so that it is difficult to see what form of development would be out of character on the appeal site. Specific references are made to royal palaces and other stately homes and their parkland settings, but this wide area also includes built development, motorways and open spaces within urban areas. To consider such a large area is mistaken as it denigrates the appeal site and treats it as just another part of the Thames Valley rather than a part of an approved AAL with its own character. The result is that a wholly inappropriate design is produced. A design constrained by certain extraneous matters. The size and orientation of the rowing course and adjacent mounding and planting are dictated by functional considerations and not by the desire to create a water feature in the landscape like the Long Water at Hampton Court. Confusingly, it is suggested that the rowing course does not need screening but would be screened. The result is that the proposed development would produce a landscape which is of no great intrinsic worth, is out of character with the AAL and is contrary to paragraph 29 of the Structure Plan.

Nature Conservation

302. As with the rowing course, the location, form and size of the nature reserve is not dictated by landscape design considerations. Rather the nature reserve area is conditioned by the habitats to be created rather than the landscape design concept.

303. The nature reserve as originally proposed is described in paragraph 9.27 of the Environmental Statement (Document A2) as containing grassland, wetland, hedgerows and spinneys. That the wetland would comprise only the edges of the return lane was not clear. Certainly, English Nature thought originally that wetland habitats would be present on the land to the south of the rowing course and their letter of 8 May 1991, which expresses interest rather than outright support, was framed on that basis. More recently, and in possession of the latest proposals for the nature reserve, they have revised their position. They now say that if the MAFF recommendations for the production of fertile soils and use of under drainage to prevent marshy ground were followed there would be no gains for nature conservation. Under these circumstances they say

they have no option but to withdraw support from the project (Document A86 - LA 3.2.6).

304. The note on land drainage put in by the appellants (Document A57) is intended to clarify matters but fails to do so. Firstly, it ignores any input from the local planning authority who would be concerned with aftercare arrangements. Secondly, it suggests that the benefits of any under drainage would not be to maximise agricultural production, but to assist with the rehabilitation of the natural soils. The meaning is unclear; natural soils are now agricultural soils, rehabilitation would be to produce their present agricultural fertility. MAFF is unlikely to accept a drainage system which produces severe restrictions on the agricultural potential of the land. Whenever a flaw is exposed the appellants' previously stated intention changes and an attempt is made to avoid the flaw. Document A57 does not suggest that any wetland as opposed to water bank habitat would be produced.

305. In the result the nature reserve area produces nothing of real significance and nothing that could not be produced without this proposal being permitted. The hedges could be planted and a positive use for agriculture as envisaged could take place. The educational facility provided within Eton College's Charter could be provided without the need to dig gravel. If there is going to be a rowing course there may be an advantage in having a nature reserve, but the provision of a reserve does not outweigh the disadvantages of the appeal proposal.

Archaeology

306. The third reason for refusing the applications concerns the loss of important archaeological remains. As the applications are in part minerals applications there is a clear breach of paragraph 50(e) of the Structure Plan; there being no case on the grounds of need to work the mineral. The proposals also conflict with paragraph 74 of the Structure Plan, paragraph 75xv of the Minerals Subject Plan and Policy C4 of the South Bucks Local Plan.

307. Archaeological features, as evidenced by crop marks, have been known to be present on the appeal site for many years. The sites shown on Figure 1 of Document A79 are registered in the County Sites and Monuments Record. However, it is unlikely that all the features of archaeological interest present on the site have been detected by the methods employed by the appellants' consultants: namely; the use of air photographs and trial trenching. The former was shown to be unreliable at the Marston Meysey site in Wiltshire (Document A87 Appendix 1) and an overall trench sampling programme of blank areas was not used. Other techniques, albeit of lesser value, such as field walking, test pit sampling, electronic survey and phosphate analysis could have added to the data available.

308. Since 1990 a more consistent view of the process of evaluation on potential archaeological sites has emerged following the publication of PPG16, with the onus clearly being placed on the applicant to provide full information about areas which may contain features of archaeological interest. Little is known of the potential of this particular site, but its importance is demonstrated by the discovery in the last 20 years of two Neolithic causewayed enclosures, one adjacent to the application site on the west and one just past Boveney to the east.

309. The Dorney site has the largest surviving prehistoric cropmark complex in south Buckinghamshire (Document A87 Appendix 2). Its importance is all the more relevant as substantial areas of potential in this part of the county have been built over or used for mineral extraction.

310. The most significant area on present evidence is Site F, a unique combination for Buckinghamshire of later Neolithic-Bronze Age secular and ritual landscape, rare also in the Middle Thames as a whole. Of the other identified sites, perhaps Site I is the most important. Here there is an association of ritual monument with domestic occupation whose full extent has not been determined. Furthermore, there remains the potential for features associated with a river frontage trading place, a river crossing and hinterland with ritual foci. Thus the site is an interesting one but the full extent of the remains is still undetermined.

311. English Heritage are aware of the evaluation of this site but not its results. Their new scheduling programme is currently under review and it is not surprising therefore that this cropmark site has yet to be scheduled.

312. The importance of the Dorney site lies in the assemblage of Bronze Age landscape including burials, field systems and occupation. Certainly part of this complex would be destroyed by excavation and that left *in situ* seriously damaged in the course of site operations by dump truck movements and the tipping and spreading of several hundred thousand tonnes of overburden. Unfortunately the character and configuration of the development is such that there is little scope for topographical manoeuvre to avoid even the archaeological features that are known to exist.

313. Site I would be destroyed and Site G largely destroyed. There would be significant damage to Site F (west) where the mid-Bronze Age cemetery and part of a ring ditch would be lost. The southern part of Site F (east) would be lost to the lake and the northern part buried beneath parkland mounds and planting.

314. Although dewatering and ploughing may have reduced the potential of the site to a degree there are few sites in the Thames Valley where this is not also true. The water table at Dorney has been low for some time as can be seen from the

record of boreholes dug in 1986 (Document A87 Appendix 4) and construction of a rowing course would not reverse the process. Any stabilisation of the water table due to the proposed development is likely to be at a level below the depth of the majority of archaeological features. Ploughing has also caused some damage but it not clear whether a return to a ploughing regime would cause further damage.

315. PPG16 advises that it is preferable for important archaeological remains to be preserved *in situ*. The appellants seem to suggest that their proposals for the remains, part recording and part left *in situ*, is preferable to what they see as the other option, namely benign neglect. But if preservation *in situ* is of greater advantage then the College, as an educational charity, might be expected to safeguard an educational resource rather than make money from digging it up. Certainly it is mere conjecture to suggest that reduction in the water table will continue to occur and it is in their own hands as to whether future ploughing will take place.

316. If the development were to be permitted there would be a breach of the policy at paragraph 50(e) of the Structure Plan and the second best option from PPG16 would be adopted. In those circumstances the appellants' proposals are probably acceptable but there must be doubt over whether the £350,000 would prove sufficient for a full investigation of the remains to the standard required by the County Council.

Green Belt and Recreation

317. Green Belt considerations cannot be left out of account. The County Council has always seen the proposal as contrary to Green Belt policy, but it was seen as a suitable case for an exception to that policy. The County Council now put forward a joint case with the District Council which includes Green Belt matters as indicated in the Rule 6 Statement. It is true that there is no County Council minute to that effect but under County Council procedures that is not necessary. It is also true that Green Belt policy was not given as a reason for refusal of the applications but it is nevertheless a material consideration.

318. At paragraph 40 of his report to Committee (Document A9), the County Planning Officer is dealing with the applications as minerals applications. That is made clear by the fact that he found policy reasons sufficient in his view to support refusals.

319. Government policy on Green Belts is expressed in Circulars and PPG2 and further guidance is contained in the booklet "The Green Belts" published in 1988. The importance of maintaining the Green Belt is reiterated in regional policy as set out by SERPLAN in "A New Strategy for the South East", RPC 1789. The relevant Structure and Local Plan policies

relating to the Green Belt are contained within Documents A4 and A5 and have been referred to earlier in this report.

320. There can be no doubt that the appeal site is appropriately included in the Green Belt and that the proposed development conflicts with the policy presumption against development in the Green Belt at paragraph 35 of the Structure Plan. It does not qualify as an exception as "countryside recreation" which is defined in the Structure Plan as:

> "those activities which require a countryside setting or are intended to serve the rural population and cannot be accommodated within a village."

321. The proposed development is not intended to serve the rural population nor does it require a countryside setting. This is clear from the fact that the rowing trench or course would be used by the College and oarsmen from a wide area, and the existence of a rowing course in London Docklands demonstrates that rowing can take place in an urban area (Document A88 Appendix 22). Accordingly a countryside setting is not required.

322. Furthermore "countryside recreation" is only acceptable where it is consistent with the recreational policies contained within paragraphs 57-60E. The proposals are contrary to paragraph 57 as they involve conflict with the interests of local residents, landscape and archaeology. They go against paragraph 59 since they do not relate to the recreational potential of the River Thames, indeed they would reduce the recreational use of the river by providing alternative facilities. Paragraph 60 lists facilities which would be acceptable in appropriate locations, including AALs, but makes no mention of a rowing course. It also refers to the provision of circular walks. In fact one such walk would be lost as a result of the proposals.

323. The South Bucks Local Plan gives a further definition of "countryside recreation" in its glossary:

> "Provision for public enjoyment of the countryside, for example country parks, picnic sites, footpaths and other areas set aside for public access, but not areas for organised sport or for pastimes requiring extensive equipment or where a countryside location is only incidental."

Clearly the proposals do not fall within this definition of "countryside recreation", since they involve organised sport requiring extensive equipment.

324. It is accepted that the Glossary of Terms in the Local Plan does not amount to a policy. It is, however, an indication of the meaning of "countryside recreation" in the development plan, the Structure Plan and Local Plan, with the Local Plan taking preference in case of conflict and so cannot

be completely ignored. The Local Plan definition was accepted by an Inspector and instrumental in his decision on a Green Belt case in the District (Document A88 Appendix 4).

325. The proposals, if approved, would necessitate the construction of a large boathouse. This together with the starting and finishing towers (Document A88 Appendix 1), surfaced car parks, concrete hardstandings and bridges would constitute an encroachment of major development into the Green Belt and injure the amenities of the Green Belt contrary to PPG2. A further appeal decision (Document A88 Appendix 5) draws attention to the unacceptable impact of substantial hardstandings on the Green Belt.

326. Whilst these appeals do not bind a decision in this case they do show that the above matters are worthy of careful consideration. The public's perception of the purposes of Green Belts includes, according to recent research by Hanley and Knight, the conservation of landscape quality. PPG2 also makes it clear that maintaining the visual character of Green Belts is important. These proposals would damage the character and appearance of this part of the Green Belt whose landscape qualities have been recognised by the designation as AAL.

327. Justification for these proposals in the Green Belt are, like golf courses, on the basis that they provide for open air recreation. Yet paragraphs 57 and 58 of PPG17 sounds a cautionary note on golf course development suggesting that special care should be taken when considering such proposals in the Green Belt and that applications should contain full details of the site and its impacts.

328. The proposals clearly involve a substantial and intensive use with a level of activity that would be detrimental to the character of the area. The proposals are contrary to Green Belt policy as they amount to an encroachment of built development into the Green Belt. They cannot be considered as being for countryside recreation as defined in the Structure Plan. As the College put their case forward as the construction of a rowing lake and not as a minerals application, any exclusion of minerals from the normal Green Belt restrictions is besides the point.

Benefits and Need

329. The claimed benefits from the proposed development are numerous and range from the fact that Eton College is the developer to the advantages to the College and British international rowers and include on the way improvement to the landscape, the production of a nature reserve, the advantages to Green Belt and minerals policies, and gains for horse riders. Increased road safety is also added to the list. The main benefit, and the only one the local planning authorities accept, is the benefit to Eton rowing.

330. The change in landscape, which is far from beneficial, is the result of a cosmetic exercise in disposing of overburden and planting around a rowing course whose position and orientation has been determined by extraneous constraints. The landscaping of the site is not the product of an overall design incorporating a water feature as a setting for royal palace as is the case at Hampton Court and to which it has flatteringly been compared. Nor can this landscape, conditioned by the requirements of the NRA and MAFF sensibly be compared with Windsor Great Park or Stowe. The obliteration of the present character of the site, the *raison d'etre* for its designation as AAL, cannot be considered a benefit.

331. The nature reserve cannot include the wetland habitat originally envisaged because of the need to provide under drainage in order to retain better quality soils. Thus the potential for habitat creation is not significantly greater than if the land were to be left in set aside.

332. The appellants suggest that the proposal would safeguard this area of Green Belt because once the development is implemented the land would not be available for further development. This envisages a need for development so pressing that the Green Belt has to give way. Two situations can be envisaged; first, where need can only be met on the appeal site, and second, where it can only be met in the Green Belt but not necessarily on the appeal site. On the first scenario if this proposal goes ahead then either the pressing need is met by destroying the rowing course or on the nature reserve or arboretum. In the second case another Green Belt site would be found and there would be two inappropriate developments in the Green Belt. In neither case has the carrying out of the proposal safeguarded the Green Belt.

333. The appellants' minerals consultant's criticism of certain contents of the draft MPG6 is irrelevant and far outside the ambit of this inquiry. It is suggested however that working this site would result in an advantage in terms of the supply of aggregates in that it would either prolong the life of other pits or mean that less suitable sites need not be dug. In considering this argument it should be borne in mind that the appellants' witness accepts that a sand and gravel application on this site would have no chance of success. A less appropriate site would have even less chance of a permission for gravel winning. So there is no advantage in safeguarding less suitable sites. So far as prolonging the life of existing pits is concerned it is difficult to see how that produces an advantage. It merely prolongs the disruption caused in other areas. From a gravel point of view the total reserve over a given number of years remains the same whether the appeal site is excavated or not. If not dug the gravel remains in the site available to meet any dramatic shortage. The result of working the appeal site and reducing or ceasing production in other permitted areas is only to prolong the disruption in the more suitable areas by adding thereto ten

years of production from the unsuitable appeal site. There is no advantage at all in this.

334. So far as horse riding is concerned a permissive bridleway from Climo's Corner to Dorney Common by way of the appeal site would be provided although why that is dependent on the rowing lake proposal being accepted is not clear.

335. The main benefit claimed is that the rowing course would meet a need for improved facilities for rowing at Eton. The question, however, is whether that benefit outweighs the harm that arises from the proposal.

336. Eton College is a well known rowing school with a good record in the sport. To offer the use of a 2000m long rowing course would clearly look good in its brochure. It would also help them in avoiding some of the difficulties that they now experience. It would make the organisation of rowing easier than it now is and give more continuity to their rowing timetable. Those are clearly benefits for the College.

337. It cannot, however, be said that rowing is impossible now for the College or that it is so unsafe to row on the Thames as to make it unacceptable. The institution of a rowing course for other schools in the summer at a time when the Thames was busier than now demonstrates that. The further suggestion, in advance of the construction of the rowing course, that the numbers at the schools course will increase also demonstrates that position.

338. Despite this, the Environmental Statement implied that river congestion had created a situation which was now too dangerous for rowing to be acceptable on the Thames. Some limited information was provided on the numbers of craft passing through Boveney Lock in 1988, 1989 and 1990.

339. When the applications were determined it was considered that the "need" was such as to justify an exception to Green Belt policy. However, since that time further information on river traffic has become available (Document A88 Appendices 6-15). This information provides a wider context for the proposals in terms of the issue of safety, and hence of "need". It shows that, over the last ten years, there has been a substantial decrease in the number of craft passing through Boveney, Romney and Bray Locks which cover the stretches of river used by the College for rowing. In 1991 total movements through these locks were between 72.9% and 80.5% of what they were in 1981. Furthermore, the records show that the river is now as busy as it was 20 years ago. At Boveney Lock the total number craft passing through is the same as it was in 1967 with the number of launches as in 1970. At Bray and Romney Locks the totals are as in 1972/73 with launches as in 1969/70 and 1973 respectively.

340. On those figures even if they are not wholly like with like in terms of the size of craft it must follow that the

number of craft using the locks has decreased. During that 20 years, 1973-1993, College crews have been rowing on the Thames in conditions which must have been considered safe. Thus rather than demonstrating a "need" for a separate rowing course, the figures show that the river is becoming less congested and better able to accommodate the College's rowing requirements. Photographs taken in May 1993 suggest that the river is far from congested (Document A88 Appendix 23).

341. From the locks made figures it is impossible to draw any conclusion on the size of vessels. But the appellants' perception is that launches have become bigger. Even with the NRA's letter which deals with the whole of the Thames (Document A51) that remains a perception. Changes in averages could come about from a variety of circumstances, one is more owners of smaller craft giving up. Certainly this perception evidence can only be second best.

342. It is suggested that pleasure boat operators are doing more trips than previously, but present figures for those trips do not show that situation as they cannot be compared with past records. However, an article in the Independent newspaper (Document A88 Appendix 24) suggests a decline in boating holidays by a third since 1978/79.

343. The safety log of incidents compiled by the College (Document A69 Appendix 14) really says very little and does not show an unacceptable danger to rowers. The NRA are only aware of incidents by hearsay, rumour and complaint. They are concerned to deal with possible offences against Acts and Byelaws or persistent dangers. They have not highlighted any such persistent dangers.

344. The alleged difficulties caused by a strong stream and high winds have been overstated. The number of days lost to rowing by inclement weather conditions are indeed few and the Flood Relief Scheme, if approved, could be expected to improve conditions on the river. It is also the case that the College's "need" for a 2000m course to FISA standards is not supported by the fact that only three of their internal events are rowed over 2000m, and most (78%) are rowed over 1000m or less.

345. It is only if the desire of an owner is to overrule general planning policies because it is a school or because it is Eton College, that it can be said that Eton's position is determinative. So to hold would be to give Eton a special consideration for which they do not ask.

346. The rowing community has a desire for this proposed course and that is appreciated. Such a rowing course in this part of the Thames Valley would be desirable, whether it would increase Great Britain's international successes is problematical. The geographical position that could meet that demand is wider than the appeal site, and the real question here is whether that demand is to be met in the way other

demands are met, that is in accordance with rather than contrary to planning policies. To make an exception for rowing, which, without denigrating it in any way, is a minor sport, would be a retrograde step and one which as a matter of principle should not be supported by the Sports Council. Especially since alternatives do exist in compliance with planning policies, such as at Cleveland Lake Farm in Wiltshire and in Docklands where the course at the Royal Albert Dock would assist urban regeneration and would not damage the Green Belt.

347. In the result, the desire and support there is for this proposal, which falls short of a planning need, should not be allowed to override normal planning considerations which show that this development should not be allowed. The proposal is not all bad, but it is not, as the appellants appear to claim, all good. It is in the wrong place and should be refused planning permission. However, if planning permission is granted, the conditions suggested by the Council should be taken into account. *Details of these conditions, the appellants' comments thereon and the Council's views on the various legal agreements and undertakings are given in Annex B of this report.*

Footpath Orders

348. The local planning authority's approach to this matter is that if the proposal is to be permitted, then confirmation of the draft Orders must follow. However, in deciding whether the development should be allowed it must be remembered that one circular walk would be discontinued, and it is the policy of the Development Plan to promote circular walks as countryside recreation.

THE CASE DORNEY PARISH COUNCIL

The material points are:

349. Dorney Parish Council have been firmly opposed to the development of a rowing lake on Thames Field since the first proposals were formally put to the Annual Parish Meeting in 1987 by the then Provost, Lord Charteris. At that time it was envisaged that a smaller course would be constructed, it would take five years to build, and the gravel extracted would be exported, across or under the Thames to Bray, for processing and onward conveyance. The College, it was said, were keen to preserve local amenities and no gravel would be transported through the parish by road.

350. At about the same time Thames Water (subsequently the NRA) unveiled their proposals for the Flood Relief Channel and it was thought that, given good will on all sides, adequate and safe rowing facilities might be incorporated in the Channel. Certainly the Parish Council was consulted on the Flood Relief scheme and locally expressed views were taken

into account by Thames Water and the NRA. In contrast, the College did not consult the parish who were unaware of the changes to the rowing course and the transportation of gravel until after the planning applications had been submitted. Rather the College relied upon consulting Mr Peregrine Palmer to assertain a measure of local opinion but Mr Palmer stands to benefit finiancially in the event of planning permission being granted to the College.

351. At that time DROPET (Dorney Residents Opposed to the Eton Trench) was formed as an independent pressure group. DROPET has raised its own funds although it has had some financial support from the Parish Council.

352. In 1989 an attitude survey of parishioners revealed that 48% regarded the College's proposals very unfavourably, 23% unfavourably and only 11% were in favour. Out of a total of 296 replies, 71% were against the scheme. More recently a random sample of representations made in respect of the appeals showed 7 local residents in favour of the proposals and 157 against. Overall, 236 were against the proposals and of 632 letters in support 603 were from those with an interest in Eton College or rowing (Document IP1). Two petitions, against the proposals, were signed by some 938 people.

353. Further evidence of the strength of local opposition is the fact that the Parish Council received unanimous support at the 1993 Annual Parish Meeting for a proposal to quadruple the annual precept in order to fund opposition to the College's proposals and be represented at this inquiry. Even then it has been impossible to match the cost and effort the College has put into obtaining support for the proposals.

354. Whereas the College might "require" a rowing course it cannot properly be said that it "needs" one of such large dimensions. The College's historical association with rowing and its aspirations are acknowledged, but the availability of a rowing course of this size cannot be considered a core requirement. There may possibly be a wider national and regional need for a rowing course in the south of England; but this should be satisfied by the appropriate statutory authorities after full investigation into possible sites. As was the case in regard to the Flood Relief Channel.

355. It is claimed that rowing on the Thames has become increasingly dangerous but the College's case is overstated. In fact there has been a reduction in river traffic in recent years. Day to day rowing could still be carried out on the river with improved management and higher level training purposes met at an alternative location. Projects are under consideration at Cotswold Water Park in Wiltshire, the Royal Albert Dock and at Waterbeach near Cambridge (Document IP2 Appendices NSJ5-NSJ3). Any or all of these could produce an international size rowing lake sooner than the appeal site. More locally, there are reservoirs and former gravel pits which could provide for still water rowing at Abingdon,

Wraysbury, Caversham/Sonning, Denham and the Flood Water Channel (Document IP2 Appendices NSJ4-NSJ7). It is recognised that there are difficultities at some of these sites but there is the prospect that a good number could come to fruition in 10 years' time.

356. Dorney has a need to protect and conserve its environment. It is already faced with the prospect of planned or already approved development at Dorney Court Plant Centre, the widening of the M4 and A4, the re-location of a CAA aircraft beacon, the Sainsbury's superstore and the Flood Relief Channel.

357. For the most part a rural landscape dominates the parish. Dorney Common, Thames Field (the appeal site), the attractive reaches of the river and the historic buildings at Dorney Court impart a distinctly rural atmosphere to this secluded area which contrasts sharply with the urban character of the nearby towns of Slough, Maidenhead and Windsor. Given that the appeal site comprises 32% of the area of the parish, it is easy to understand why local residents feel vulnerable to domination by this large scale project, the like of which the locality has not seen before. The Parish Council is concerned at the prospect of widespread disturbance to residents and harm to the visual amenities and character of the area, not only during the construction phase but also thereafter as evidenced by ancillary developments at Holme Pierrepont where large buildings, a massive scoreboard, concrete hardstandings, "temporary" structures and loudspeakers dominant the scene.

358. The Parish Council supports the position adopted by the local planning authorities concerning noise and vibration, dust, landscape and visual impact. The whole of the parish would become noisy, dirty and dangerous during the construction period and there would be pressures for road and infrastructure enhancement in keeping with the status of an Olympic standard rowing course. Dorney would become a much less pleasant place in which to live and property prices would fall (Document A52). The Council are particularly concerned about the implications for road traffic and footpaths, and the apparent disregard for planning policies.

Traffic

359. Court Lane and Lake End Road are rural in character; both have a sub-standard horizontal alignment with poor forward visibility in part and are flanked by a total of some 26 residential properties which would be seriously affected by the proposals.

360. Details of traffic surveys at the Lake End Road/Village Road/Court Lane junction carried out on 19 January and 5 May 1993 are given in Document IP3 (Appendix RP1). The surveys showed levels below those of the 1989 and 1990 surveys and, furthermore, recorded the flows of HGVs with 2+ and 3+ axles thereby providing a basis of comparison with the proposed

construction traffic. The appellants' consultants have not quantified the volume of existing traffic with 3 or more axles with gross weights over 25 tonnes now using Lake End Road and Court Lane, and therefore have not considered the impact of construction traffic on a like-for-like basis. The latest surveys revealed the following 12 hour two-way traffic flows on each arm of the junction:

LOCATION	ALL VEHICLES	HGVs 2+ Axles	HGVs 3+ Axles
Lake End Road	3,436 *(4,395)*	97 *(144)*	8 *(12)*
Village Road	3,713 *(4,984)*	105 *(167)*	8 *(13)*
Court Lane	1,295 *(1,659)*	18 *(51)*	0 *(1)*

3,436 = 19 January 1993 *(4,395)* = 5 May 1993

361. During the construction phase average rates of processing and transportation of minerals are unlikely to occur throughout the 10 year period. However, the appellants' figure of 210 HGV movements and 40 employee movements per day can be compared with the survey carried out on Wednesday 5 May 1993:

LAKE END ROAD	ALL VEHICLES	HGVs 2+ Axles	HGVs 3+Axles
1. Existing 1993 Flow	4,395	144	12
2. Construction Traffic	250	210	210
3. Total	4,645	354	222
INCREASE (3/1)	1.1	2.5	18.5
COURT LANE			
1. Existing 1993 Flow	1,659	51	1
2. Construction Traffic	250	210	210
3. Total	1,909	261	211
INCREASE (3/1)	1.2	5.1	211.0

362. The above tables take account of the fact that loads of 18 tonnes of gravel or 11 tonnes of ready-mix concrete would be transported in 3 axle or 4+ axle lorries. Thus, even using the appellants' own under-estimated figures for construction

traffic, HGVs with 3 or more axles would increase by a factor of 18.5 on Lake End Road and 211.0 on Court Lane. These increases are unacceptable and would create an intolerable situation for residents living adjacent to the haulage route and for other users of the highway. Moreover, it is most likely that activity along the haul route would concentrate during the early part of the day in order to meet the needs of the construction industry.

363. On completion, traffic generated by the rowing course could not be confined to the route via Lake End Road and Court Lane. Events traffic would be substantial in volume, perhaps up to 800 movements in any peak hour, and would use routes such as Marsh Lane, Village Road and Common Lane. The appellants have not given full consideration to the effect of this traffic over the local highway network as a whole, and have ignored the potential problems of traffic congestion and severance that could occur throughout the parish.

364. Thus, despite the measure of agreement between the appellants and the highway authority, it is not accepted that the proposed access arrangements to the site would be satisfactory during either the construction phase or on completion of the development.

365. Document IP3 contains details of the personal injury accident records for the five years (1/1/87 to 30/12/92) at Appendix RP2. A plot based on grid references of the locations of accidents occurring on Lake End Road and Court Lane is given in Appendix RP3, and Appendix RP4 gives a description of these accidents.

366. Both Lake End Road and Court Lane have poor accident records, somewhat higher than the national average rate for these road classes. Out of a total of 19 accidents, 14 are clustered on sub-standard radius bends, particularly on Lake End Road adjacent to Pondleys Cottages and at Climo's Corner adjacent to the appeal site entrance. The records indicate that these accidents were caused in the main by excessive speed.

367. Far from improving the accident record, the road improvements proposed, which fall short of the minimum appropriate standard in TD9/81 (Appendix RP5), are likely to increase the frequency of accidents because carriageway widening would encourage higher vehicle speeds into substandard bends where no improvements are being offered.

368. Those highway improvements which are being offered would have an urbanising affect on the existing rural character of these roads by the removal of hedgerows and trees, not least along the south side of Court Lane and on Lake End Road south of the Pineapple Public House.

369. It appears that alternative transportation strategies had been considered prior to the submission of the planning

applications. None of these have been fully evaluated as part of the inquiry and although the College may well have rejected some of them on grounds of cost, had the alternative access strategies been evaluated against public interest criteria, then it could well have been that a different decision after the final form of this proposal would have been reached.

370. One particular example is the sometime proposal to construct a conveyor bridge over the river to an existing processing plant on the southern side. There is certainly no hard evidence to show why this possible alternative should be rejected on cost grounds. Such solutions are common at gravel extraction sites around the country. It is however the case that the processing plant on the south side of the river is not under the control of either the College or its preferred mineral operator. Hence the College's decision not to pursue this option. An option which, if considered against public interest criteria, would be preferable to the selected haul route as few residential properties would be adversely affected before the traffic reached the primary road network: traffic would not pass through or close to a conservation area and use would be made of an existing operational site.

Footpaths

371. The appellants have not undertaken a survey to determine the extent and nature of the use of local public footpaths and bridleways and thus rely on limited personal observation. In contrast, the Parish Council operate a Path Watch scheme (Document IP4 Appendix A). A scheme inaugurated by the Countryside Commission as a means of ensuring the maintenance and continued use of public paths as shown on the map comprising Appendix B.

372. The Parish Council value the footpath network because it gives access for the public to enjoy an area of relatively unspoilt river valley countryside which is almost, if not completely, unique along these reaches of the Thames where development has consumed much of the river valley landscape. The Barge Path, Footpath No 8, is an important and historic link in this network providing a truly open approach to the river and Thames Towpath, the alternatives being narrow passageways a considerable distance away. It is used by locals and by anglers. It forms part of circular walks, numbers 4 and 5 featured in "Rambling for Pleasure along the Thames" (Document IP4 Appendix C) and is also mentioned in other books (Appendix C). This historic route would be obliterated by the proposals and the alternative alignment would be contained in such a way that the present feeling of spaciousness would be lost.

373. The Parish Council objects to the proposed stopping up of Footpath 17. While not so important as the Barge Path it is nevertheless of great value. It links the hamlet of Boveney to the river and provides a short circular walk with the Thames Towpath and Footpath No 10. It too features as part of

circular walks in "Rambling for Pleasure along the Thames". Footpath No 10 is not a suitable alternative.

374. The proposals are bound to have an adverse impact upon the Thames Towpath (Footpath 18) which is to form part of the Countryside Commission's Thames Long Distance Path (Document IP4 Appendix D). Along this particular reach of the river it provides a rare example of a riverside completely free from intrusive elements being flanked by an attractive stretch of the river on the one hand and open agricultural land on the other. It may be flat but it is far from featureless with its spaciousness providing uninterrupted views of Windsor Castle. The present amenity of the path would be seriously damaged during the construction phase and the loss of Thames Field and its replacement by contrived, cosmetic and alien landscapes would result in intrusive elements permanently and adversely affecting the amenity of this stretch of the river for walkers.

Planning Policy

375. It is acknowledged that in order for planning permission to be withheld it is not sufficient for an interested party such as the Parish Council to simply show that there is a fear of an adverse effect. However, the evidence shows that demonstrable harm would inevitably result from these proposals.

376. The Government's regional policy as expressed in PPG9 encourages major development in the south east towards to east of London. It encourages the full use of urban sites and recycling of urban land to assist the conservation of the countryside, particularly the designated Green Belt. Thus if there is a proven need for a still water rowing course it should be to the east of London or located beyond the Green Belt.

377. It is made clear in PPG1, PPG12 and PPG17 that the development plan provides the primary means of reconciling the conflict between development and the need to protect the natural environment. Looking at the development plan in this case it is a matter of fact that the appeal site lies within the Green Belt. The proposed development would conflict with two of the five purposes of the Green Belt specified in PPG2. It would have an urbanising effect and would constitute an encroachment into the countryside which surrounds the urban areas in this locality. It would therefore have the effect of reducing the separation between those urban areas even though what is proposed is essentially an open land use. The test as to whether the proposals conflict with the fundamental purposes of the Green Belt is whether or not the development would be visible or prominent in the Green Belt. In this case it would.

378. It is recognised that outdoor sport is capable of being an acceptable use in the Green Belt. The test which should be

applied is, again, whether the proposal would have an impact, particularly a visual impact, on the Green Belt (see also Document IP2 Appendix NSJ4). It is also the case that Structure Plan policy presumes against development in the Green Belt. The relevant policy allows for a number of exceptions, including development for countryside recreation provided it is consistent with recreation policy. The proposed rowing lake cannot be regarded as countryside recreation as defined in the Structure Plan as it does not require a countryside setting nor is it intended to serve the rural population. Nor can it be said to meet the requirements to justify making an exception to Green Belt policy in the context of the Local Plan.

379. The proposals are also contrary to the policies designed to protect the character and appearance of the AAL.

380. The appeal site is not within a preferred area for mineral working allocated in the Minerals Local Plan and its non-inclusion in such an area in the deposit version of the Replacement Minerals Local Plan drew an objection from the College. This was withdraw prior to the inquiry. The end use of the site does not obviate the need to consider the proposal for the extraction of aggregates in the context of the Minerals Local Plan and the obvious conflict with its policies.

381. So far as the Local Plan for South Bucks is concerned there is nothing to suggest that this land is or has been intended for development in the manner now proposed, and that is in itself a material and significant conflict sufficient to justify withholding planning permission. The authority who prepared the Local Plan could have allocated the site for a rowing lake if they so wished. They were certainly aware at the time the Plan was prepared that the College had considered this use and might bring forward such a proposal. The fact that the plan making authority did not include the proposal in the Local Plan indicates that the proposal before the inquiry is clearly contrary to the Plan.

382. It may be argued that the general policy of the Local Plan would allow a countryside recreational use on this site. The definition of countryside recreation contained in the Plan suggests otherwise. Some argue that the less rigid definition of countryside recreation in the Structure Plan should apply, but that cannot be so because where there is conflict between structure and local plan, the local plan must take precedence. If that logic is applied in this case then the proposals clearly fall foul of the Local Plan.

383. The appellants claim that because the Local Plan says nothing about these proposals in specific terms, then the proposals should be treated on their merits. However, PPG17 makes it clear that Local Plans are the primary means of resolving conflicts between the need for development and the need to protect environmental considerations where sport and

recreation are concerned. No-one could have expected the appellants to pursue their proposals with that advice in mind through the process which led to the adoption of the present Local Plan because, of course, PPG17 had not been published at that time. However, PPG17 had been published by the time the appeals were lodged and in the light of the advice contained in PPG17 the proper way for the College to have advanced these proposals would have been by pursuing the issues raised though the review of the Local Plan which is about to begin. The appellants' planning witness indicated that he did not think that the Local Plan process would be the appropriate means to deal with all the detailed aspects of these proposals. Even if he is right, it is certainly the case the Local Plan process could deal with the conflicting policy issues which arise in relation to this site and these proposals. In that way a future Local Plan could lay down a properly considered policy framework against which detailed proposals could be considered. The Local Plan would be able to assess whether a particular access strategy is to be preferred on environmental grounds. In contrast, this inquiry is limited to considering only the access strategy put forward by the appellants.

384. The appellants' planning witness also rejects the suggestion that the Local Plan inquiry would be a means by which the College could challenge any resistance by the local planning authority to their proposals. He does so because the final decision to adopt the Plan lies with the authority and not the Secretary of State. However, the local planning authority has to give reasoned justification for rejecting the Local Plan inquiry Inspector's recommendations and their actions could be challenged in the Courts.

385. The Government has introduced a plan-led system and if that is to mean anything it must mean that proposals of this scale cannot properly come forward without some consideration being given to them through the process of preparing local plans. Local plans can be site specific about schemes for sport and recreation. They are to be the primary means of resolving conflicts between the need for development and environmental considerations. Therefore only in the most exceptional circumstances can it be justified to permit a proposal on this scale without a clear indication of its acceptability first being achieved through the process of local plan preparation.

386. The College's need for the proposals is simply a wish to meet their aspirations for rowing facilities. There may be a wider need for a facility in this region but there has not been a comprehensive study into possible sites. There is little evidence other than the perception of individuals to support the contention that congestion has increased on the river. The data from the river authorities shows that the numbers of craft passing through locks has actually fallen. The College's case boils down to a wish to remain pre-eminent in the rowing field and they have an opportunity to construct a rowing lake on, at least, a self-financing basis. That does

not amount to a need in which the public interest is best served by overriding serious objections framed in the context of planning policies. The evidence suggests that there is no justification for the proposals which is sufficient to outweigh the considerable harm that would result if they were allowed. Therefore the appeals should be dismissed.

THE CASE FOR TAPLOW PARISH COUNCIL

The material points are:

387. The Parish Council is unanimously opposed to the proposals. The principal objections are that considerable damage would be done to the fragile local environment with an unwanted change to the landscape, and that construction traffic would cause severe disruption with undue noise, congestion and inconvenience to residents.

388. Taplow's southern boundary adjoins the northern boundary of Dorney Parish. The two parishes are very similar in nature, both being largely rural, but surrounded by substantial urban areas. Taplow and Dorney share a fragile part of the Green Belt between the urban sprawls of Maidenhead and Slough and any major development in this area poses a threat to its integrity and maintenance of the rural environment. Thus the threat that Dorney faces from the large scale rowing trench is also a threat to Taplow because together they form part of the same rural envelope. The appellants draw attention to a press cutting (Document A53) and, in particular, the flippant reference to the Parish Council supporting Dorney as they, in turn, supported Taplow's opposition to the Flood Relief Scheme. However, that is not to be found in the minutes of the meeting.

389. Taplow would be directly affected by construction traffic travelling westwards along the A4, Bath Road. This road is severely congested during the peak hours and many drivers use minor roads through Taplow village to avoid this congestion. Construction traffic would make matters worse.

390. The Parish Council is concerned that some construction traffic would, in spite of instructions to the contrary, use Marsh Lane to gain access to the A4. Part of this road is within Taplow parish and fronted by residential properties. Its poor alignment and absence of speed restrictions leads to frequent accidents. There is unlikely to be any restrictions on rowing events traffic using this road with consequent dangers created by drivers unfamiliar with the road layout and travelling at unrestricted speeds. The coincidence of the construction of the rowing trench with the excavation of the Flood Relief Channel is a possibility that would have very serious implications for traffic in the area.

391. The proposed rowing course development is far too large a scheme for the area, both environmentally and in traffic terms. The appeals should be dismissed.

THE CASE FOR A SECTION 29(3) PARTY

The material points are:

392. Mr Peregrine Palmer is the owner occupier of Dorney Court, a 15th Century manor house which is a Grade 1 Listed Building. He is a former parish, district and county councillor and was chairman of the district council for two years. He is also the owner of part of the land forming the access to the appeal site. He supports the proposed development.

393. Dorney has an atmosphere of charm and tranquillity, open and rural, pastoral with a scene of prosperous farming. It is quite unlike the other local villages that run along the Thames towards London such as Eton Wick, Datchet, Wraysbury and Laleham, all of which are more modern and urban in character.

394. During the early part of this century the growth of Slough and other nearby towns exerted pressure for development in the manor of Dorney. With farming in a most depressed state and investment speculative, Mr Palmer's grandfather, owning almost all of the village and manor of Dorney, decided on three substantial initiatives: he built, or permitted to be built, the Dorney Reach residential area; he started to rescue and restore the Tudor cottages in the village of Dorney; and he sold farmland to Eton College in the stated knowledge that the long term interests of Dorney and Dorney Court had to be the same as those of the College. After the war the estate released land for building in Dorney only slowly and ensured that the style, size and number of houses would bring variety to the village and add to its architectural cohesion. These initiatives were born of concern for the long term well-being of Dorney and Dorney Court and the rowing lake must be considered in that context.

395. Dorney Court is essentially a family home but it is also one of the finest Tudor manor houses in England. Built about 1440 and little changed, it is a remarkably complete survival of a gentry manor as opposed to a nobleman's grand and stately home (Document IP6 Appendix 2). Keeping listed building of this type (Appendix 1) in tact is a great financial burden and planning permission in this case would enable a fund to be set up which would assist in preserving Dorney Court and enhancing its immediate setting.

396. Farming in the Dorney area has declined in recent years such that the small Dorney Manor Farm including the garden centre is the only fully active farm left in the parish. It provides some jobs in an area where the vast majority of employees travel to work elsewhere. The rowing lake proposals would bring more jobs to Dorney and life to the village.

397. The proposed improvements to Court Lane including the provision of a footway are much needed. New walls and fences,

and the double glazing of The Hermitage would improve the amenities of this property. A permissive bridleway would connect Court Lane with Dorney Common via the northern perimeter of the appeal site (Document A63). This would be of great benefit to local horse riders including those attending the Spanish Bit Riding School in Dorney village. The proposed car park at Boveney would be of real benefit to those visiting the church and riverbank. The appeals should be allowed.

THE CASES FOR INTERESTED PERSONS SUPPORTING THE APPELLANTS

The material points are:

398. Mr P Coni OBE QC was on the Council of the Amateur Rowing Association from 1963 to 1991 and was Chairman of various committees. He remains a member of the Executive Committee and is Chairman of the Finance Committee. He is President of the London Rowing Club. He represents rowing in the British Olympic Association and is Treasurer of FISA. In 1988 he was appointed an OBE for services to rowing.

399. He strongly supports the proposals and is in no doubt that they offer tremendous benefits for the future of rowing. They represent the answer to a constant search over the last 30 years for a suitable site in the Thames Valley. Despite the existence of the National Water Sports Centre at Holme Pierrepont, for the great majority of those rowing seriously a visit to train at Holme Pierrepont involves very considerable time, travel and expense. For a time in the 1970s, the need for training water was partly solved by the use of Thorpe Park near Egham, but this use was displaced by water skiing. There is uncertainty over the future use of the the Royal Docks in east London where access to the 1700m course is limited. The Eton lake, which would conform to the B1 international standard, is seen as a potential Centre of Excellence and a general training facility rather than as a racing centre.

400. With the single exception of Henley, serious crews at all levels no longer consider that the traditional Thames regattas such as Reading, Walton or Marlow offer fair and satisfactory racing conditions. However, there is no question of the Marlow Regatta transferring to the Eton Lake as this would mean a loss of sponsors. Despite potential competition from Holme Pierrepont, Henley has continued to prosper and what is now needed is a complimentary facility which which offer all year round opportunities for training for the many serious rowers in the Thames Valley. That facility could be provided by the Eton lake.

401. Mr M Wormwell represents the Oakley Court Hotel. The Oakley Court is a 92 bedroom hotel situated on the south bank of the Thames opposite the appeal site. It receives some 20,000 visitors a year and the hotel's interest in the proposed development in terms of the potential impact on business is therefore considerable. Having studied the plans, it is apparent that the potential noise problems and

unattractive construction activity would, by reason of the proposed precautions and safeguards built into the scheme, be minimal and acceptable. The appeals should be allowed.

403. Mrs E Matthews is a retired teacher who lives in one of the College's cottages at Boveney. She supports the appeal proposals. She claims that the campaign against the proposals mounted by DROPET was aggressive and objectionable. They claim a very high level of local opposition to the proposals but they did not ask her for her views.

404. Thames Field was not always open but was divided by hedgerows and trees, mainly Elm. There was an apple orchard near the cottages at Boveney. Living so close to the site she realises that the proposed development is likely to affect her more than anyone else. The present view over the site to the river would be blocked by an earth bund, there would be noise, dust and dirt from site operations but rather than take a parochial view she looks to the long term benefits and advantages of the scheme for rowers and the country at large.

THE CASES FOR INTERESTED PERSONS SUPPORTING THE COUNCIL

The material points are:

405. DROPET was formed in the spring of 1991, as a result of the growing concern of local residents from all quarters of the village about the sheer size and scale of the proposals and the impact that the rowing trench would have on their daily lives. Residents felt aggrieved at the change in the proposals since they were first presented to the annual parish meeting in March 1987 when the then Provost, Lord Charteris, spoke of a scheme to extract gravel lasting five years with no haulage of gravel in Buckinghamshire (IP7 Appendix A).

406. In the summer of 1991, 636 people signed a petition against the trench (Document IP7 Appendix N) and at a meeting at the Dorney village hall in November 1991 a series of resolutions (Appendix B) were passed by the 177 people present without opposition. The local MP, Mr Tim Smith, attended this meeting and stated his support for the residents against the College.

407. In April 1993, 147 people attended a meeting at the village hall giving the DROPET Committee a mandate to represent residents at this inquiry. A map showing the locations of some 102 households who have actively supported DROPET is shown in Document IP7. Further details of the level of local support, of the order of 76%, is given in Appendix L. Although DROPET has received some financial support from the parish council, its resources are limited and it cannot put forward a technical case with expert witness. It can however explain why people feel so strongly that these proposals would have an unacceptable impact on their lives and that of the community.

408. Dorney is an ancient settlement which, despite the pressures from surrounding towns, has managed to preserve an aura of rural tranquillity. A village with many listed buildings (Appendix C) surrounded by green pastures and open common land, and lying adjacent to an attractive stretch of the Thames. Access to the appeal site is by way of the arcadian Court Lane and from the site itself there are expansive views which take in Windsor Castle. The village hall and school form the basis for a vibrant community that values its heritage and environment (Appendix D) including the walks across Thames Field (Appendix E).

409. The construction of the rowing trench over a 10 year period, or longer if the gravel is not readily sold, would impact on the lives of residents in several ways. They would hear the operations on the site and notice the increased traffic on the local roads, they would see changes to the local landscape and alterations to local roads, and they would feel threatened by the intrusive nature of the whole operation. 10 years may not be a long time in the life of Eton College but for most ordinary people it represents the foreseeable future. A future in which between 20 and 30 gravel lorries would pass along local roads each hour. "Improved " roads where traffic speeds would increase to the detriment of highway safety and the present rural character of Court Lane (see photos in Document IP7) and Lake End Road would be lost.

410. Court Lane is the main artery of the village used by children walking to school, horse riders and cyclists (Appendices G and M). Their enjoyment of the lane would be impaired as a result of the "improvements" which, despite some tree planting to compensate for those lost to roadworks, would be incompatible with the local environment. Further, the safety of road users would inevitably be threatened by gravel lorries. On Lake End Road, the amenities of the Pineapple Public House would be adversely affected (Appendix H) as would the residential amenities of those who live alongside this road.

411. In addition, some residents would suffer a loss of visual amenity as the attractive open fields are transformed into a gravel pit and footpaths are lost or diverted.

412. Once constructed, a maximum utilisation of the rowing facilities should be assumed. If demand is as high as the College contend and there are no other sites, and if the trench is available to all, then it is a fair assumption that the maximum possible use would be made of it. Once built in this location the pressure for intensive use would be irresistible. This would mean use during all daylight hours. The level of traffic generation put forward by the College is no more that a guesstimate and is likely to be exceeded for major events. Even the 1600 odd vehicles a day estimated by the College, which would include coaches and boat trailers, would result in traffic noise and congestion on local roads.

There would noise emanating from the site itself and the present amenities of the village, including Boveney and Thames Field, would be lost for ever.

413. The size and frequency of events would be bound to grow. There would be pressure for other uses and associated activity. There would also be pressure for further development apart from the boathouse, start and finish towers, and temporary structures. Further accommodation for staff would be required, whether by building new houses or taking over existing ones.

414. There would be major and continuing demonstrable harm to the amenity of local residents and the character of the area. Even if the site were not in the Green Belt the College would have to show need sufficient to override the policies of the development plan and the demonstrable harm. But the proposal is for inappropriate development in the Green Belt. The question of appropriateness has to be decided for this particular development on this particular site. This particular development is not appropriate because of the scale and period of construction activity, the scale and extent of the result and the level of activity generated. It is contrary to the purpose of the Green Belt and conflicts with Local Plan policy. Therefore the College must show "very special circumstances".

415. A need is claimed for all this development but convenience and demand are not the same as need. The dangers of rowing on the river are greatly exaggerated and the College's own need for a facility of this scale and quality has not been established. Nor has a need for a free regional/national facility in this particular locality been established. There has been no proper search or assessment of other sites to serve the region rather than the College.

416. Thus there is no such need as would override the major and continuing demonstrable harm to the local community or constitute very special circumstances such as to justify inappropriate development in the Green Belt. The proposal therefore fails to surmount the hurdles on the way to a planning permission.

417. The appeals should be dismissed. If however they are allowed the conditions suggested on behalf of Mr Baker of Elm View Farm (Document IP8 Appendix 7) should be attached save that where specific mention is made of "Elm View" the same condition should be applied to the parish as a whole.

419. Mr J Baker, the owner and occupier of Elm View (also referred to as Elm View Farm), 1 Marsh Lane, objects to the proposed development. Mr Baker, his wife and two children have lived at Elm View since 1971. The property comprises a three bedroom detached bungalow having small gardens to the front and rear. It is situated some 95m north of Climo's Corner and surrounded on three sides by open fields and by

Marsh Lane on the other. If planning permission is granted Mr and Mrs Baker and their family would suffer a loss of amenity over and above most, if not all, other local residents in the vicinity as their property is adjacent to the site and proposed vehicular access (Document IP8 Appendices 1-3).

420. Paragraph 39 of PPG1 emphasises that although the planning system does not exist to protect private interests as such, private interests may coincide with the public interest in certain cases: this is one such case. The amenity interests of those who live adjacent to a proposed development has long been recognised as a material consideration in determining planning appeals. Whereas it may be the practice to deal with the question of loss of amenity in respect of certain given locations one by one, it is the total impact on the community as a whole which is relevant; the impact is cumulative. Paragraph 42 of PPG1 advises those determining planning applications to take into account relevant views on planning matters expressed by neighbouring occupiers, local residents and any third parties. The paragraph goes on to state that local opposition is not in itself a ground for refusing planning permission, "unless that opposition is founded upon valid planning reasons which can be substantiated". The most important valid planning reasons in this case which are easy to substantiate are that the proposals are contrary to the development plan.

421. Taking as a whole the many documents produced by Eton College and their advisers, there appears to be some inconsistencies in the nature of the proposals and the reasons for them. The appellants distinguish the project commercially from the normal mineral working site when, in planning terms, what matters is not the commercial intent or interests of the participants but what actually happens in land-use terms. The proposal aims to supplement rowing facilities at Henley and Nottingham and as such is a proposal which extends far beyond the provision of facilities for a public school. The mineral extraction and the construction of the rowing lake, one a mining and the other an engineering operation, are two separate operations which are of course physically and economically connected. They are not however functionally related.

422. There is however a basic conceptual flaw in the way in which Eton present their proposals. On the one hand they seek to show them, for the purposes of pacifying local residents, as essentially a College rowing course with other "events" involving outsiders being strictly limited; on the other hand they promote the course as one of importance regionally, if not nationally. But whatever their present intentions, the time could come when they seek to remove the legal obligation to limit outside use on the basis that it was made it clear at this inquiry that the lake is intended to meet a regional need for such a facility. In the light of these considerations it is valid to ask whether the right applications were submitted and properly determined. A matter which has been addressed in

legal submissions made on behalf of the principal parties (Document A64) and which is now added to by the legal submissions made in Document IP9 on Mr Baker's behalf.

421. Having regard to Section 54A of the Act, there is a need to identify in plain terms the following matters. First, the development plan; second, the relevant policies of the development plan; third, an interpretation of the relevant policies; fourth, the applicability of those policies to the proposals, and whether or not the proposals are in breach of these policies; and, fifth, a planning judgement of how serious that breach is.

422. Thus interpreted the material considerations which are of primary concern in respect of Section 54A are those which go to the Plan and its policies. That is not of course to suggest that there are not other material considerations which might not override the provisions of the Plan. Section 70 sets out what may be taken into account, Section 54A sets out how the decision is to be made. The appellants do not carry out the exercise set out in the above paragraph, rather the applications are assessed against the development plan by reference to the reasons for refusal. The Secretary of State is not constrained by the reasons for refusal and can decide the matter *de novo*.

423. The Development Plan comprises the approved Structure Plan 1990, the Minerals Subject Plan and the South Bucks Local Plan. The Replacement Minerals Local Plan is also of relevance. These Plans have been referred to in the Council's case as have the relevant policies. However, little attention has been paid to minerals policies and indeed to the national guidance on mineral extraction which is contained in MPG1, MPG2 (Document IP8 Appendix 4) and MPG6.

424. The appeal site is not included as a preferred area for mineral working in the Minerals Subject Plan. Clearly the aggregates in the appeal site are not required for the purposes of the Minerals Subject Plan but if as a result of the Flood Relief Scheme or the rowing lake such aggregates arise, then they are additional to the requirement. This matter was addressed at the RMLP inquiry and the Inspector has recommended that "no allowance be made for windfalls in Table 3". It is a specious argument to suggest that because a plan makes an allowance for windfall sites that necessarily in some way promotes the site for planning permission; the whole essence of a windfall site is that it is an unexpected occurrence which falls in for other reasons.

425. The Structure Plan policy at paragraph 52B seeks the phasing of extraction at sites so as to prevent over-concentration of production likely to harm the amenities enjoyed by residents or damage the local environment and to avoid undue concentration of mineral and filling traffic. Thus outside the preferred areas it is obvious that gravel

extraction should be avoided at all costs, due to the obvious traffic problems that it would generate.

426. Paragraph 50 of the Structure Plan states that only in exceptional circumstances will the working of mineral deposits be permitted from land which lies in an AAL. While paragraph 51 indicates, *inter alia*, a need for buffer zones to protect the residential environment. The policy also seeks to protect the local landscape and take account of the affect of traffic on the local environment. Although paragraph 70 refers to industrial and commercial development it should equally be applicable to the construction and afteruse elements of the appeal proposals. In general, the minerals policies are reinforced and reiterated in the New Buckinghamshire Structure Plan 1991-2011 (Document IP8).

427. The proposal to extract minerals from this site is so seriously contrary to the development plan that it would fundamentally undermine it. Moreover, it would be a classic case of non-sustainable development. The minerals concerned are not currently needed; the landscape and an area of Green Belt would irretrievably be lost for future generations.

428. Mineral extraction at this site in the AAL would also be contrary to the advice in MPG1 at paragraphs 29, 33 and 35. It is questionable whether the submission of the planning applications adhered to the advice set out in paragraphs 13-15 and 24 of MPG2. Paragraphs 43-48 of MPG2 are also relevant as where the minerals are not needed there is no excuse for carrying out mineral workings which would damage archaeological interests or pose a threat to listed building from the vibration caused by gravel lorries.

429. The proposed development is clearly in breach of the Green Belt policy at paragraph 35(c) of the Structure Plan and cannot properly be regarded as an exception as countryside recreation under paragraph 35(b). As the Council point out it neither requires a countryside setting nor would it serve the rural population.

430. The number of jobs created by the proposal would be comparatively few and this benefit would be outweighed by the detrimental impact of generated traffic which would cause congestion and thereby delay, stress and inconvenience to other road users over a ten year period.

431. Paragraphs 29 and 50 of the Structure Plan relate to the AALs and again, as the Council has shown, the proposals are clearly contrary to these policies. The extraction of minerals is also contrary to the policy at paragraph 35(c) as it is not required to meet an essential need which cannot be satisfied from other sources outside the AAL. It is also significant that the College did not make representations opposing the designation of the land as AAL at any inquiry relating to the Structure Plan or Local Plan.

432. Apart from the general duty under Section 66 of the Listed Building Act 1990 to consider the desirability of preserving listed buildings and their settings when considering planning applications which may affect them, there are also Structure Plan and Local Plan policies which seek to protect them. Such policies are threatened by the proposed development in that the level of HGV traffic that would be generated would have an adverse impact upon the 20 or so listed buildings along the haul route to the A4 and upon the Huntercombe Conservation Area.

433. There are Structure Plan and Local Plan policies which seek to protect important archaeological sites. Thames Field is one such site and its archaeology would be adversely affected and endangered by the appeal proposals. Furthermore, nature conservation interests would be harmed and good quality agricultural land lost contrary to development plan policies.

434. Local Plan policy ENV1 requires regard to be had to the appropriateness of the proposals in terms of the character of the surrounding area. In circumstances where there is no need for the mineral and extraction is contrary to development plan policy, it is material to consider whether the proposal to dig out a rowing lake is appropriate in terms of the character of the surrounding area; clearly it is not. The effect on local amenities in terms of noise, dust, fumes and other disturbance would undoubtedly be serious. The traffic generated and the means of vehicular access are plainly unsatisfactory. In these circumstances, having regard to Policy ENV1 and ENV6, the applications should be refused.

435. Apart from being contrary to a whole range of development plan policies, the proposals would have a quite specific and uniquely detrimental effect on the occupiers of Elm View; Mr Baker and his family. The background noise level in the rear garden of this property has been measured at 40.5dB(A)L_{90}, a prudently low reading and one which contrasts with those taken on behalf of the appellants which were some distance away from the property and exposed to greater background noise from the M4 motorway.

436. The predicted noise level from construction traffic on the Barge Path is calculated at 44.8dB(A) and, with the addition of all traffic on Court Lane, the side exposure of Elm View Farm in the peak hour (0800-0900 hours) increases to 54.8dB(A)L_{10} (equivalent to about 50.8dB(A)L_{eq}) (Document IP10 Appendix B). These calculations assume a 2m high solid barrier at the edge of the Barge Path giving some 6dB(A) attenuation. A higher noise barrier to intercept exhaust emissions would be preferable as illustrated at Appendix A of Document IP10. For comparison, the present day traffic flow on Court Lane provides a calculated L_{10} of 51.1dB(A) to the side of Elm View Farm. It is clear therefore that the increase in traffic noise due to the proposed development would be significant at over +3dB(A) for the side of Elm View Farm. If site traffic does not peak during the same hour as

the existing traffic then the increase would be greater, for example by about 3dB(A).

437. The calculations assume a free flowing traffic stream but in practice half the site traffic may be caused to stop at Climo's Corner as it leaves the site. The effect of this cannot be predicted but it is common experience that the noise of heavy vehicles is louder as they pull away from a standing position (Document IP10 Appendix C). Certainly noise in the vicinity of Climo's Corner would increase markedly as lorries of categories 7-9 would predominate in the traffic stream and have a psychological and intimidatory effect on other road users.

438. MPG 11 recommends in the alternative a daytime nominal limit of 55dBAL_{eq} 1hr at noise sensitive properties or, in quieter rural areas if this limit exceeds the background level by more than 10dB(A), a lower limit, this should be set in the light of local circumstances. In this case a 50dB(A) limit for normal working should be applied. This is supported by BS4142 which also states that if the "rating" level of the measured noise exceeds the background by 10dB(A) or more then complaints are to be expected. The "rating" level includes an arbitrary 5dB(A) increase if the noise contains whines, hisses, screeches, hums etc, or if the noise contains bangs, clicks, clatters or thumps, or is irregular enough in character to attract attention. At least one of these characteristics would be present at the appeal site and therefore the 5dB(A) should be added to all predictions, or, more easily, the nominal criterion should be reduced to 45dB(A)L_{eq}.

439. MPG11 suggests that the criterion should be relaxed to 70dB(A) for up to 8 weeks in a year to allow for temporary works. Thus, having regard to the scheme of working, the occupiers of Elm View Farm could expect lengthy periods of excessive noise. MPG11 also refers to the use of straw bales for temporary screening and such a device should be employed in this case. However, irrespective of the noise amelioration methods used, Mr Baker and his family would suffer a substantial disbenefit, as would users of the adjacent footpaths, should the proposed development go ahead.

440. The appellants have failed to demonstrate that Elm View Farm would not be affected by dust from the workings. All that is offered is a dust control strategy. They do not attempt to evaluate the quantum and spread of dust with and without control measures; in particular, there is no fugitive dust model (Document IP8 Appendices 6 and S3). Taking account of the distances involved and the direction of the prevailing wind, dust problems could be anticipated at Elm View Farm. Given that Mrs Baker suffers from asthma, the prospect of her condition being aggravated for significant periods of time during the year is severe and the nuisance caused by the dust should be judged accordingly.

441. Air pollution, including emissions from vehicles is addressed in the White Paper "This Common Inheritance". The height of lorry stacks and the possibility of at least 2 HGVs waiting on the Barge Path and others entering the site at the same time, gives rise to the probability that at certain times, when the wind blows from the Barge Path, fumes would be experienced at Elm View which when combined with dust and noise would make the cumulative effect wholly unacceptable.

442. Document IP8 Appendix 5 includes a number of comparable appeal decisions concerning mineral extraction which should have a bearing on the determination of these appeals. The case at Lake Farm, Dawley Road, Hayes is particularly pertinent. In his conclusions, the Inspector deals with noise (para 9.8), dust (para 9.14), traffic (para 9.17) and visual amenity (para 9.22). Each of these matters which concern local amenity formed an important material consideration. In his decision letter the Secretary of State held that the need for the resources underlying the site was not sufficient to outweigh the proposal's shortcomings (para 3). The Secretary of State accepted his Inspector's recommendation and dismissed the appeal in July 1992.

443. Of the other appeal decisions at Appendix 5 of Document IP8, paras 43 and 44 of the Haines Hill case, para 50 of the Gallows Hill case and para 5 of the Great Waltham case are apposite.

444. It has been argued by the Council that this proposal is not a recreational facility which requires a location in the Green Belt and that view is supported. Indeed, the proposal is incompatible with both Green Belt and AAL designations because it constitutes a recreation node which would attract traffic and crowds and require the construction of mounds and structures which would change the character of the AAL and Green Belt in this location. National facilities should be located according to nationally tested criteria and should not creep in on the coat tails of a public school.

445. There has been no detailed examination of possible alternative sites. An evaluation of alternative sites is, in relation to large sport and recreation proposals in the Green Belt of the kind envisaged, a pre-requisite of such an application. It is to be noted that in the case of Oxford United football stadium case (Document IP8 Appendix S1) the Secretary of State observed that there appeared to have been no strategic forum in recent years to examine the full range of sites. Furthermore, if the proposals had been evaluated in this way they would be refused as being contrary to regional guidance which encourages development away from the west and to the east of the South East region.

446. The appellants' planning witness, Mr Deakin, claims in respect of the proposals that there is "no sufficient conflict" with the development plan but he does not explain those conflicts. Rather he claims that the proposals assist/

and promote the intentions of the development plan when mineral extraction cannot possibly do so. Even on the grounds of the provision of a recreational facility the case is suspect, particularly when the Structure Plan (para 57) makes it clear that recreational needs are to be met with minimum conflict with agriculture, local residents, landscape, archaeology and wildlife conservation. He also places reliance on PPG17 in supporting his case but that advises local planning authorities ".. to resist pressures for the development of open space which conflict with the wider public interest". Mr Deakin does not make a case for an overriding need for the proposals. The alleged needs of public bodies, who are not applicants, is largely irrelevant. The need of Eton College is for a private facility not to be used by the public generally for a minor sport.

447. The proposals are contrary to the broad strategy of the Structure Plan and objectives (i) and (ii) of the Local Plan. They are either contrary to, inconsistent with or fail to meet the criteria of a whole range of policies concerning minerals, Green Belt, AALs, conservation areas, listed buildings, nature conservation, agriculture, traffic and transport, amenity and recreation. The applications as submitted were misconceived; the proposals are not in conformity with the development plan and applying section 54A they should be refused. The application should be rejected for the reasons stated in the decision notice with additional grounds for refusal as follows:

> (5) Construction and use of the rowing trench will have an unacceptable impact on the amenity of local residents.
>
> (6) The range of alternative sites has not been examined strategically which given the size and scale of the proposal, its environmental impact and extent to which it conflicts with the development plan would be a pre-requisite in this Green Belt location.
>
> (7) The justification for the scheme is not sufficient to overcome the general presumption against development in the Green Belt as stated in paragraph 35 of the approved Structure Plan.
>
> (8) The circumstances of the proposal are not sufficiently exceptional to overcome the general presumption against mineral working in AALs as stated at paragraph 50 of the approved Structure Plan.
>
> (9) Release of this site may result in an over concentration of production likely to harm the amenities enjoyed by residents and damage the local environment, contrary to paragraph 52B(a) of the approved Structure Plan. Furthermore, it may result

in an undue concentration of mineral traffic, contrary to paragraph 52B(b) of the approved Plan.

448. There are no conditions or covenants which would overcome Mr Baker's objections. However, if planning permission is granted contrary to his wishes the conditions suggested in Appendix 7 of Document IP8 should be applied so as to help minimise as far as possible the serious consequences of this proposal on his amenity and that of his family.

449. J Sainsbury PLC object to the appeal proposals on traffic grounds. They have received planning permission to construct a superstore and car park on land adjacent to the Lake End Road/Bath Road junction (Document IP11). This involves a modest improvement to the layout of this junction. Because of its location, with residential development close by along Bath Road, it is expected that up to 10% of the 30,000 customers each week would walk to the store. Those approaching the store from the east would have to cross Lake End Road via a pedestrian refuge at the roundabout. This will mean some 400-500 pedestrian movements across Lake End Road in the peak hour on a Friday evening.

450. As the superstore will be a local facility it is quite proper to seek to safeguard the utility that the public will derive from the proposal. Appropriate sites for superstore development are few and far between. In Green Belt locations like Buckinghamshire, it is also important to ensure that scarce land resources are used carefully, efficiently and effectively.

451. Given the very long period of construction and the volume of HGV traffic using Lake End Road, the appeal proposals would have a significant and adverse impact on trading at the superstore. If the store does not reach its full potential because it becomes inherently unattractive to a proportion of its potential customers, then the unsatisfied demand will be met by other stores which then over trade or by shoppers driving to stores further afield with the consequent impact on fuel usage and CO_2 emissions.

452. The probability is that with a 10 year construction period superstore customers would feel intimidated by HGV movements along Lake End Road and at the A4 roundabout (together with their related dust and noise). There is also the prospect of severance and threat to safety of pedestrian shoppers crossing Lake End Road. Even on completion, there is the likelihood of congestion on major event days when the peak periods for shopping and events traffic could coincide.

453. The appellants produce figures to show that the there is capacity to accept construction traffic at the A4 roundabout (Document A62). However, as explained in Document IP12 the Lake End Road arm of the junction is close to its theoretical capacity with an RFC of 0.981 and a maximum queue length of 18.2 vehicles. In addition Document A62 does not address the

environmental capacity of the junction which is a key factor influencing customers and those living nearby.

454. The lack of any detailed evidence as to the viability of alternative dedicated haul routes and their costs, benefits and disadvantages, indicates that little attempt has been made to seriously assess the value of local environmental issues in this case.

455. The Open Spaces Society objects to the proposals for the rowing lake and to the orders to stop up and divert footpaths and bridleways. It objects because of the devastating effect the proposals would have on the peaceful meadows alongside the Thames. The appeal site comprises a wide open space, a feature which is becoming increasingly rare as open spaces are lost to development of all kinds. The proposals would cause serious disturbance to the historic village of Dorney and its surroundings. During construction an attractive landscape would be destroyed and the resultant development would not be beneficial to the area or the public. The question of public access to the proposed parkland, arboretum and nature reserve is uncertain. It is said that the arboretum may be open for certain events and that the parkland may be subject to a licensing system. There would not be general public access and it is perfectly possible that the whole thing would become the private preserve of Eton College. There is mention of local liaison committees and public relations but no guarantee that these will come about.

456. It is not necessary to divert Footpath No 8 in order to build a rowing lake. A shorter course would have enabled the path to be retained on its present alignment. Nor is it necessary to divert the path so far from its present line to enable the course to be built. Clearly, users of this path would have to share the route with construction lorries, which would be unpleasant and potentially dangerous.

457. The appellants claim that Footpath 17 is little used and now redundant. It is clear from the track on the ground that it is in fact well used and whilst the ferry it once served may be redundant the footpath itself is not. Together with Footpath 10 and the Thames Towpath it makes a short circular walk. The extinguishment of Footpath 17 would mean more use of Footpath 10 which could have an adverse impact on users.

458. The appellants propose to provide permissive paths on the northern part of the site including an extended permissive bridleway linking the Barge Path with Dorney Common. However, permissive paths are very unsatisfactory. They have no protection in law, they are not permanent, they are not shown on Ordnance Survey maps, and the highway authority and landowner have no duties in respect of such paths. The public cannot guarantee that the paths will be kept clear of obstruction and in good order, and people do not have the confidence of knowing that they are on a legal highway.

459. The College wants to have it all ways. It wants the credit for creating paths which it says would be an improvement, but it also wants to be able to close the paths whenever it wishes because of the fear of vandals. Yet there are other remedies in law for dealing with vandals on public rights of way. Unless the College is prepared to dedicate the paths as highways, they should not be considered as benefits.

460. Dr H Fladee lives at The Boathouse which is the nearest building to the northern end of the proposed rowing trench. Despite this close proximity to the proposed workings no one has taken decibel readings at this noise sensitive property. The house has an upstairs sitting room affording fine views across the appeal site to Windsor Castle. These views would be marred by the gravel workings which are unlikely to be obscured by earth mounding. His experience of landscaping is hardly reassuring. Proposals to landscape the Thames Water boreholes site and Southern Water's building across the river have yet to materialise, albeit both were promised some ten years ago. Traffic along Lake End Road is already formidable and can only get worse with proposed construction projects in the area, the end result will be solid day-long traffic jams with HGVs polluting the air.

461. Mr P Perryman lives on Lake End Road close to the A4 (Bath Road). His house is opposite the Sainsbury superstore site and is situated some 14m back from the Lake End Road carriage and below the level of that carriageway. He faces the threat of noise, dust and fumes from passing HGVs invading his house and garden and reducing his quality of life. There is already severe congestion on the A4 during the morning peak hour and the addition of construction traffic from the appeal site would make matters even worse. The improvements proposed on Lake End Road would destroy its rural character and Thames field, which was bought by the College to preserve the land from development, would be lost to development. Dorney would become like Wraysbury. It would be better if the course were to be located on the disused gravel pits in the Wraysbury area which at least have the benefit of good road links via the M25.

462. Mrs J Paton lives in Dorney Reach. She has experience of power boat racing and other events at Holme Pierrepont. She fears that, despite legal agreements and the proximity of the Dorney boreholes, pressure of demand would cause the Eton lake to be opened up for a wide variety of water sports, including powerboat racing. Powerboats and wet bikes are extremely noisy and, more often than not, events for these craft take place at weekends. Even rowing events of more than one day would bring competitors and supporters who would camp at the site and cause general disturbance in an otherwise peaceful rural area. She doubts whether the numbers and routing of gravel lorries could be controlled in the way the College envisage. Operators have not been successful at Iver Heath where lorries have created dust, caused damage and disrupted wildlife by departing from agreed routes. The present

tranquil atmosphere at Dorney would be lost and properties would depreciate in value if the appeal proposals are allowed to go ahead.

463. **Mr R Tucker** is the Operations Director at The Willows Riverside Park which is a residential mobile home park covering some 15 acres on the south bank of the river about 90m from the eastern end of the proposed development. The Park consists of 172 residential mobile homes, 40 overnight touring pitches and 30 residential and leisure boat moorings. Many of the residents have chosen to retire on this friendly and secure riverside site which is within an attractive and tranquil area of the Green Belt.

464. Residents are concerned that the proposed development would cause unacceptable levels of noise and dust pollution given the ten years of gravel working on the appeal site. The older mobile homes are not well insulated and would be particularly susceptible to noise nuisance not only during the construction phase but also during major rowing events. Residents are also concerned at the potential loss of wildlife and changes in the character of the landscape. The price of their homes would be adversely affected and the extent of their opposition to the proposals is apparent from petition which has in excess of 150 residents' signatures.

465. **Mr V Sakal** lives in a Grade 2 listed building which is some 700 years old and which fronts onto Lake End Road. It is probably the oldest building in the areas and is now threatened by the passage of some 200 gravel lorries a day which could have devastating effects on its aged structure. The proposed development would be an extremely profitable and worthwhile enterprise for Eton College but it would be achieved at the expense of the well being of residents for miles around whose lives would be severely disrupted over a period of at least 10 years. The provision of a centre for the minority sport of rowing with its relatively tiny following may be a useful additional amenity for the College, but this is hardly an overwhelming national need. The dramatic and irrevocable destruction of a quiet semi-rural corner of Buckinghamshire and the disruption and inconvenience to so many residents for so long a period would be a ludicrously high and disproportionate price to pay for such a relatively minor amenity that would benefit so few.

466. **Mr D Tuddenham** lives on the corner of Court Lane and Lake End Road and therefore would be exposed to the noise from gravel lorries on two sides of his property. HGVs stopping or slowing to negotiate the corner would prevent easy access to a much used driveway to the house. Vibration from passing HGVs can already be felt and an additional 200 HGVs per day would be likely to cause damage to the structure of the property. His wife and son suffer from asthma and multiple allergies which would be aggravated by dust and other pollutants from gravel lorries. His son would be exposed to greater risks from the increased traffic when cycling or walking along Court

Lane. If planning permission is granted the quality of life he now enjoys would be so diminished that he would be forced to move away from the village.

467. Mrs G Easton lives at Harcourt Road , Dorney Reach. She fears that the "improvement" and subsequent use of Court Lane by construction traffic would cause the physical separation of the village of Dorney with one residential area severed from another. The character of the road would change and it would no longer be a pleasant country lane. She experienced the detrimental effects from the construction of a major engineering project near her house in East Molesey and moved to Dorney on the assumption that the Green Belt would be secure from such projects. However, that could prove to be a false assumption with schemes such as the flood relief channel, the relocation of the air traffic control beacon, the widening of the M4 and the Eton rowing lake all real possibilities. The cumulative impact of these schemes would be devastating. If approved, the rowing lake could act as a catalyst for further development with footpaths closed and a place of unspoilt beauty violated and transformed. The College refuse to compromise, they insist on catering for more than their own needs at the expense of the Green Belt and those who live in Dorney.

468. Mrs Billington makes representations on behalf of Mrs Millward who lives at Dorney Reach and objects most strongly to the proposed development. Dorney, an unspoilt village with some 40 listed buildings, two very old churches and a rare tudor manor house, is a most unsuitable location for the proposed development. The College's publicity for the scheme has been selective, arrogant and disingenuous. Far from conserving the environment the College is intent on destroying unspoilt meadows and riverside flora and fauna for the foreseeable future and imposing an engineered rowing course complete with bridges, boathouse, roads and car parks. Such development cannot be justified in the Green Belt.

469. Mr J Barker, a long established resident, lives in Dorney village near the Palmer Arms. Over the years two major changes have disrupted the tranquility of Dorney: first, the increase in overflying aircraft from Heathrow; and second, the ever increasing traffic noise from the M4. Both are of national relevance and villagers can do little about them. They do however have the opportunity to express concern at the prospect of damage to the countryside caused by the rowing lake. It would take good quality agricultural land. The College, having relocated their tenant farmer, have let the land go derelict pending development with the set-aside scheme an added bonus. Land of this quality (Grade 2) is rare in Buckinghamshire and, only a few years ago, MAFF would have resisted its loss to development. Seasonal frosts, liability to flooding and a shortage of labour, are said to inhibit farming, but if market forces were allowed to come into play this land would return to agriculture. On the other hand if

the proposed development goes ahead the land would be permanently lost to agriculture.

470. The College lay great emphasis on trees and tree planting but they have done little in this respect despite owning the land for the past 60 years. Now they propose to plant an arboretum. Yet rare and exotic tree species are unlikely to survive when planted on disturbed land. Most are slow growing and are sensitive to soil, pollution, climatic conditions, pests and diseases. Not one of this factors would favour planting on this site. The arboretum and additional tree planting are a ploy to make the overall proposals more palatable.

471. The B3026 is a potentially dangerous road and the proposed development would lead to more speeding through the village and an increased accident rate. The value of houses would decrease overnight, by at least 10%. Local residents would be subjected to ten years of dust, noise and heavy traffic. The rowing lake would prove to be the thin end of the wedge and further development would follow. This might be to the benefit of Eton College but it would certainly be to the extreme detriment of those who live in Dorney.

472. Mrs V Cumming is a resident of Burnham and County Councillor for Dorney. Speaking in a personal capacity she refers to the development plan and the need to preserve the countryside for future generations. This is all the more important as the countryside is becoming an increasingly rare commodity in this part of Buckinghamshire. Traffic from the appeal site is likely to affect Taplow and Burnham, not least that which seeks a rat-run through the villages.

473. Mrs S Armstrong and her family live in Dorney village. She doubts the need for the rowing course but is concerned that, in practice, boys are unlikely to walk from the College to Thames Field. Rather they would be transported by car through Dorney. If there is a desperate regional need for an international rowing course then the rowing associations and clubs should look for other possibilities, such as Docklands.

474. The proposed development would have a seriously detrimental impact on the quiet unspoilt hamlet of Boveney and the public's enjoyment of Footpath 17. Boveney Road, a cul-de-sac, would be used as a short cut to get to the rowing lake. Boveney Court and the unoccupied barns would be converted into dormitory accommodation for rowers and there would be even more traffic using Boveney Road. Boveney would be overwhelmed with development. Horse riders from the two local stables would find it difficult to use local lanes dominated by gravel lorries, not least when riding from Dorney to Burnham Beeches via Lake End Road. The proposal would cause untold damage to the local environment and the appeals should be dismissed.

475. Mrs M Hellmuth lives in Dorney Reach and points out that it has a very strong community spirit with thriving societies and clubs. Like others she is critical of the lack of local consultation on the project. A project which would have a devastating impact on the lives of residents. Her property may be devalued and there is unlikely to be any compensation for damage caused to it by the workings.

476. Mrs J Page lives in Dorney and has walked the footpaths on Thames Field almost every day for the past 12 years. In June 1991 the field was ablaze with scarlet poppies (see photograph - Document A61), these were mown down a few days before they would have seeded. The College has planted some saplings on the appeal site but due to lack of attention some of these died. In 1992, full rubbish skips used in conjunction with the renovation of Boveney Cottages were left on the site for many months (see photographs). These are examples of the lack of concern for the environment shown by the College. This "flat and featureless" stretch of land has some fine mature indigenous trees, some of which would regrettably be lost to the proposed development. Other fine trees would be felled to cater for numerous gravel lorries travelling to and from the site and thereby caused noise, dust and danger for other road users.

477. Not far from the appeal site is a field (Trumpers Field) that has remained "set-aside" since the M4 was constructed in the 1960s. In the summer of 1992 the parish council undertook an ecological survey which recorded an abundance of wildlife (Document IP13). This is an example of a "nature reserve", and one that has developed without the need to dig gravel.

478. Mr R Spencer adopts a neutral stance on whether or not Eton College should have a rowing lake but is opposed to the extraction of sand and gravel which, he suggests, is the real motive for the lake. Given the volatility of the market and the possibility of technical difficulties at the site, it is quite possible that extraction would take longer than 10 years. Thus any nature reserve or other benefit would not emerge in the foreseeable future. The proposals would destroy the unique quality of Thames Field with its spectacular views of Windsor Castle and the magnificent trees flanking Court Lane. The lake at Hampton Court is an ornamental feature in the grounds of the palace, if Eton College require a lake it should be sited within their own grounds and not at Dorney.

479. Mr Spencer's neighbour, Mr R Liney, is concerned that such a vast expanse of water on the low lying Thames Field would have an adverse effect on the local micro-climate in an area prone to a damp atmosphere in the winter months. Furthermore, he is concerned that the lake would become a breeding ground for mosquitos.

480. Mrs J Richardson is vice-chairman of the Planning and Transportation Committee of South Bucks District Council. She lives within sight of the appeal site, her house being some

500 yards away in Dorney Reach. She and her family would be adversely affected, during construction, by the noise and dust emanating from the site, by the closure and diversion of footpaths, and by the despoliation of country lanes by widening and gravel lorries. Afterwards, residents would be inconvenienced by extra traffic, crowds and public address systems. Support for the development has come almost exclusively from those connected with the College or rowing and from places as remote as Kenya, Australia and Switzerland. There is virtually no support from local residents.

481. The assurances given by the College as to the nature of the scheme cannot be relied upon. The size of the proposed rowing course has doubled since 1987 as has the estimate of the construction period. Gravel was to have been transported via the south bank of the river. Reception voids are now to be dug not only to bury surplus spoil but also to maximise gravel production. Local consultation on the proposals seems to have been limited to Mr P Palmer, who by virtue of his financial interest, cannot be expected to identify with and protect the clearly expressed views of local residents. By the same token, little reliance should be placed on Section 106 Agreements restricting building, or intensification or diversification of use which could be circumvented as readily as the original covenant relating to Thames Field. The proposals contravene planning policies relating to development in the Green Belt and AAL. The environment should be protected and the appeal rejected.

482. Mr C Randle lives beside the river at Dorney Reach. He is concerned at the increase in HGVs that would occur during the construction phase of the development. If, with the widening of the M4, Lake End Road were to be closed temporarily, construction traffic would be diverted onto Marsh Lane to the detriment of local residents. Furthermore, there must be doubt whether the lorry routing contemplated by the mineral operator could be guaranteed. Compliance with any agreement could not be achieved without strong sanctions.

483. Despite the detailed plan of working put forward by Redland Aggregates and the presence of a Resident Engineer, civil engineering projects of this magnitude are vulnerable to unforeseen circumstances which force change and delay. Such changes would be detrimental to Dorney. His experience from exposure to opencast coal workings in Derbyshire suggests that, given the insidious nature of noise and dust pollution, measurements and predictions by experts are meaningless to the affected householder.

484. He is concerned that in the event of planning permission being granted, the approved facilities would be used to the full despite conditions and covenants. These may be subsequently waived, and in some cases ignored. It is said that major events would not attract attendances greater than 4000, but with success and the possibility of corporate sponsorship and hospitality the figure could quite easily

exceed the original intentions. The pavilion on Queen's Eyot is a case in point. Originally a small and unobtrusive building it was burnt down in 1988 only to be replaced by a substantially larger building used for social events. Proposals for building on the appeal site appear to be an ongoing matter and the College could argue for boathouses or disproportionately sized structures as they did on Queen's Eyot.

485. As a user and observer of the river, Mr Randle does not share the College's view that river traffic is increasing. On the contrary, many of the boat hire yards in this area have gone out of business; even before the current recession. The wash from river craft is related to the shape of the vessel rather than its size. However, the wash created on this stretch of river is rarely worse than the chop on the tideway, which oarsmen seem to cope with satisfactorily. Certainly it is not unreasonable to assume that control over the speed of launches and improvements in the design of hull shape over the next ten years could largely overcome the problems of wash. It would seem that Queen's Eyot will continue to be used by rowers (Document IP15) and, therefore, they will continue to mingle with allegedly dangerous launches despite the appeal proposals.

486. The College has underplayed the potential impact of the proposals on the parish of Dorney and its residents. It has been unable to allay the fears of local people and has probably exacerbated them through the growth of the project since it was first presented to the community in March 1987. It has overstated the conflict between rowers and other river traffic. The regional dimension now given to the project is an attempt by the College to deflect accusations of privilege and exclusivity. The appeals should be dismissed.

487. Mr M Martin lives on Bath Road, Taplow. Having come to the area in 1966 he has noticed many changes over the years, not least in the volume of traffic on Bath Road. He had not been consulted on the appeal proposals. He considers it most unlikely that lorry drivers would adhere to any routing agreement and there is every chance that some would tend to use Huntercombe Lane.

488. Mr P Tyler acknowledges the past contributions the College has made to local life and is impressed by the way in which it carefully maintains its land and buildings. Over the years they have been good neighbours, exercising restraint, sharing and contributing much to the quality of life in Dorney. Unfortunately, this proposal and the manner in which it is being promoted has done much to damage the reputation and standing of the College locally.

489. Dorney, being the southernmost parish in Buckinghamshire, has fought hard to fend off encroachment from the neighbouring Berkshire towns of Maidenhead, Slough, Eton and Windsor. It is however threatened by a series of major infrastructure

projects which would diminish the Green Belt and detract from local amenities. The proposed "improvements" to local roads are unwelcome, they should be left as they are and thereby deter traffic speed. The inevitable consequence of better roads in Dorney would be to attract more through traffic and exacerbate the bottleneck at Eton College. The proposals would not bring any aesthetic advantage to the appeal site. Views would be spoilt, the flora and fauna attracted since the land was set aside would be lost, and riverside walks disrupted. The site should be interfered with as little as possible, above all it should be respected as part of the river's natural flood plain.

490. The College's desire to provide safe rowing conditions for the boys is understandable, but it should be met by selecting specific hours to row on the river or by using Wraysbury's redundant gravel pits. There is also the possibility of constructing a rowing lake nearer to the College on land they own just to the west of the Windsor Relief Road at Eton Wick. As far as national requirements are concerned there are alternatives in the London Docklands and in Wiltshire. If planning permission is granted at Dorney, the College would gain financially and at the expense of residents whose property values would fall.

491. Mr A Stark lives at Cypress Cottage on Lake End Road. Traffic from the appeal site would therefore pass very close to his front door. Having been told by the planning office some three or four years ago that the land surrounding his house was designated Green Belt and that nothing could be built on it, there is now the prospect of number of projects in the near vicinity. These include the Lake End Road improvement, a Berkshire preferred area for gravel extraction and the access thereto, the widening of the M4, the Sainsbury superstore and the relocation of the air traffic control beacon (Document IP16). With so many large scale projects going on at the same time the cumulative effect would be devastating. There is a need to set priorities and the only application under consideration which is not in the public interest is the rowing trench.

492. The College has shown a lack of consideration for local residents during the planning process. Long standing enquiries concerning the implications for Cypress Cottage have yet to be concluded (Document IP16). The College appears not to be interested in the problems of local residents. This lack of concern when the support of local residents would be of value to them in their quest for planning permission suggests that the College would show even less concern if consent were to be granted. Whether or not the College wants the rowing course badly enough to have it in Eton remains, significantly, an unanswered question.

493. Mr B Huggett is Chairman of the Willows Residents' Association. His property is one of a line of dwellings situated on the south bank of the river opposite the appeal

site. He considers that the proposals would drastically and adversely impact permanently upon the environment and quality of life enjoyed by him and his family over the past 23 years. The visual and rural aspects of the appeal site have been enjoyed by a number of tenants and owners of properties on the southern side of the river for many years. During the ten years of gravel extraction, and thereafter, residents would be subjected to a totally unacceptable risk of increased flooding, intrusion and pollution. In addition, there would a substantial diminution of the visual amenities which are an inherent characteristic of a residence in a cherished Green Belt area.

494. The gardens at The Willows are regularly subjected to flooding. The hydraulic studies and modelling carried out on behalf of the NRA have provided some degree of confidence that the historic flooding regime will continue. But given the sensitivity of the area, and the reduction in the flood water storage capability of the appeal site if planning permission is granted, the accuracy of the NRA's predictions are open to doubt. The only effective solution is to ensure that the proposals do not go ahead until the Flood Relief Channel is in place and its effectiveness has been demonstrated.

495. Noise emanating from the proposed gravel extraction is likely to be excessive, continuous and alien to this rural location. It is likely to exceed the ambient noise levels by a considerable margin. This nuisance would be compounded by the air pollution from lorries working on the site and other mobile plant. The silicon content of the dust and the exhaust emissions from trucks are likely to constitute a health hazard. These matters should be the subject of conditions if planning permission is granted. Noise levels should be limited both for construction phase and during rowing events. In the case of the latter the level should not exceed background level by more than 5dBA. Floodlighting should not be permitted to aid either the construction phase or use of the rowing lake.

496. Mrs B Spencer rides her horse over Thames Field very regularly and the routes she takes are shown on the plan which comprises Document IP17. All of these routes, which include Court Lane and Lake End Road, would be affected by the proposed development. The weight of traffic on local roads and not least HGVs from the appeal site would make riding hazardous if not impossible. These are commercial vehicles whose drivers have a financial interest in moving the gravel as quickly as is reasonably possible. The proposed extraction of sand and gravel would drive wildlife away from Thames Field for many years to come and this would be a tragedy.

497. Mrs O Livesey who lives in Dorney uses Footpath 17 almost every day as part of a circular walk. One of the alternatives to the east is far less attractive as Bridleway 2 is shared with cars. The College seek safety by rowing on the

lake rather than the river, but there have little concern for the safety of horse riders using Court Lane.

498. Mrs A Henley-King lives on Ashford Lane and is disturbed at the though of the additional traffic on Lake End Road.

WRITTEN REPRESENTATIONS

499. The Royal Borough of Windsor and Maidenhead believes that the College's proposal for a rowing lake would complement the Royal Borough's efforts to enhance sporting and recreation facilities locally.

500. The College lies with the Royal Borough although the appeal site is just outside it. Many of the College's existing sporting and cultural facilities are made available to local clubs and societies. The College has very generously indicated that it would be prepared to allow for use of the rowing lake by local clubs for training and that the Maidenhead Regatta could perhaps be relocated there for the benefit of all. This approach fits the Royal Borough's recreation strategy (Document IP18) which seeks to secure a partnership with the private and voluntary sectors to enable a wider use of facilities by the local population. The lake would help reduce congestion and conflict between various river users and its associated nature reserve and landscaping would enhance to local environment. With the College's admirable track record controlled access to the proposed rowing facilities and improved public access to the site in general would be of great benefit to the local population.

501. The Thames Planning and Amenities Forum have put a lengthy written submission (Document IP19) in which they oppose the proposals which they regard as, in essence, a gravel extraction scheme optimised to exploit the mineral resources on the site over a period of 10 years and restore it as a rowing lake. The scheme is unsupportable in its own right in that it contravenes the established planning policies of the area. There is no justifiable need for the proposals as adequate rowing courses either exist or are proposed elsewhere.

501. Some 2000 letters have been received and are attached as Document 3. Of these, about 1500 are in support of the proposal and about 500 are opposed to it. Some 24 letters have been received from members of both Houses of Parliament: all but one supporting the proposals. A significant number of the 2000 letters have been written in response to requests from organisations supporting and opposing the proposals. Broadly speaking, support has come from those with a specific interest in rowing or Eton College, and opposition mainly from those living within Dorney parish. The arguments raised relate to matters covered by the parties at the inquiry and where material these have been reported above. I have not therefore thought it necessary to reiterate the points made.

I have, however, taken them into consideration in reaching my conclusions.

FINDINGS

502. I find the following:

1. The appeal site forms a significant part of an open area within the Green Belt between the towns of Slough, Maidenhead and Windsor and lies some 3km to the west of Eton College.

2. It comprises some 174 ha (431 acres) of agricultural land in "set-aside" lying adjacent to the north bank of the River Thames and within its flood plain.

3. The site is generally flat and featureless and, visually, reasonably well contained by trees and hedgerows on the boundaries. It is traversed by two public footpaths (Nos 8 and 17) and an overhead power transmission line, and bounded on one side by the Thames Towpath (a public footpath).

4. The proposed vehicular access to the site for both construction and rowing lake traffic is via an existing bridleway and footpath in the north-east corner of the site which joins Court Lane, a local distributor road.

5. Adjoining the northern site boundary an open field contains some 8 water abstraction boreholes operated by Thames Water. Thames Water and the NRA have withdrawn their objections to the proposals.

6. The College has over 300 boats and an average of 600 (out of 1267) boys row each year.

7. During the summer holiday period, the College runs the largest rowing instruction course in the country, attended by 160 boys and girls from schools throughout the United Kingdom.

8. At present rowing takes place from the College's three boathouses on three reaches of the River Thames, one of which lies adjacent to the appeal site.

9. The river is congested at times, unsuitable for side by side racing and coaching, and there have been collisions with pleasure craft and swampings from their wash.

10. The number of launches passing through Boveney Lock increased from about 12,000 in 1958 to over 39,000 in 1980 but declined to around 24,500 in 1992. Between 1980 and 1992 the number of locks made declined at a slower rate from 14,500 to 11,000.

11. The proposed rowing course, nature reserve and arboretum would be owned and managed by the College.

12. Most of the College's rowing activity would be transferred to the lake which would also be available to local schools, training establishments, clubs and national rowing squads and would provide a regional centre for rowing training.

13. There are 75 rowing clubs, 60 University and College rowing clubs, and 43 school clubs along the Thames between Oxford and London, all within about one hour's travelling time of Eton.

14. The Thames region has almost half the total number of oarsmen and oarswomen in the country with 39% of the total number of rowing clubs located on the Oxford to Putney stretch of the river.

15. The International Rowing Federation (FISA) rules provide that the standard course shall provide fair and equal racing conditions for six crews racing in separate, parallel lanes over a distance of 2000m.

16. There are only two standard rowing courses in the United Kingdom; one at the National Water Sports Centre at Holme Pierrepont, Nottingham and one at Strathclyde in Scotland. This contrasts with 9 in France, 8 in Italy and Germany, and 6 in Spain.

17. There are courses of less than 2000m in the London Docklands and at Peterborough; others are planned at Cambridge and in the Cotswold Water Park.

18. The proposed rowing course would be 2130m long with an overall width of about 230m including a separate return lane.

19. A boathouse of some 2112 m^2 would be required, together with a number of small structures including a starting platform, finishing tower and timing shelters.

20. At major events temporary accommodation in the form of marquees would be needed and spectators would view the course from grassed banks and mounds incorporated in the overall landscape scheme.

21. Events at the lake would be limited to no more than 8 per year, 4 major events (of no more than 3 days duration with more than 500 but less than 751 competing crews on any one day) and 4 minor events (of no more than one days duration with more than 250 but less than 500 competing crews).

22. Alternative sites have been considered by the appellants, but all have been found to be unsuitable for a variety of reasons.

23. The construction of the rowing lake in accordance with a detailed programme would involve the removal of 4.5mt of sand and gravel off-site, with the balance of overburden (topsoil and subsoil), silt and basal clay arising from the construction disposed of in reception voids below and above ground either side of the course.

24. The sand and gravel would be processed on site at a fixed plant with a capacity of more than 170 tonnes per hour.

25. The annual output would average 450,000tpa, this compares with 100-150,000tpa produced at most sand and gravel workings in the county.

26. Construction is expected to take 10 years with the first 1000m of the rowing course available for use in just under 5 years.

27. The College would appoint an independent resident engineer to monitor operations.

28. HGV traffic generated during the construction phase would comprise some 180 gravel lorry and 30 ready-mix concrete lorry movements per day on average from year two to year ten. That is an average of about 20 HGVs per hour each working day.

29. The proposed access route from the site to the A4 Bath Road is via Court Lane (a local distributor road) and Lake End Road (B3026 a secondary distributor), a distance of about 2.5km.

30. The appellants would enter a section 278 Agreement with the local highway authority to carry out improvements to the width and alignment of Court Lane and Lake End Road. These improvements are substantially in line with those proposed by the County Engineer.

31. The County Engineer has not objected to the proposal on highway grounds.

32. The alternatives of taking the mineral across the Thames by pipeline or conveyor bridge to be processed at an existing working, or barging it to the nearest suitable wharf, have been considered and rejected by the appellants.

33. Legal Obligations, in the form of agreements and unilateral undertakings, are in draft form and cover archaeology, drainage, highways (including lorry

routing), further building and the number of annual rowing events.

34. The Development Plan comprises the approved 1990 Buckinghamshire County Structure Plan (incorporating Alterations 1-5), the Local Plan for South Bucks adopted in July 1989 and the Buckinghamshire Minerals Local Plan adopted in 1982.

35. The Development Plan makes no specific provision for a rowing lake.

36. The appeal site is within the Thames Valley Area of Attractive Landscape (the AAL) where paragraph 29 of the Structure Plan establishes a presumption against any development likely to damage the special character and appearance of the AAL, except where that development is for, among other things, countryside recreation.

37. Paragraph 35 of the Structure Plan establishes a general presumption against development in the Green Belt subject to certain exceptions which include, at paragraph 35(b), "development for countryside recreation, so far as is consistent with recreational policy (paras 57-60E)".

38. Other policies of the Structure Plan seek to protect the interests of local residents, the landscape, archaeology and wildlife conservation.

39. The Local Plan for South Bucks contains policies to safeguard the use and character of rural lanes and by-roads (GB11); and to ensure that new development is compatible with the character and amenity of the surrounding area having regard to traffic generation, access and car parking (ENV1).

40. By averaging traffic flow surveys undertaken in July 1989, February 1990 and January 1993 the appellants show typical daily flows of 1450vpd on Court Lane of which 50vpd were HGVs having 6 or more tyres. Along Lake End Road the equivalent figures vary between 2900 and 4000vpd with HGVs at 200vpd.

41. The Council use the January 1993 traffic survey to show that there were 1295vpd on Court Lane of which 18 were HGVs (2 or more axles). A further survey on 5 May 1993 recorded 1659vpd on Court Lane and, of these, 38 were HGVs. None of the larger HGVs (4 or more axles) were recorded and all but 5 were the lightest category of HGV.

42. The predicted average daily movements of construction traffic would substantially increase the HGV flows (3 or more axles) recorded on Court Lane and Lake End Road in 1993.

43. Traffic generated by major events at the lake would vary between 820vpd (canoe regatta) and 2600vpd (national schools regatta).

44. Improvements to Court Lane and Lake End Road would involve the loss of some trees and hedgerows: new trees and hedgerows would be planted.

45. There are 26 properties (including a block of 8 flats) on or within 30m of Lake End Road and 1 property within 30m of Court Lane.

46. Open land within Huntercombe Conservation Area lies adjacent to Lake End Road.

47. Construction traffic would, in general, add between 1dB(A) and 3dB(A) to existing noise levels on Court Lane and Lake End Road.

48. Vibration from construction traffic is unlikely to cause structural damage to roadside properties.

49. The appellants predict that noise levels from site operations relating to mineral working would marginally exceed the 55dB(A) criterion given in MPG11 at two noise sensitive locations. They claim that management of mobile plant could reduce the levels to below 55dB(A).

50. There is a dispute between the parties as to the applicability of 70dB(A) noise criterion to the construction of permanent landscape mounds.

51. The Council calculate that noise from site operations, including bund construction, would be more than 10dB(A) above background levels at noise sensitive properties for extensive periods.

52. It is proposed that site landscaping, in the form of mounding and planting as part of the parkland, arboretum and nature reserve, would commence at the outset and progress throughout the construction of the rowing lake.

53. The appeal site is of only limited nature conservation interest. The proposed nature reserve is supported by the local Naturalists' Trust but the reduction in the areas of proposed wetlands led to the withdrawal of support from English Nature.

54. The appeal site contains important archaeological remains, some of which would be lost to development, but it has not been scheduled as an Ancient Monument by English Heritage.

55. Of some 2000 letters received, some 1500 are in support of the proposals and some 500 against.

56. The stopping up of Footpath No 17 and the diversion of Footpath No 8 is necessary to enable to the development to go ahead in the event of planning permission being granted.

57. Footpath No 17 forms part of a circular walk.

CONCLUSIONS

503. Although two applications were submitted and appealed against, one for a change of use of land to a rowing lake and the other for the construction of a rowing lake, they can be treated as a single entity in these conclusions.

504. The question of whether or not the change of use application was determined by the proper authority is referred to in paragraphs 51, 230 and 422 above and is a legal matter. However, any opportunity the appellants may have had to raise the question in the courts has, on their own admission, been lost. They did not seek judicial review in due time and concede that the District Council's decision to forward the application to the County Council for determination must stand for the purpose of this inquiry and is binding on it. Certainly the legal submissions made do not inhibit my consideration of the planning merits, nor my conclusions and recommendations.

505. Objections to the proposals from Thames Water plc and the NRA were withdrawn during the course of the inquiry but not before the Assessor had heard the appellants' evidence and embarked upon his report. I accept his conclusions and endorse his recommendation and the implication that if planning permission is to be granted it should be dependent upon an extension of the legal agreement to provide for the maintenance of water quality.

Policy Context

506. Bearing in mind the findings in paragraph 502 above, it seems to me that the starting point in consideration of these applications must be with the development plan. This includes the Buckinghamshire Structure Plan and Local Plan for South Bucks and although both are up-to-date, neither makes specific provision for the development of a rowing lake although both contain broad policies relating to the area of the appeal site and the provision of recreational facilities. Thus it is necessary to look at the proposals in the context of these policies and even though those relating to recreation could be construed as giving some conditional encouragement to this type of development, it is an exaggeration to say, as the appellants do, that the relevant policies so pull in opposite directions that the plan does not provide clear policy guidance in relation to this proposal. In short, I prefer the Council's view that the policies are clear and that the

applications should be determined in accordance with these policies unless material considerations indicate otherwise.

507. Despite some suggestions to the contrary from interested persons, there is no evidence to show that the College's intention is other than to construct a rowing lake. It is not a proposal for the winning and working of minerals nor is the suggested scheme of working commensurate with such an operation. That much of the excavated material would be a valuable by-product, gravel, has not deflected the Council from taking a responsible and proper approach to the applications. They did not rely on minerals planning policies for refusing planning permission but did consider the environmental and archaeological implications of the proposed construction, transport and disposal of materials.

508. Having regard to the policy background and the other material matters, I find that the main considerations in this case concern the application of Green Belt and Area of Attractive Landscape (AAL) policies; the potential environmental impact of the construction of the rowing course and its subsequent use; the likely effect of site traffic on local roads and residential amenity; the implications for archaeology and nature conservation; and any benefits that would flow from the proposed development. It is also necessary to consider the proposed stopping up and diversion of public rights of way.

Green Belt

509. Although the proposed development was seen by the County Council as qualifying as an exception to Green Belt policy and therefore did not warrant a reason for refusal on determination of the application, that is no longer the position. The case presented to the inquiry makes much of Green Belt policy. There may be some inconsistency in this approach but, given the Green Belt location, such policies deserve special consideration.

510. It is difficult to contemplate a standard 2000m rowing course designed to serve Eton College being anywhere other than in the Green Belt. The space requirements and the need for generally flat land within easy reach of the College make this a virtual imperative. Nor could such a course be categorised as being other than "outdoor sport" which is often regarded as an appropriate use on Green Belt land and paragraph 5 of PPG2 refers to Green Belts as having a positive role in providing access to open countryside for active outdoor sports or for passive recreation.

511. At the local level the Structure Plan contains a series of inter-related policies designed to protect the Green Belt from inappropriate development. The principal policy at paragraph 35 establishes the general presumption against development but allows an exception for "countryside recreation". The Plan also defines this as development which,

among other things, requires a countryside setting. In the case of a rowing course that seems to me self-evident. Certainly, the Council suggestion that the use of a redundant dock as a rowing course in East London proves a point against a countryside setting is less than convincing. So too is the suggestion that the definition of countryside recreation in the glossary to the Local Plan, which goes against organised sport, should be applied to this case. The glossary is not part of a policy and should not in my view override the text of the Structure Plan.

512. The exception for "countryside recreation" is, however, qualified by a requirement for consistency with the Plan's countryside recreation policies. Perhaps the most relevant of these is that which seeks to ensure that recreational needs are met with a minimum of conflict with the interests of agriculture, local residents, landscape, archaeology, and wildlife conservation. No case is made against the proposals in the interests of agriculture and the other interests are considered individually below.

513. It seems to me, therefore, that the proposed rowing course, and indeed the nature reserve and arboretum, are an appropriate form of development in the Green Belt given the national planning policy guidance. I note however that the Structure Plan was approved by the Secretary of State after the publication of PPG2. Local policy is more exacting in the sense that countryside recreation, which I take to include outdoor sport requiring a countryside location, is not defined as appropriate development but rather as a possible exception to the general presumption against development in the Green Belt. Either way, whether the development is appropriate in terms of PPG2 and PPG17 or, as I believe it to be, a justifiable exception to the Structure Plan policy, the Green Belt location should not in itself be a bar to development.

514. I am encouraged further in my opinion on the Green Belt issue by the fact that the site would remain generally open on completion of the development and because that openness would in itself continue to contribute to the objectives of the Green Belt. Apart from the boathouse and other ancillary structures the College has no proposals for further built development and, indeed, has drafted a Planning Obligation to secure this objective.

Landscape and the AAL

515. Even though the appeal site is within an AAL it has little intrinsic landscape merit. It has no special character or appearance, save that of its open nature. The AAL policy at paragraph 29 of the Structure Plan, however, requires that special attention be paid to the conservation and enhancement of its scenic beauty. Furthermore, the policy carries a presumption against development likely to damage the special character and appearance of AAL except where, yet again, the development is for countryside recreation. Given my

acceptance of that exception, the key question becomes whether or not the proposals conserve and enhance the scenic beauty of this site. Of course the construction phase would completely destroy the site's limited landscape value. However, I consider that in the longer term as the newly created landscape matures, the present appearance of the site would be enhanced.

516. The appellants have paid special attention to the ultimate appearance and use of the site. The nature reserve and arboretum would give added interest. The subtle changes in topography and generous tree planting would introduce variety to this featureless field. The lake would, even with the scalloped edges, retain its rectilinear form but I doubt whether, for all its size, it would prove to be the dominant feature when viewed from the Thames Towpath and other public vantage points. Only at the starting and finishing ends of the course would it be seen in its entirety and be of an engineered appearance.

517. The Council contend that the exception to the presumption against development contained within paragraph 29 of the Structure Plan should not apply and that the special character and appearance of the AAL would change and thereby be damaged. Whilst I do not accept the first part of this contention, I do agree that the character and appearance of the site would change. That would be inevitable, for a flat and featureless field would give way to parkland and water. But I am not so sure that change would be synonymous with damage in this case. The essential open nature of the site, and thus its special character, would be retained. I do acknowledge, however, that some local residents who use the footpaths adjacent to and across the site may regret any change to familiar, if uninspiring, landscape.

518. In all the circumstances therefore it seems to me that the landscape within the AAL would change, but that change would be for the better in the longer term. Thus there is little substance in the landscape objections to the proposed development.

Environmental Impact of Site Operations

519. The construction of the rowing lake would involve the excavation and movement of vast quantities of soils, overburden and basal clays within the site, and the excavation and processing of sand and gravel for sale off-site. Operations on this scale would bring added noise to an area which although generally rural in appearance experiences background noise levels higher than those generally found in rural areas due to traffic noise from the M4 and overflying aircraft from Heathrow. The site itself is adjoined by only a few noise sensitive properties at Boveney. There are however others, principally those across the Thames and at Elm View Farm, which are within close proximity of the site boundary

and would be exposed to increased levels of noise from site operations.

520. There is a wide difference in the noise levels predicted by the principal parties. Whereas the appellants have used conventional methods to calculate noise levels at mineral sites, the Council make no distinction between temporary operations, such as soil stripping and bund construction, and long term operations. Further, different sound power levels have been applied to mobile plant and soft ground attenuation has been calculated using CRTN and CONCAWE corrections. Finally, the appellants opt for the 55dB(A) criterion at noise sensitive properties while the Council prefer to apply the BS4142 +10dB(A) test. The end result is that the figures cannot be compared.

521. Leaving aside the different values applied in the prediction of noise levels, the lumping together of short and long term operations in the Council's figures gives a calculation of absolute noise levels which is not helpful in the context of the policy guidance contained in MPG11. The appellants' methodology is to be preferred but requires further comment.

522. I can accept that on-site measurements of the actual mobile plant to be employed is likely to give a more up to date and accurate assessment of noise emissions than the range of sound power levels given in BS5228. I can also agree that CRTN provides an acceptable method of allowing for soft ground attenuation, especially over short distances, but I doubt whether it is any more valid than a properly applied CONCAWE model. Certainly the differences in noise levels attributed to this factor are unlikely to be that critical. A more substantial point between the parties is the appellants' inclusion of landscape mounds and piling as temporary operations. The landscape mounds would not only be a new permanent landform (para 42, MPG11) but would also act as noise baffles during the construction phase of the proposals. Their construction should therefore be considered a temporary operation. Pile driving, like soil stripping, would be short lived and should, in my view, also be regarded as a temporary operation.

523. The noise evidence presented on behalf of the owner and occupier of Elm View Farm is based upon a lower figure for the background noise level from those measured at a different point near this property and agreed between the principal parties. Consequently, the predicted noise level from the nearest point within the site (the access road) just exceeds the + 10dB(A) level but is well within the 55dB(A) criterion.

524. This evidence and that of the Council shows that site operations would give rise to an appreciable change in the local noise climate and that certain noise sensitive properties would experience a significant increase in noise at certain times. That would clearly be to the detriment of the

occupiers of those properties. However, with careful management of site operations, predicted noise levels could be brought within the 55dB(A) criterion specified in MPG11. The Council cast doubt on the applicability of MPG11 to the construction of a rowing lake, but the skilfully designed scheme for working the site has many, if not all, the characteristics of a normal mineral working as far as noise generation is concerned.

525. The use of the lake for major rowing events has the potential to cause some disturbance to some residents if the noise from public address systems is not properly designed and controlled. But there is no evidence to show that this is likely to be the case and noise from the use of the site for rowing, including most major events, is likely to be minimal.

526. The excavation of the lake by wet working is unlikely to generate significant levels of dust. The main source of dust would be from vehicles on the Barge Path access and other internal haul routes. When the proposed dust suppression measures, which include sprinkler systems, are applied the spread of dust would for the most part be contained within this large site. Given the prevailing wind direction problems are most likely to be encountered at Boveney rather than at Elm View Farm. Thus there would be some, albeit limited, nuisance from dust at those properties in Boveney which adjoin the site.

Traffic.

527. It is significant that the County Engineer has not objected to the proposals on the grounds of highway safety. Given the proposed improvements to Court Lane and Lake End Road, these roads would have ample spare capacity to carry the additional traffic generated by the construction of the rowing lake. However, even with the improvements, which I believe would be necessary in the interests of the free and safe flow of traffic, there would be a significant environmental impact in terms of noise and general disturbance for those living alongside Lake End Road.

528. With the works associated with the construction of the lake controlled by an independent engineer appointed by the College and the mineral operator paying a differential royalty to the College for minerals leaving the site, I have no reason to doubt that lorries would follow the agreed route to and from the A4. However, the Section 106 Obligation covering this matter is in draft and has yet to be sealed by the County Council. For the purpose of these conclusions however I have assumed that this obligation will be concluded and will be an appropriate instrument for the control of off-site traffic.

529. The estimated average daily generation of some 210 HGVs would represent a very considerable increase on the present flow of HGVs (3 or more axles) along Court Lane and Lake End Road. However, an even flow of some 20 HGVs per hour each

working day is unlikely to be achieved for two main reasons. First, because output would be influenced by the market with fluctuations in demand over extended periods, albeit there is some evidence to suggest that material from the site could be disposed of in the ten year period. Secondly, because there is likely to be a greater demand for material from construction sites during the early part of the day. The appellants are therefore prudent to base their road traffic noise calculations upon HGV flows of 30 vehicles per hour.

530. There is little between the principal parties in their estimates of the increase in noise levels attributable to the increase in traffic from the appeal site. Generally these are between 1dB(A) and 3dB(A). What is at issue however is the level at which the increase should be regarded as significant.

531. The appellants opt for the current advice in the DoT "Manual of Environmental Appraisal" which gives a minimum level of significance of 3dB(A). The Council relies upon a level of 1dB(A). This is derived from the Noise Insulation Regulations 1975 and, they claim, is the figure to be inserted in the draft revised version of the DoT Manual. Bearing in mind that noise levels are estimated at a point 10m from the kerb line, it seems to me that whichever figure is taken there would be a noticeable increase in traffic noise at many of the 26 properties along Lake End Road. This level and character of noise, and the visual intrusion and frequency in the flow of gravel lorries would cause a serious loss of amenity to those residents of the 26 properties.. This is, in my view, the most telling objection to the proposals. It puts the proposals in conflict with Policy ENV1 of the Local Plan.

532. Whereas residents in Dorney village and Dorney Reach would be spared the passage of gravel lorries outside their houses, they too use Court Lane and Lake End Road for access, some as cyclists and pedestrians. Despite the proposed provision of footways, site generated traffic would make Court Lane less pleasant for pedestrians, cyclists and horse riders alike. Improvements to the carriageway width and alignment would cause some mature trees to be removed and the rural character of the lane would be diminished. This is contrary to the intentions of Local Plan Policy GB11.

533. The visual impact of the proposed improvements would cause far less damage to the appearance of Lake End Road. There would be a loss of some trees and sections of hedgerow but the present character of the road would not change significantly. A slight realignment of the carriageway would move it away from the present boundary of the Huntercombe Conservation Area. The improvements, which were already largely planned by the County Engineer, would be accompanied by landscaping proposals, which in time, would more than make up for the initial loss of vegetation.

534. Traffic generated by major events at the proposed rowing lake would not be confined to Lake End Road and Court Lane and

could be expected to spread over the wider network. However, such events would be few and the inconvenience to residents caused by the additional traffic short lived.

Nature Conservation

535. Given the very limited nature conservation value of the appeal site the proposal to establish a nature reserve, represents a positive benefit. It can of course be argued that a nature reserve, which has educational value, could be created without a rowing lake. It can also be argued that a greater wetland area would make a better nature reserve. These are tangential arguments and do not detract from the benefit of providing and maintaining a nature reserve.

Archaeology

536. The appeal site is an important early Bronze Age site and there is sufficient evidence from field evaluation to confirm the presence of a number of archaeological features. But their state of preservation is not good due to regular ploughing and a lowering of the water table by abstraction at the Dorney boreholes.

537. A site of this nature is by no means unusual in the Thames Valley but it is rare, perhaps unique, in Buckinghamshire. However, although its merits have been brought to the attention of English Heritage it has not been scheduled as an Ancient Monument. Although many of the features would be preserved *in situ* others would be lost on excavation of the rowing lake. That would mean a second best option; preservation by record. This would bring the proposals into conflict with the policy at paragraph 74 of the Structure Plan.

538. Provision has been made by the appellants, in the form of a legal undertaking, for a programme of investigation and preservation. This would be funded by the College. It would be of educational value and would go some way towards mitigating any damage done by the removal of important archaeological features. However, the conflict with a development plan policy remains because the evidence shows this to be an important archaeological site.

Footpaths

539. Footpaths No 8 and 17 appear to be well used for recreational purposes. Bridleway No 8 is a cul-de-sac and therefore of limited value. During the course of construction Footpath No 17 would be stopped up, Footpath No 8 diverted and Bridleway No 8 closed temporarily. This is unavoidable if the development is to be implemented. The amenity afforded by Footpath No 8 during the construction phase of the development would be reduced quite substantially.

540. On completion of the development the diverted Footpath No 8 would provide an attractive recreational route to the river even though the north-eastern end would follow a short section of the access road. Bridleway No 8 would join a permissive path to Dorney Common thereby providing the possibility of a circular route for riders.

541. The loss of any public right of way is of course regrettable. Footpath No 17 has added value as part of a short circular walk, but there are equally attractive alternatives close at hand which would be largely unaffected by the development. Furthermore, the proposals to allow wider public access to the site via permissive paths would enhance its recreational value. In these circumstances, I take the view that the presence of Footpath 17 and the existing alignment of Footpath No 8 should not be regarded as insurmountable obstacles to carrying out the development.

Benefits of the Proposed Scheme

542. A strong, and in my view convincing, case has been made to show that there is a demand for a still water rowing lake in the Thames Valley. Clearly the present conditions for competitive and safe rowing on the Thames for boys from Eton College and nearby schools are unsatisfactory. The College has for some considerable time sought to provide a better alternative and in doing so has acted in a responsible manner. This is not a case of working and winning sand and gravel and then pondering an after-use. It is a project to construct a sports facility of excellence to be enjoyed by future generations of schoolboys. The presence of sand and gravel may make it possible but it is not its *raison d'etre*.

543. Whereas the very large increase in pleasure craft passing though Boveney Lock in the 1960s and 1970s has peaked and since declined, the evidence on whether this is wholly or in part due to an increase in the size of vessels is inconclusive. What is clear however is that rowing comes off second best in the shared use of the river.

544. The proposals to allow club and national rowing squads to train on the lake reinforces the case for the construction of a course to FISA standards. The opportunity for intensive coaching at the national level and side by side racing over 2000m on still water in a safe and controlled environment does not exist in the south of England where it is most needed. If Great Britain is to retain its pre-eminence in international rowing competitions then there is a need, rather than just a demand, for a facility of this quality. It is at the present time hard to envisage any other organisation coming forward with a proposal to construct, maintain and manage a FISA standard course in this part of the country, especially one dedicated almost exclusively to rowing. If built, it would be a national asset in sporting terms.

545. The other benefits of the proposals are very much supplementary to and dependent upon the rowing lake. The nature reserve and arboretum are to an extent a necessary exercise to make the landscape setting of the lake more acceptable. Nevertheless, given the proposals for some public access, they do represent a benefit and should be given some attention when weighing the balance of advantage and disadvantage of the appeal proposals.

546. The production of sand and gravel from this windfall site could ease pressures to work sites elsewhere. But this would be a less certain benefit since it would probably extend the life of other pits to the disadvantage of those living nearby. It can also be claimed that the implementation of road improvements contemplated by the County Engineer would be advanced and undertaken at no expense to the public purse. As such it represents a public benefit, but the immediate gain would be to some degree be offset by an increased use of the road by HGVs from the appeal site for a prolonged period.

The Planning Balance

547. Having examined the proposals in the context of the development plan, I find that the policy objections to this form of development in the Green Belt and AAL are far from compelling, and those relating to nature conservation are without merit. I accept that the environmental impact of the construction of the lake would adversely affect the amenities of those living close to the site by reason of noise nuisance, albeit the noise levels would be below those normally acceptable at mineral workings. There would be a loss to future archaeological research in that some features would be preserved by record rather than *in situ*. But by far the most telling objections relate to the generation of HGV traffic over a ten year period and its effects on those living alongside the proposed haul route to the A4. There is also substance in the objection that the rural character of Court Lane would be harmed. Thus the proposals are in conflict with development plan policies which should prevail unless material considerations, such as the benefits to be derived from the proposals, indicate otherwise.

548. The issues in this case are finely balanced. There is widespread support for the proposals and although this support may be greater in numerical terms it is met by very real concern on the part of those in the local community who are genuinely and fervently opposed to the scheme. In my opinion the matter turns on whether the benefits can justify overriding certain development plan policies. More specifically, there is a balance to be struck between the future interests of archaeology and the preservation of local amenities (especially for those living alongside Lake End Road) on the one hand and the benefits to the College and the wider rowing community on the other. The real loss of amenity would be experienced by comparatively few people whereas the benefits would be enjoyed by generations of College pupils,

other young oarsmen and national training squads. A facility of excellence, a national asset, would be created and in my opinion its merits are such as to outweigh the objections in this case.

Obligations and Conditions

549. If the Secretary of State is minded to grant planning permission, it should be dependent upon the conclusion of the draft planning obligations made under Section 106 of the 1990 Act (Documents 27-27.3) and a revision by extension of the legal agreement (Document A27.4) to include provision for the maintenance of water quality.

550. The conditions suggested by the Council (Documents A67.1 and A67.2) should be applied to any planning permissions granted save that they should be amended to reflect comments made by the appellants at paragraphs 2, 5, 7, 8, 10, 11, 13, 14, 17, 18 (height of stockpiles only) and 19 of Annex B. My comments on these matters are at paragraphs 36-44 of Annex B.

RECOMMENDATION

551. I recommend that the appeals be allowed subject to the conclusion and revision of the obligations and agreements as indicated in paragraph 549 above and that the draft orders made under section 247 of the Town and Country Planning Act 1990 be confirmed.

I have the honour to be
Sir
Your obedient Servant

B H SMITH

APP/AD400/A/92/206792-3

ANNEX A.

J. ANTHONY YOUNG - CONSULTANT
APPLE GARDEN, CORSLEY, WARMINSTER, WILTS BA12 7QL

6th August 1993,
Ref: APP/AD400/A/92/206792
APP/ND410/A/92/206793

To: Mr. B.H. Smith, Dip TP MRTPI,
Inspector.

Dear Sir,

TOWN AND COUNTRY PLANNING (INQUIRIES PROCEDURE) RULES 1992 (SI 1992) APPEAL BY THE PROVOST AND FELLOWS - ETON COLLEGE SITE SOUTH OF DORNEY, BUCKS:

GENERAL

1. As assessor appointed by the Secretary of State to advise you on the technical aspects of the hydraulic design of the appeal by the Provost and Fellows of Eton College (Eton College) against the refusal by Buckinghamshire County Council (the County Council) of planning permission for the construction of a rowing lake on a site on land south of Dorney, I have pleasure in presenting my report.

2. Although the planning grounds for refusal by the County Council did not include the water issues, objection had been made by the National Rivers Authority (NRA) (Document A15.3) and Thames Water Utilities Limited (TWUL) (Document A15.4)in respect of the water issues pending the results of negotiations between the parties. These were well advanced but not fully resolved at the opening of the Inquiry on the 12th May, 1993.

3. This report contains a brief description of the proposed scheme, the water issues and the negotiations for their resolution, the facts derived and my conclusions. Document references are the same as those in your Inspector's Report.

4. THE SCHEME IN OUTLINE

4.1 Reasons for the lake

Eton College has always placed great emphasis on the sport of rowing and has one of the largest and oldest schoolboy rowing clubs, with 600 boys rowing each year, 300 boats and three boathouses on the Thames near the College. It is a demanding sport needing a controlled environment. In recent years they consider the size and number of power boats on the river have increased, as have vandalism and hooliganism; racing boats are lighter and more fragile and river control structures, involving larger cill weirs, have all added to the hazards of rowing.

Eton College has been forced to reduce coxless rowing just as international regulations based on the availability of proper still water facilities are moving to eliminate coxes from all but rowing eights. Side by side rowing, essential for competitive practice, is difficult as is the proper measurement of speed.
The idea of an off the river dedicated still water rowing lake dates originally from the 1950s. The present application was made in 1989.

4.2 Details of the lake

The College own a field south of Dorney and adjoining the river 174.5 hectares in extent which could accommodate an international standard 2000 metre length still water rowing course. The proposal is for a lake 2230 metres long with eight rowing lanes, making the proposed lake 140 metres wide. The average site ground level is 21 metres above ordnance datum (m.a.o.d.) with a high water level of 19.5 m.a.o.d. in the proposed lake and a minimum water depth of 3.5 metres.
A separate return channel parallel to and south of the main channel 2130 metres long and 60 metres wide would also be provided, together with hardstanding, a boathouse, car parking, starting/finishing and timing stations. North of the lake it is proposed to lay out a park and arboretum and south of the lake, between it and the River Thames, a nature reserve (see Figure 1).

4.3 Proposed method of construction

The subsoil on the site consists of sand and gravel over a basal clay. It is proposed to excavate this over a ten year period to haul the sand and gravel away for sale using proceeds to help to finance the lake. A detailed programme is designed progressively to complete each length of lake, park and nature reserve as early as possible so that a 1000 metre rowing course, the park and arboretum and the eastern end of the nature reserve will be laid out by about half way in the programme..

5. THE WATER ISSUES

These can be divided into two categories :-

The water needs of the rowing lake, and the possible effects of the lake on the River Thames and boreholes of TWUL at the western end of the site;

both during the construction phase and when the lake is in use.

5.1 The water needs of the rowing lake

5.1.1 International Regulations require a water depth of 3.5 metres over the course, and in order to enable safe entry and exit from the water and a sufficient depth for rowing (neither too deep nor too shallow), a stable water level within a total vertical range of one metre during all but the most extreme climatic conditions.

5.1.2. The water quality in the lake must be suitable for rowing. The lake must not become stagnant, promote weed growth or algal blooms nor be a health hazard.

5.1.3. Water would be required on the site for various purposes during the construction phase, particularly for sand and gravel washing. This would need to be abstracted without derogating other uses and adequate treatment of wash water, etc: would be needed to prevent any pollution of the river.

5.1.4. Sewage disposal arrangements would be necessary for permanent installations on the site.

5.1.5. A gas main and sewer which cross the site would have to be lowered below future lake level.

5.1.6. The consequences of topsoil and subsoil de-watering to facilitate excavation and construction have to be considered, especially in respect of its effect on the Dorney boreholes.

5.2 Possible effects of the lake on the River Thames and boreholes of TWUL

5.2.1. Flood alleviation

The proposed lake is in the flood plain of the River Thames and the NRA, as drainage authority, need to be satisfied that the scheme would not exacerbate flood duration, intensity or frequency in the area. This is further complicated by the possible effect on or by the Maidenhead, Windsor and Eton Flood Alleviation Scheme (MWEFAS) currently being promoted by the NRA and itself the subject of a Public Inquiry - the result of which is awaited.

The proposed flood channel would run east to west to the north of the lake site and re-enter the Thames over four kilometres east of the lake.

5.2.2. Potential change of pattern of ground water flow due to presence of lake

TWUL have eight production water supply boreholes at the north western corner of the site. Clearly the quantity and quality of the underground water draining to these boreholes need to be safeguarded.

5.2.3. Change in water balance for the site due to the presence of a large body of open water.

This would increase evaporation but would also increase the volume of water stored.

5.2.4. Effect of lake water quality on the groundwater or the River Thames

Temporary and permanent activities on the site must have a potential for accidental contamination of ground water or the River Thames. Measures to minimise this risk would be required.

5.2.5. The effect of water abstraction from the chalk to provide make up water to the lake.

5.2.6. **Possible impact of the lake on archaeological remains.**

6. DETAILED CONSIDERATION OF WATER ISSUES AND ACTION PROPOSED TO DEAL WITH THEM

6.1 History of consultations

The NRA's predecessor, Thames Water Authority, were initially approached by Eton College in 1987 and meetings held to review water abstraction, pollution prevention, water resources, water quality, flood flows and storage, possible effects on Thames navigation, fishing and the environment. Critical issues were identified as flood flows and storage and the effect of the scheme on the groundwater regime locally; in particular the water supply boreholes at Dorney (ref: A44A NRA Position Statement No.1 12.5.93).

Flood flows, storage, etc: were studied by mathematical modelling carried out by Sir William Halcrow under the direct supervision of the NRA. Additional work was also carried out to investigate possible effects on the MWEFAS which resulted in an agreed statement being made by Eton College and the NRA on water issues to that Inquiry (ref: A75 Appendix F).

The NRA accepts that the lake will have no adverse impact on the MWEFAS.

The groundwater regime was studied by Aspinwalls and concerns resolved by modifications to the Scheme and by the production of further evidence.

Agreement having been reached between the parties it was originally intended, assuming the planning appeal was successful, to proceed by means of a s.106 Agreement to be submitted to the Inquiry and a draft s.106 Agreement was submitted to Buckinghamshire County Council on the 16th April, 1993.

However, the County Council foresaw difficulties with such an Agreement and in their reply dated the 30th April, 1993, indicated a preference for NRA and TWUL to enter into a private agreement with the College to cover their concerns. NRA, TWUL and the College prepared a private agreement (the Agreement) which was entered into on the 8th June, 1993 (ref: A27.4 subsequently revised). In anticipation of the Agreement being completed NRA decided to offer no direct evidence to the Inquiry and their objection to the application was finally withdrawn in a letter to the Planning Inspectorate dated the 16th June, 1993. (ref A23)

In view of the foregoing, in particular the views expressed by the County Council in their letter dated the 30th April, 1993, it is surprising to note that the water conditions have nevertheless been incorporated in the Suggested Conditions for the Scheme (ref A67)as follows :-

Application reference C/91/8208	Change of use, etc:	Clauses 15-18
Application reference C/91/8210	Construction	Clauses 29-37

A footnote records that they are covered by the s.106 undertaking to the County Council and the Agreement entered into between NRA, TWUL and the College; that the views of NRA and TWUL on their inclusion is being sought but the County Council wish them to remain. They differ slightly as

in 16, 18, 30, 31, 34, 35 and 37 the Minerals Planning Authority are additionally involved in consultation and/or approval.
The inclusion of these conditions are considered by the College to be a needless duplication of their Agreement conditions and the NRA solicitor was stated not to require them. The TWUL solicitor was not available to comment but was believed to be content that the NRA take the lead in these matters. The College would not oppose their inclusion if there is a good public reason for them but consider a third agreement redundant.
Whether or not the water issues are included in the Conditions, the outstanding water issues appear to have been satisfactorily settled but these issues are important and you will wish to be re-assured that all the necessary water matters have been properly resolved.

7. RESOLUTION OF THE WATER ISSUES

7.1 Water needs of the rowing lake

7.1.1 Hydrogeology of the site.

The site is underlain by sand and gravel deposits laid down as the Thames meandered across its flood plain. These permeable superficial deposits are underlain in turn by the relatively impermeable London clay and the upper part of the Reading beds which restrict ground water flow vertically. The highly permeable sand and gravel strata averages 4.3 metres thick over the site extending well beyond the site but with a major southern hydraulic boundary at the River Thames.
This aquifer is overlain by permeable overburden on average 1.4 metres thick. The aquifer receives its water primarily from rainfall on its surface, and depending on river levels, re-charge from the Thames.
Water is lost from the aquifer by evaporation, flow to the river and abstraction for public water supply at Dorney boreholes and pumping station (Dorney PS) The two boreholes nearest the river derive 100% of their yield from the river, the next two 40%, the remaining four derive their whole yield from the aquifer. TWUL are licensed to abstract up to 27276 m3/d, 9.96 million m 3/annum . In 1989 they actually abstracted 5.4 m3/annum.
In addition when the site is inundated by flooding from the Thames there is direct re-charge to the aquifer from overland surface flow. Such an event is infrequent, of short duration and is generally after heavy rain when aquifer water levels are already high.
The natural groundwater flow across the scheme site follows the Thames from west to east but the cone of depression of the water table resulting from the borehole abstraction at Dorney means there is some reversal of flow especially over the western end of the site. The extent of this reversal is dependant on the rate of re-charge and of abstraction at any given time. Excluding major floods and the effects of varying rates of abstraction, the natural annual variation in water level in the aquifer is 1.5m with a maximum of two metres.
The boreholes have been sited in a high permeability zone which appears to run north east/south west to the river. There is only partial hydraulic continuity between the aquifer and the river, probably due to river bed deposits being of lower permeability than the aquifer materials.
The various ground water levels reflect river levels more closely at the Boveney (eastern) than at the Dorney PS (western) end of the site.

As an average for the site as a whole TWUL, NRA and Aspinwalls have agreed a representative background regional hydraulic conductivity value for groundwater modelling of 200m/day with an equivalent specific yield of 15% (Specific yield is the ratio of the volume of water which after saturation will drain from it under gravity to its own volume. In other words a given volume of aquifer is assumed to hold 15% of its volume as water).

7.1.2 Water quality

The River Thames in the area is Class 1b (NRA 1991 Report England and Wales River Quality Survey Report No.4), of good quality, high amenity and fishery value suitable for potable water supply after treatment. In fact, at the Dorney PS treatment consists only of chlorination although activated carbon may be added at some future date. This is indicative of a good quality groundwater. Groundwater quality across the gravel aquifer varies markedly with land use, distance from and interaction with the River Thames.

The natural filtration of rainfall through the sand and gravel means that the groundwater is of even better bacteriological and chemical quality than the Thames and more suitable for recreation (ref A 75). The more northerly Dorney boreholes have elevated concentrations of nitrate due to market gardening north west of the site. However, in the vicinity of the proposed rowing course quality is good due to the present 'set aside' land usage and the previous agriculture with limited use of fertilisers.

If the rowing course is not built and the land reverts to agriculture nitrate levels in groundwater would tend to increase to the detriment of the boreholes. Whereas the large area of open water represented by the rowing lake, providing it is protected from pollution, would produce a very low input of nutrients to the aquifer. The lake water will have two main components, natural recharge from the sand and gravel aquifer adjoining the lake and make up water from the chalk aquifer via a new borehole at the south eastern end of the site.

The gravel re-charge will be low in nutrient matter due to the natural filtration action of the sand and gravel, the chalk water even lower in nutrients (nitrate and phosphate). Groundwater can tend to be de-oxygenated but the chalk make up water is to be cascaded to aerate where it enters the return channel.

Stagnation in a large open shallow body of water unshaded by trees can lead to undesirable reed and algal growths which are not only aesthetically unpleasant but can be a health hazard. The depth of the lake has been designed to inhibit reed growth. Water movement will be engendered in low water level conditions which are likely to be in the summer with higher water temperatures and long periods of sunshine, by make up water entering the return channel in the south east corner and water being drawn towards the Dorney boreholes in the north east corner. Abstraction from the Dorney boreholes is likely to be highest under summer drought conditions. The effect of this abstraction is likely to be felt mostly over the western half of the lake.

Taking optimistic assumptions for the proportion of borehole yield drawn from the direction of the rowing lake the boreholes at maximum licence yield would take the entire summer to recharge the complete lake contents. This abstraction would be made up largely by natural infiltration from the

gravel plus an estimated 2000 m3/d from the chalk borehole. This does not represent a very rapid water movement and the ability of algae to colonise open water should not be underestimated.
Under these high sunshine conditions evaporation from the lake surface will be high, tending to concentrate any nutrients present and will do nothing to improve water circulation. It appears from cross-examination of Mr. Marshland that the promoters are confident that no algal problems will occur and no special safeguards against these are contemplated.
Care has been taken by NRA/TWUL to safeguard the site and hence the groundwater from pollution - these measures are listed in paragraph 6.

7.1.3 Water needs of the rowing lake

The specific yield of the natural ground aquifer should ensure that under normal conditions the required water level in the proposed rowing lake will be maintained naturally. It is expected that if the rowing lake is excavated the surface water level will stabilise at about 19.0m AOD. On average the water level at the western end of the lake would be higher and the eastern end lower than at present. Over most of the area the impact on water levels would be less than +/- 0.2m compared with an existing average annual variation of 1.5m and a draw down due to the Dorney boreholes of 0.5-3.0m east to west along the site. However, under drought conditions the lake level will fall due to abstraction from the boreholes and lack of re-charge and also under
the influence of levels in the adjoining River Thames.
After examining various options for providing make up water, the parties have agreed that it will be provided from a new borehole into the chalk aquifer which underlies the site at depth. It will be positioned towards the eastern end of the course and would discharge into the return lane. (Its approximate location is shown as 'NBH' on the plan).
To maintain the lake level, under drought conditions, at or about the design minimum of 18.5m AOD is expected to require a maximum of 2000m 3/d, 400000 m3/a during a design drought. This is based on the river level falling to the lowest retention level at Boveney Weir with an extended drought like 1989/90 but with no rainfall at the end of this period unlike the end of 1990 when recharge did occur.
The NRA have issued a formal consent to Eton College to construct and test pump a borehole on the site. It is considered that the required yield should be obtainable from one or possibly two boreholes. The borehole(s) is expected to be of 300mm diameter driven to a depth of about 100m below ground level (-80m AOD) as determined by actual drilling. After borehole development a 200mm borehole pump would be used with a cascade discharge, for aeration, of up to 2000 m3/d (23 l/s) into the return lane.
The NRA do not consider that the quantities of make up water required represent any water resources problem. During wet periods the lake level would rise and this would be controlled by an overflow weir at the Boveney end adjacent to the hardstanding of the rowing lake with a 750mm diameter overflow pipe about 1100m long discharging to the River Thames downstream of the piled barge waiting area below Boveney Lock, thus ensuring a positive hydraulic head between the rowing lake and the river.
The overflow weir will incorporate measures to prevent debris entering the overflow pipe and have adjustable weir boards to enable the lake levels

to rise to 19.5 m AOD at the start of the dry summer period.
Levels dictate that the overflow pipe would be laid to a virtually flat gradient with manholes at changes of direction. It would terminate with a flap valve as it enters the Thames to prevent backflow from the river. Its discharge capacity, 0.23 m3/s is intended to discharge all existing groundwater flow along the Dorney site even with the Dorney boreholes not pumping.
In the event of a major flood such as the 1947 flood which had a return period of 1 in 56 years it is expected that the overflow pipe would take about a month to drain the rowing lake down in conjunction with the natural drainage through the gravel bank to the river. It is expected that in a 1947 flood event the rowing lake would be unuseable for two or three weeks with disturbance to rowing for a further two weeks.
Flooding does not seem to be a major problem at the site. Water levels in excess of 21m AOD (the average site ground level), have only been recorded on eighteen days since 1894 most of these being before 1947. There have been ten such events since 1915 and four since 1947. Even in a major flood event flooding seems to be confined to the southern margin of the site. Flood flows enter at the western end and exit via Dorney Common. It is likely that use of the lake would be adversely affected by floods with a 1 in 6 year return period or greater and that these would restrict the use of the course for about two weeks.
If the MWEPAS is approved then flooding of the site will become a rare event as this is designed to prevent property flooding on a 1 in 65 year return period basis.

7.1.4. Water impacts during construction

Water will be required for the processing of sand and gravel during the construction phase but the method of gravel extraction and the use of water recycling will be designed to keep the water needs to a minimum. With an annual production of 450,000 tonnes of sand and gravel net loss of water from the production plant is designed to be less than 100 m3/d. Make up water would, wherever possible, be obtained from temporary de-watering operations. When this is not possible water is proposed to be taken out of the gravel to the south and east of the site subject to NRA conditions. Given the small quantities needed this should not have any impact on water resources.
Probably it is more important to ensure that the wash water is adequately treated after use. Water after use will be passed to settlement lagoons on site and re-circulated to the processing plant or, in exceptional circumstances, to the River Thames.
A detailed monitoring scheme during construction forms part of the agreement made between the College, NRA and TWUL.
To prevent adverse affects on the abstraction from the Dorney boreholes, wet working is proposed wherever possible for overburden and sand and gravel abstraction. However, wet working will cause some particulate matter to become suspended. Groundwater flow and the filtering action of the sand and gravel will soon remove this suspended matter and construction has been phased taking into account the prevailing direction of groundwater flow to reduce the adverse effect of the migration of fines and it is only likely to be of concern at the western end adjoining the boreholes.

A semi-permeable barrier, described later, is to be constructed to deal with this (Figure 1 A-B-C). This would be installed prior to the main phase of excavation at the western end.
Site activities would be subject to strict control as required by the proposed agreement, including the bunding of fuel tanks and their siting away from open water areas. Surface water would not be allowed to drain into the lake but would be intercepted by a perimeter ditch. Hardstanding areas would drain to trapped gullies or interceptors and foul sewage from the boathouse etc. would be conveyed to sealed tanks prior to disposal off site.
At an early stage trench de-watering would be needed for the lowering of a gas main and sewer which cross the site as shown in Figure 1. Water from de-watering would be passed through settlement ponds and be re-circulated back to the aquifer west of the trench. This is a considerable distance from the boreholes and is unlikely to be any problem to them.
Partial de-watering during the removal of overburden would be minimised by doing this during dry periods when the water table is low. Water necessarily abstracted would be returned to the aquifer after settlement in strategic locations such that the overall water balance of the area would be maintained. Use would be made of the groundwater model to optimise these arrangements.
This and other water related activities would be monitored under the Agreement using the existing series of monitoring boreholes 1-15 (Figure 1) for as long as they existed and by five additional boreholes to be constructed under the Agreement A1-A5 at the western end between the TWUL boreholes and the proposed semi-permeable barrier (Figure 1).

7.1.5. Measures to protect the TWUL boreholes at Dorney and the flood regime of the site

In the discussions and negotiations which have taken place between the College, TWUL and NRA since 1987 after a series of investigations, a number of features have been incorporated in the scheme and an Agreement made to safeguard water abstraction for the public supply at Dorney.
Initially Thames Water Authority, the predecessor body to NRA and TWUL indicated that 150 metres was an adequate distance to be maintained between the Dorney PS abstraction boreholes and the rowing course; however, the successor bodies increased this minimum to 200 metres resulting in a reduction of length of the proposed rowing lake from 2270 to 2230 metres with a slight adjustment of the lake location.
Predictive computer modelling has been used to assess the impact of the scheme on the underground and surface water regimes. Site investigation data has also been collected and other data used such as that collected for MWEFAS.
Flood modelling has been carried out by Sir William Halcrow and Partners (Halcrows) using a model developed to simulate the MWEFAS. This modelling has also had an input from Aspinwalls (the environmental consultant for the College) and been under the direction of the NRA. The purpose of this modelling was to ensure that the scheme would have a neutral effect on the drainage characteristics of the area when river levels were high. The current scheme incorporates all the changes required by NRA and there are now no statutory objectives to the scheme on flood defence grounds. In 1990 at the request of the College, Aspinwalls constructed a two-

dimensional Rushton-type finite difference groundwater flow model. Such models are based on Darcy's law regarding the ease with which water will flow through a porous medium. All practical problems are in fact three-dimensional. For example, groundwater flow overall may be in a horizontal plane but recharge - borehole, abstraction, etc: will add a vertical component of flow. However, the normal two-dimensional approximation does include the effect of vertical flow components.

The Rushton finite difference method is a well recognised appropriate technique. The model was used to simulate the area of aquifer between Bray, Cippenham, Eton Wick and the River Thames. This area was chosen as it was realised that the MVEFAS might impact on the rowing lake and the model was designed to be able to examine any interaction between the schemes.

The model has gradually been refined and has assessed the impact of the rowing lake on the local hydrogeology under a variety of design conditions. It was initially calibrated using all the 1985-1990 data available in both steady state and time variable modes. The 1976 pumping test at Dorney boreholes was also simulated and sensitivity analysis indicated that the ranges of parameter values, e.g. transmissivity were reasonable based on the observed evidence. Particular attention was paid to drought conditions (see 7.1.3).

After calibration model runs were carried out under a variety of assumed environmental conditions, including the following :-

- abstraction at Dorney boreholes at maximum yield from the ground aquifer during an extended drought;
- no abstraction from the boreholes during high water table conditions;
- the impact of short term and small scale de-watering, e.g. to lower the gas main and sewer;
- prediction of the overall long term impact of the lake on water levels in the area;
- the effect on groundwater flow patterns of the removal of gravel on the site and the effect of its replacement by overburden and other low permeability materials;
- areas of undisturbed sand and gravel in the base of backfill areas needed to maintain hydraulic continuity towards the boreholes;
- prediction of change in the water balance of the site between enhanced evaporation and the increase in water volume stored in the aquifer.
- prediction of water quality resulting from the changed groundwater pattern, and
- the effect of the semi-permeable barrier proposed at the western end of the lake between it and the Dorney boreholes.

The scheme design, based on the modelling, is intended to ensure that its effect on groundwater flow patterns and the flood regime is either neutral or beneficial. With the exception of some discussions still required over the siting of bunds at the western end in connection with archaeological remains and flood flow routeing the changes required by NRA and TWUL have been incorporated in the scheme and have been mentioned earlier in this report with the exception of the semi-permeable barrier at the western end. This barrier (shown as A-B-C in Figure 1 of this report and as a cross-section in Figure 2 of Annexe 1 of the Agreement) will consist of a layer of sand designed to be semi-permeable with an average hydraulic conductivity (k) of 10 m/d compared with the 200 m/d agreed as representative of natural ground conditions (see 7.1.1); 4.5 metres deep commencing at about 1.5 metres below ground level tapering from a width of eleven metres at the top to three metres at its base.
As the predicted water table after lake construction will be slightly higher at the western end the yield of the boreholes would slightly increase. The purpose of the barrier is to impede flow to reduce the yield to that existing at present and to replace some of the natural gravel filtration capacity lost due to the presence of the lake.

7.1.6 Impact of water regime on archaeological remains

Eton's archaeological consultant considers that the most important archaeological features are at the western end of the site and abstraction from the Dorney boreholes has caused the water table in the western half of the application area to drop by 0.75-1 metre since 1985. Increase in abstraction up to the licensed maximum would cause a further drop in water levels. The associated desiccation of artefacts has depleted the environmental evidence associated with Bronze Age and Roman occupation and would increase further if the project is not carried out. The proposed project would stabilise the water table and at least maintain it at its present level, particularly at the western end which is of the greatest interest.

8. THE DEED, THE AGREEMENT AND ANNEXE 1 MADE BY ETON COLLEGE WITH THE NATIONAL RIVERS AUTHORITY AND THAMES WATER UTILITIES LIMITED CONCERNING WATER ISSUES

The Deed binds the landowner - Eton College - to observe the planning obligations which are for the purposes of section 106 of the Town and Country Planning Act, 1990, as amended and it also binds any others deriving title from the owner as long as such other person has a legal interest in the land.
The planning obligations are those set out in the Agreement made between Eton College, the National Rivers Authority and Thames Water Utilities Limited on the 8th June, 1993 (ref. A27.4) with its Annexe 1 Monitoring Scheme; Water Levels and Quality. The Agreement is subject to the grant of the planning permissions which are the subject of the Appeal and is without prejudice to the exercise by NRA and TWUL of their statutory powers.

In brief the Agreement requires :

- the College to establish a surface and groundwater monitoring programme for the scheme as set out in Annexe 1 to the Agreement commencing at least three months before scheme site operations commence.

- the College covenants to take the water needed to maintain the lake level from the chalk aquifer in the eastern half of the described land not less than 1300 metres from the existing Dorney water supply boreholes. If the chalk aquifer is inadequate in quantity or quality an alternate source may be sought and used subject to NRA and TWUL approval, which is not to be unreasonably withheld or delayed.

- the College agrees to a minimum distance of 200 metres between the edge of the lake and the existing Dorney supply boreholes that obtain their yield from the gravel aquifer.

- the College to ensure that the banks of the lake or return lane do not become heavily silted and that the ground under the return lane island is not disturbed; access to be allowed to NRA and TWUL to monitor this.

- the College to leave one metre of undisturbed gravel or emplaced gravel blanket under disposed overburden in the nature reserve area. NRA and TWUL to have access to site records to monitor this.

- during construction no lowering of groundwater that derogates the yield of the Dorney source to take place and that the north west end of the lake within 500 metres of the Dorney boreholes shall be dug wet except for the proposed semi-permeable barrier, details of which shall be submitted to and agreed by NRA and TWUL within twelve months of commencement of site operations; such approval not to be unreasonably withheld or delayed.

- the use of the pesticides, herbicides or fungicides on the developed land to be after approval by NRA and TWUL.

- no fuel storage to be permitted within 200 metres of the Dorney boreholes. Locations to be approved by NRA and TWUL.

- such tanks to be bunded and of 110% tank's capacity.

- ground bait will not be permitted for angling.

- all water craft and equipment used in the lake will use non-toxic lacquers or paints.

- any flocculants or other chemical aids to silt settlement will have prior approval by NRA and TWUL.

- the lake will be used solely for non-motorised water sports and angling unless other activities are approved in writing by NRA and TWUL. All safety or training launches will be under College control.

- in the event of operations or use of the developed land resulting in the lowering of groundwater levels as monitored and set out in Annexe 1 to the Agreement so as to affect the water level in the Dorney supply boreholes and abstraction therefrom the College will pay NRA/TWUL such costs as are necessary for works required to compensate for such loss of levels or flows.

- similarly if the groundwater is polluted from its quality at the date of commencement of the Agreement as established by monitoring as set out in Annexe 1 costs of NRA/TWUL in redemption of this will be reimbursed by the College.

- all drainage will be approved by NRA before development commences.

- details of all obstructions to overland flood flow and storage whether temporary or permanent will be approved by the NRA prior to the commencement of operations.

- certain landscaping proposals and their management will be submitted to NRA in exercise of their environmental improvement powers before any part of the lake is brought into use.

- the College agree not to dispose of or lose control of any of the developed land unless, before such disposal, the proposed successor in title executes a deed covenanting with NRA/TWUL to perform such part of the conditions of this agreement as have not already been performed.

- the NRA/TWUL shall be entitled to require such successor in title to provide a surety for due performance of such covenant.

- the Agreement also provides for NRA/TWUL to carry out their responsibilities in 6.2-6.4 of the Annexe 1, notice of commencement and settlement of disputes.

ANNEXE 1, Monitoring Scheme: Water Levels and Quality
This deals with :-

- monitoring of the fifteen existing observation boreholes for as long as they exist after site works commence. Note: Boreholes 14 and 15 should remain or if necessary be replaced.

- the construction, six months before site operations commence of five additional observation boreholes between the north west end of the lake and the Dorney boreholes and their inclusion in the monitoring scheme.

- the measurement of water levels in the Thames, the proposed lake and any temporary open water bodies on the developed land.

- water quality sampling from observation boreholes and from the rowing lake, etc:

- starting date and frequency.

- monitoring after completion of construction.
  At what location and at what frequency.

- monitoring and sampling procedures and standards.

- reporting and access by NRA/TWUL for monitoring, sampling and investigation work.

- exchange of information.

- any necessary changes in the monitoring regime to be by mutual agreement of the parties.

- the Annexe includes :-
  Table 1, List of existing boreholes with details
  Table 2, Determinands for Water Quality Monitoring
  Table 3, Field Water Quality Monitoring Sheet
  Table 4, Water Level Monitoring Sheet

  Figure 1, Location Plan of Lake (reproduced herewith with additions)
  Figure 2, Cross section through semi-permeable barrier

9. CONCLUSIONS AND RECOMMENDATIONS

9.1 General

The water issues have been the subject of negotiations between the College, NRA and TWUL for a considerable period culminating in the completion of a Deed, Agreement and Annexe dealing with planning obligations on the College during the course of the Public Inquiry into the Appeal by the College against refusal of planning permission for the lake. This not only binds the College but any successor in title. The Agreement is, of course, only operative if the planning appeal succeeds.
As well as the physical and technical requirements, the Agreement provides for the College to compensate NRA and/or TWUL financially if, in spite of the Agreement provisions, the levels or abstractions from the Dorney borehole of TWUL are adversely affected by the lake or its construction. Similar provisions apply if the groundwater is polluted by the lake or its construction.
This Agreement appears adequately to safeguard NRA and TWUL if, in spite of the best endeavours of the College, any damage is sustained by the boreholes or the groundwater regime.

9.2 The water needs of the rowing lake

These would be met largely by natural infiltration from the sand and gravel aquifer, the water in which is of good quality. A groundwater flow model has been constructed and run by Aspinwalls covering a substantial ground area to ensure that any effect from the NVEFAS could be incorporated.

Although I have not had access to detailed modelling data I am satisfied that the model is appropriate to the purpose and the combined expertise of Aspinwalls, Halcrows and WRA will have ensured that the groundwater predictions are as accurate as can be expected from a model.

The fifteen existing monitoring boreholes will be monitored during construction for as long as they exist and would be supplemented by five additional monitoring boreholes to be located between the lake and the Dorney boreholes. These would enable model predictions and actual levels and flows to be compared if the work proceeds and if the lake is brought into use. The model can be adjusted in the light of the actual results and any necessary adjustments to the scheme made.

Make up water under dry weather conditions would be met from one or more boreholes in the chalk at the south-east end of the site. Again the yield of the boreholes cannot be guaranteed in advance but it is unlikely that the relatively small yield required would not be available and should this be the case alterations can be sought under the agreement.

The only area that gives me some grounds for concern is the maintenance of lake water quality during a prolonged hot dry period. The amount of nutrients likely to form algal growth in the gravel derived water is low and likely to be even lower from the chalk derived make up water. However, the lake would represent a large body of open unshaded shallow water which under hot dry conditions would evaporate quickly, thus concentrating any nutrients present. At such time pumping from the Dorney boreholes would be at the maximum licensed rate which would aid water turnover at the western end of the lake and make up water entering at the south-eastern corner would also aid water movement , but altogether turnover will be slow and algal blooms could develop.

I feel that the College, NRA and TWUL should consider this possibility and have a plan for remedial action should this occur. It must be borne in mind that the presence of the water supply boreholes will prevent the use of algicides. As you, yourself, noted straw bales had been semi-submerged at twenty-five yard intervals at the Holme Pierrepont Course which you visited on the 9th June. This straw is used for the suppression of algal growths, which appears to indicate that the problem can occur.

Other necessary measures to protect water quality, e.g. the prevention of oil spillages by bunding tanks, trapped gullies, measures for disposal of sewage, non-toxic finishes to boats, control of bait for angling, etc: appear satisfactory and to cover likely problems.

9.3 Water impacts during construction

Water will be needed for sand and gravel working and this water will also need to be treated after use and wherever possible gravel will be dug wet, that is without prior de-watering to minimise any adverse affect on the Dorney boreholes. These measures detailed in 7.1.4, together with the proposed monitoring scheme in the Annexe to the Agreement, appear satisfactory.

9.4 **Protection of Dorney boreholes and the flood regime of the site**

This is detailed in 7.1.5 and the scheme has been modified to increase the degree of protection notably by reducing the length of the rowing lake and providing a semi-permeable barrier between the lake and the boreholes at the western end.

Flood flows adjoining and over the site have also been modelled by Halcrows whose work has been vetted by NRA and the site, landscaping, etc: has been designed to have a neutral effect on the drainage characteristics of the site.

The inhibition of rowing due to site flooding has also been considered and found to be slight and would be further reduced if the NWEFAS is implemented. Again necessary changes to the scheme, resulting from modelling data have been incorporated and I am satisfied with the protection proposed to the Dorney boreholes, the monitoring arrangements proposed and that the flood regime of the Thames due to the scheme would not be disadvantaged.

9.5 **Water regime and archaeological remains**

The most important remains appear to be at the western end and are currently subject to desiccation resulting from the abstractions from the Dorney boreholes reducing groundwater levels. The effect of the scheme would be to stabilise water levels and at least maintain them at their present levels, especially at the western end so that its overall effect would be beneficial.

9.6 **Recommendations**

Having considered the water aspects of the scheme, the measures proposed - including the Deed, Agreement and Annexe - both for construction and operation, I conclude that providing the Agreement is modified so that it includes for action to be taken by the College to deal with the maintenance of water quality in hot weather and/or drought conditions being approved in advance by the NRA and TWUL, there are no valid reasons for refusal of the Appeal on water related grounds.

Yours faithfully,

J. Anthony Young

ANNEX B

SUGGESTED PLANNING CONDITIONS

Comments by the Appellants

1. The Council have suggested a set of conditions for each application. Those in respect of the change of use application are at Document A67.1. Areas of dispute, that is variations sought by the College but not accepted by the County Council, are shown in grey block (deletions) and italics with underlining (inserts).

2. In Condition 1 the list of buildings and structures should be amended by extension to match that in the legal undertaking (Document A27.2). In Condition 2 a period of 6 years is now agreed. In Condition 3(i) a period of 8 years is required because the construction of the lake could not commence before certain preliminary works.

3. Condition 6 limits the gross floor area of the boathouse to 2000 sq m. This would cut across a bay whereas a limit of 2112 sq m would give a full bay enabling the storage of 150 boats.

4. Condition 10 is incapable of enforcement. The number of participants would not be known until the event, and crews and spectators cannot reasonably be turned away at the gate. The condition restricts use to 4 (as opposed to 8) events and does not take into account the fact that the National Schools Regatta is a two day event. The legal undertaking (Document A27.2) is more workable and is to be preferred to the imposition of this condition.

5. Condition 11 specifies a starter's platform of 3m whereas the roof level of the structure would be 5m. Similarly the floor area of 1 sq m for the aligners hut and timing huts is quite inadequate, a gross floor area of 10 sq m is required.

6. Conditions 15-18 concern drainage matters which are better left to the very complicated legal agreement at Document A27.4. In the unlikely event of Eton College disposing of the land the legal agreement would be carried forward. The NRA are not pressing for these conditions and there is no reason to introduce a further administrative layer to monitor compliance with the conditions.

7. The legal undertaking at Document 27.2 excludes spectator stands. The loss of GDO right would mean that the College would, quite unreasonably, have to apply to the mineral planning authority each time it wanted to erect a marquee.

8. Condition 22 is unduly restrictive as it is intended that car parking should be permitted on the grassed areas alongside the course and should not be confined to sites determined by the mineral planning authority.

9. The suggested planning conditions for the construction application comprise Document A67.2 and typographical identification of the areas of dispute is the same as that used for the change of use application.

10. Condition 2 requires that all engineering and landscape works shall be completed within 11 years. This is insufficient to allow for advanced planting and similar works. 12 years would be more appropriate and would also allow for the removal of archaeology and site preparation. Condition 3 should be altered to 11 years in the interests of consistency. Conditions 2-4 refer to "operations" which could, for instance, cover archaeological activity and, therefore, the words "processing of sand and gravel" should be substituted.

11. Again, in Condition 9, the nature of operations should be specified. Furthermore, the restriction of maintenance to Saturday afternoons only would give insufficient time to service and repair major engineering equipment such as the processing plant.

12. The evidence suggest that the movement of gravel lorries could reach 30vph. Therefore Condition 14 should specific 300vpd rather than 250vpd.

13. Condition 21 refers to maximum noise limits at the site boundary. All the evidence is concerned with noise sensitive properties which should be the location of noise limits as is preferred in MPG11. Requiring "a" suitable acoustic enclosure in Condition 22 limits choice and, in any event, the processing plant would have to be designed to comply with the noise limits at noise sensitive properties. Condition 23 represents a duplication of control.

14. Condition 24(a) merely records a state of affairs that exists under law. While 24(c) mis-interprets paragraph 42 of MPG11. The re-modelling of landscape mounds at the Willows and at Boveney is a temporary operation and should be specified in the 70dBA limit. Condition 24(d) is now agreed.

15. Condition 27 should be deleted because; first, "implementation" is a vague term and not apt where archaeological interest and activity is spread over 10 years; and, second, an abstract "scheme" could lead to further protracted disputes with the County Archaeologist. The unilateral undertaking (Document A27.3) includes a proper scheme of investigation and, if it is necessary to have this condition, it should be framed to include this scheme.

16. Conditions 29-37 concern drainage matters and, as with the change of use application, the legal agreement with the NRA and Thames Water is to be preferred.

17. The landscape works referred to in Condition 40 may have to be delayed for the planting season and would then hold up the transport of mineral from the site. A modified condition would be enforceable as control over the land is to be taken in hand.

18. Condition 43 specifies that stockpiles shall not exceed 5m in height. However, the grading plant (elevators) would extend to 8m and the condition should be altered accordingly. A limit of 600,000tpa should be imposed to reflect the possibility of 300vpd and a trade off in timescale of working.

19. Whilst there is no objection to the principle of restricting the movement of soils to suitable climatic conditions this should be based on the moisture content of the soils rather than specific calendar dates. Condition 49 should be amended to reflect this.

20. Since the scheme includes a nature reserve the drainage measures imposed by Condition 57 would be likely to be detrimental to the interests of nature conservation, especially in the wetland areas.

Comments by the Council

21. The appellants question whether conditions are necessary where the matter is covered by a legal agreement. The concept of unilateral undertakings under Section 106 of the 1990 Act was introduced to counteract the mischief of the old Section 52 Agreements whereby local planning authorities would not cooperate with developers to overcome difficulties which were capable of resolution by such Agreements. In this case Planning Obligations in the form of unilateral undertakings have been used to circumvent the local planning authorities power to exercise control through planning conditions. Undertakings have been drawn up prior to, or to avoid, negotiations on certain suggested conditions. For example, the unilateral undertaking in respect of archaeology (Document A27.3) cuts out the powers of the County Council and leaves the County Archaeologist as a spectator.

22. If it is right to regulate by conditions then that course should be followed and planning obligations are then unnecessary. Conditions are easier and less costly to enforce, they should always be preferred to legal agreements where this is possible.

23. The conditions suggested in respect of the change of use application are at Document A67.1.

24. It is agreed that a period of 8 years should be substituted for the 5 years given in Condition 3(i). The appellants' suggestion that Condition 6 be amended so that the gross floor area of the boathouse be increased to 2112 sq m does not accord with the planning application.

25. Condition 10 is more precise by specifying participants, spectators and officials and is to be preferred to "competing crews" referred to in Document A27.2. As with Conditions 15-18, the conditions are required despite the Section 106 undertaking to the County Council and the Agreement between the AWA, TWUL and Eton College for the reasons given above.

26. Conditions 11 and 12 concern the size of the start and finish towers and aligner's and timers huts. The dimensions given in the conditions reflect the evidence given to the inquiry.

27. In their response to Conditions 21-22 the appellants seek to remove these conditions and abrogate the local planning authority's powers by resorting to the Planning Obligation at Document A27.2. and thereby in effect giving themselves planning permission for the development specified in the conditions.

28. The suggested conditions for the construction application comprise Document A67.2.

29. The Council cannot agree that Conditions 2 and 3 be altered in the way advocated by the appellants. The intention is that the operations shall be completed in the timescale given in the evidence and that is reflected in the conditions. If there is an overrun a further application should be submitted. As for Condition 4, it is unreasonable that operations should commence without the local planning authority receiving prior notice.

30. In Condition 9, 0730 hours is specified because lorries will approach the site before this time. The appellants' suggestion of 0700 hours would mean lorries arriving before that time which would be unreasonable. The condition allows a reasonable period for the maintenance of plant and machinery.

31. Condition 14 limits HGV movements to 250 per day. This is 25% over the stated average and to increase the figure to 50% above the average would be excessive and does not accord with the appellants' evidence of 30vph in the peak hour. Similarly the figure of 500,000tpa in Condition 44 represents 50,000tpa above the average annual rate of extraction and is sufficient to allow for reasonable annual variations.

32. Conditions 21-23 are quite standard and reasonable.

33. In Condition 24(c) the construction permanent mounding, such as that at the arboretum, should be subject to the 55dBA limit and not 70dBA. Condition 24(e), added by the appellants is not a proper matter for planning control.

34. Condition 27 and 49 are standard conditions properly applied. Condition 40 is to be preferred to the appellants alternative on off-site planting.

35. The appellants' suggested amendment to Condition 57 whereby the words "having regard to the agreed appropriate use" are added is suspect through uncertainty and not a proper form of words for a planning condition.

Comments by the Inspector

36. There is a large measure of agreement between the parties on the suggested conditions. However, there are certain instances where in my view and for the reasons given below some changes would be justified.

37. In relation to Condition 1 of the change of use application (Document A67.1), it seems to me only reasonable that the list of buildings and structures should reflect the proposals discussed at the inquiry and match that in the legal undertaking. Similar considerations apply to the size of the starters platform, aligners hut and timers shelters specified in Conditions 11 and 12. These structures need to be of a size necessary to enable the occupants to carry out their functions. The sizes suggested by the Council are too restrictive.

38. There does not seem to be a compelling reason to deny the appellants their GDO rights by the imposition of Condition 21. The parking of spectators' cars on the grassed areas alongside the course and the erection of marquees are traditional features at regattas and form part of the proposals. This is an operational matter and should in my view be left to the College who can be expected to respect the integrity of the nature reserve, arboretum and other visually sensitive areas.

39. I accept that Condition 2 of the construction application (Document A67.2) is too restrictive. A longer period is needed to enable advance planting and further archaeological evaluation which could in themselves be construed as "operations". They should be regarded separately from "the processing of sand and gravel" as suggested by the appellants.

40. Condition 9 requires that the maintenance of plant and equipment be confined to working hours and Saturday afternoons. This may not be long enough to deal with defects at the processing plant and should be extended to include Sundays.

41. Since of the evidence on noise levels was related to noise sensitive properties this should be reflected in Condition 21 (as in Condition 24(b)). Clearly Condition 23 merely duplicates matters covered by other legislation and is therefore unnecessary. Further, by referring to future modifications of that legislation it is suspect through uncertainty. As indicated in my conclusions, I considered the construction of landscape mounds and piling to be temporary operations subject to the 70dB(A) limit. This should be reflected in Condition 24(c).

42. Condition 40 should be revised so as to allow landscaping work to be undertaken in the planting season following the completion of highway works.

43. Since the elevators feeding stockpiles at the processing plant are likely to be about 8m in height, Condition 43 should take this factor into account.

44. It is certainly conceivable that the moisture content of soils measured between 30 September and 1 May would be such as to enable movement without damage. Condition 49 should be amended to cover this possibility.

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APP/A0400/A/92/206793
E1/A0400/5/1/02

APPEARANCES

FOR THE APPELLANTS

Mr John Taylor QC and Mr Reuben Taylor of Counsel	- instructed by Messrs Charles Russell & Son Hale Court, Lincoln's Inn, London WC2A 3UL.

They called:

Mr J Langfield BA	- Master in charge of Rowing, Eton College.
Mr J Boultbee BA LLB	- Secretary General, International Rowing Federation (FISA).
Mr M Sweeney CEng MICE MIWEM	- Chairman, FISA Regattas and Technical Installations Commission.
Mr J Buchan	- Chairman, National Development Committee, Amateur Rowing Association.
Mr M Pinsent	- Olympic Oarsman
Mr S Harris	- Captain, London Rowing Club
Mr B Armstrong MSc FRICS	- International Rowing Manager, Amateur Rowing Association.
Mr P Owen	- Director, British Canoe Union.
Mr M Banks	- Chief Coach, Junior National Rowing Team.
Mr R Wilson	- Vice President, Maidenhead Rowing Club.
Dr G Pooley BSc PhD	- Chemistry teacher, Eton College and Olympic Oarsman.
Mr B Grainger BSc	- Assistant Master and Rowing Coach, Eton College.
Mr C Morrell	- Master-in-charge of Rowing, Windsor Boys' School.

Mr R Watson MA CA	- Bursar of Eton College.
Dr W Anderson MA BLitt DLitt FRFE	- Headmaster of Eton College.
Mr B Couth BSc CEng MICE MIWEM	- Senior Civil Engineer, Aspinwall & Company.
Mr J Leivers FRICS FIQ	- Director of Lands and Planning, Redland Aggregates Limited.
Mr P Chambers BA BPL MA MRTPI	- Senior Regional Officer, Sports Council.
Mr A Marsland BSc MSc CGeol FGS	- Manager, Water Directorate Aspinwall & Company.
Mr G Collens MLA DipArch RIBA ALI	- Chairman, Derek Lovejoy Partnership.
Mr I Marsh BA MIHT MCIT	- Associate, Fairhurst & Partners.
Mr T Curson BTech MIOA MRSH	- Senior Environmental Scientist, Aspinwall & Co.
Mr D Miles BA FSA MIFA	- Director, Oxford Archaeological Unit.
Mrs L Carter BEd MIEEM	- Environmental Consultant.
Mrs M Hankinson BSc DipLD ALI	- Director, Glen Kemp Hankinson.
Mr H Deakin OBE MA FRTPI	- Planning Consultant.
Dr A Walker BSc PhD FInstA	- Senior Partner, Walker Beak Mason Partnership.

FOR THE PLANNING AUTHORITY

Mr William Glover QC with Miss Merzaline Parchment of Counsel	- instructed by the County Secretary and Solicitor, Buckinghamshire CC and the Solicitor, South Bucks DC

They called:

Mr J Pickard BSc DipTP MRTPI	- Head of Development Control Buckinghamshire CC
Mr P Bullied MA DipLA ALI MILAM TD	- Director, Barton Willmore Environmental.

Mr P Gough BSc MSc MIEH	- Principal Environmental Health Officer, South Bucks DC.
Mr M Farley BA MIFA FSA	- County Archaeologist, Buckinghamshire CC.
Mr P Beckford DipTP MRTPI	- Chief Assistant Planning Officer, South Bucks DC.

FOR THE NATIONAL RIVERS AUTHORITY

Mr Neil King, of Counsel	- instructed by Mr C Phillips, Regional Secretary and Solicitor, Thames Division, National Rivers Authority.

FOR DORNEY PARISH COUNCIL

Mr A Hind BA MRTPI	- Deputy Director, Land, Planning & New Homes Division Ekins Professional, Castle Moat Road, Huntingdon, Cambs.

He called:

Mr K Richmond	- Chairman, Dorney Parish Council.
Mr M Palmer BSc CEng MICE MIHT DipTE	- Highways and Transportation Planning Consultant.
Mrs A Wooller	- Parish Councillor.
Mr N Jackson DipTP MRTPI	- Principal Planner and Local Director, Ekins Professional Services.

FOR TAPLOW PARISH COUNCIL

Mr A Forsyth	- Chairman, Taplow Parish Council, The Old Manor House, Rectory Road, Taplow, Bucks.

FOR DROPET

Mr William Hicks, of Counsel	- instructed by Messrs Berwin Leighton, Adelaide House, London Bridge, London EC4R 9HA

He called:

Mr P Bowman	- Local resident, 12 Harcourt Road Dorney Reach, Maidenhead, Berks.

FOR MR J BAKER

Mr Robert Turrall-Clarke of Counsel	- instructed by Messrs Beechcroft Stanleys, 20 Furnival Street, London EC4A 1BN

He called:

Mr J Baker	- Local resident, Elm View Farm, 1 Marsh Lane, Dorney
Mr C Plenderleith BA MRTPI	- Leith Planning Consultants
Mr P Allaway DCC CEng FIoA FCIBSE	- Acoustics, Noise and Vibration Consultant.

FOR J SAINSBURY PLC

Mr M Robeson BA FRTPI FRICS	- Director of Town Planning, J Sainsbury plc, Stamford House, Stamford Street, London SE1 9LL.

FOR THE OPEN SPACES SOCIETY

Miss K Ashbrook	- General Secretary, 25A Bell St Henley-on-Thames, Oxon RG9 2BA

OTHER INTERESTED PERSONS

Mr P Coni QC OBE	- Chairman, Finance Committee, Amateur Rowing Association. 3 Churton Place, London SW1V 2LN
Dr H Fladee	- The Boathouse, Dorney Reach, Maidenhead, Berks
Mr P Perryman	- 21 Lake End Road, Taplow, Bucks.
Mrs J Paton	- 25 Harcourt Road, Dorney Reach Maidenhead, Berks SL6 0DT
Mr R Tucker	- Operations Director, Willows Riverside Park, Appleby,

	Crouch Lane, Winkfield, Berks.
Mr V Sakal	- Tithe Barn, Lake End Road, Dorney, Windsor, Berks.
Mr D Tuddenham	- Flaxford House, Lake End Road, Dorney, Windsor, Berks.
Mrs G Easton	- 39 Harcourt Road, Dorney Reach Maidenhead, Berks.
Mrs Billington	- on behalf of Mrs E Millward, Pieman's Way, Old Marsh Lane, Dorney Reach, Maidenhead.
Mr J Barker	- Further Dimmings, Village Road, Dorney, Windsor, Berks.
Mrs V Cumming	- 16 Bredward Close, Burnham, Bucks.
Mrs S Armstrong	- Badgers, Village Road, Dorney, Windsor, Berks.
Mrs M Hellmuth	- 15 Marsh Lane, Dorney Reach, Maidenhead, Berks.
Mrs J Page	- Farthing Cottage, Ashford Lane, Dorney, Windsor, Berks.
Mr R Spencer	- 45 Harcourt Road, Dorney Reach, Maidenhead, Berks.
Mrs J Richmond	- 31 Harcourt Road, Dorney Reach, Maidenhead, Berks.
Mr C Randle	- Dorney End, Dorney Reach, Maidenhead, Berks.
Mrs E Matthews	- 3 New Farm Cottages, Boveney Court, Dorney, Windsor, Berks.
Mr P Palmer	- Dorney Court, Windsor, Berks, SL4 6QP.
Mr M Martin	- 580 Bath Road, Taplow, Bucks.
Mr P Tyler	- Dormouse, 1 Oak Stubbs Lane, Dorney Reach, Maidenhead.
Mr A Stark	- Cypress Cottage, Lake End Road, Dorney, Windsor, Berks.
Mr B Huggett	- The Willows, Maidenhead Road, Windsor, Berks.

Mrs B Spencer	- Riverdale, Dorney Reach, Maidenhead, Berks.
Mr M Wormwell	- Oakley Court Hotel, Windsor Road, Water Oakley, SL4 5UR.
Mrs O Livesey	- Old Cottage, Village Road, Dorney, Windsor, Berks.
Mrs A Henley-King	- 1 Vine Cottges, Ashford Lane Dorney, Windsor, Berks.

DOCUMENTS

Document 1	- Lists of persons present at the inquiry.
Document 2	- Notice of the inquiry and circulation list.
Document 3	- 1998 Letters in response to the above, 1507 supporting the appellant and 491 supporting the Council.
Document 4	- 2 petitions with a total of 478 signatures opposing the proposals, 1 petition with 28 signatures supporting the proposals, and 1 petition with 112 signatures opposing the draft Order in respect of Footpath 17.
Document A1	- Planning applications - revisions.
Document A2	- Environmental Statement.
Document A3	- Non Technical Summary of Environmental Statement.
Document A4	- Buckinghamshire County Structure Plan.
Document A5	- Local Plan for South Bucks.
Document A6	- Buckinghamshire Minerals Subject Plan.
Document A7	- Replacement Minerals Local Plan (Deposit Version).
Document A8	- Area of Attractive Landscape Policy Document.
Document A9	- Report and minutes of County Council Planning Sub-Committee December 1991.
Document A10	- Report and minutes of South Bucks DC Planning and Transportation Committee October 1991.
Document A11	- Decision notices dated December 1991.

Document A12 - "The Green Belt" DoE 1988.

Document A13 - "A New Strategy for the South East" (SERPLAN).

Document A14 - Draft PPG9 (Regional Guidance for the South East".

Document A15 - Consultation responses to the Applications (A15.1 to A15.21)

Document A16 - Correspondence between Applicant and Local Authorities (A16.1 to A16.10).

Document A17 - Agreed Statement: Site Description.

Document A18 - Agreed Statement: Traffic Counts (A18.1 to A18.3).

Document A19 - Agreed Statement: Soil handling details (Section 2 not agreed).

Document A20 - Press cutting: Financial Times 15/16 May 1993.

Document A21 - Agreed Statement: Agricultural Land Classification and soil handling maps (A73)

Document A22 - Agreed Statement: Relevant Planning Policies.

Document A23 - Letter withdrawing NRA objection.

Document A24 - Documents on Noise and Dust (A24.1 to A24.10).

Document A25 - TPO Nos. 10/1974, 12/1991 and 2/1993.

Document A26 - Archaeology documents (A26.1 to A26.3).

Document A27 - Planning Obligations and Agreements (A27.1 to A27.4).

Document A28 - Footpath Orders.

Document A29 - Letter withdrawing Thames Water objection.

Document A30 - Appellants list of dwellings and objectors in the parish of Dorney.

Document A31 - DROPET circular letter (undated).

Document A32 - Letter from P M Storey (Bucks CC) dated 2 February 1990.

Document A33 - Environmental Assessment Booklet.

Document A34 - Bundle of correspondence from Glen Kemp Hankinson to County Council.

Document A35 - Letter from SBDC to Bucks CC dated 12 December 1991.

Document A36 - SBDC report to Planning Sub-Committee 30 September 1991.

Document A37 - Letter to Mrs Aster from Eton College dated 12 December 1991.

Document A38 - Extract from modification to RMCP.

Document A39 - Measured LWA by Dr Walker.

Document A40 - LWA figures by Mr Gough.

Document A41 - CONCAWE Model.

Document A42 - Letter from W S Atkins dated 1 June 1993.

Document A43 - Notes of seminar 10 September 1991.

Document A44 - Position statement by NRA (27 May 1993).

Document A44a - Position statement by NRA (12 May 1993).

Document A45 - AAL draft for Consultation February 1978.

Document A46 - Report of Panel to CC Planning Committee 21 June 1979.

Document A47 - AAL: meeting 23 May 1979.

Document A48 - Visual Assessment: Differences Bulleid/Hankinson.

Document A49 - Letter GKH to Countryside Commission dated 23 October 1991.

Document A50 - Max Noise Level at Boveney Court (Dr Walker).

Document A51 - NRA letter to Mr Watson dated 17 May 1993.

Document A52 - Dorney Parish Council circular.

Document A53 - Press cutting: Maidenhead Advertiser 29 January 1993.

Document A54 - Bus Pull-away Spectra (appellants).

Document A55 - Comparison of HGV movements (appellants).

Document A56 - Arboretum mounding: phasing.

Document A57 - Note on land drainage in Nature Reserve.

Document A58 - Note on Highway Alignment Options in the vicinity of the Pineapple PH.

Document A59 - Transportation Noise (Extract from reference book by Butterworths).

Document A60 - Letter from County Engineer dated 11 May 1993.

Document A61 - Photographs put in by Mrs Page.

Document A62 - Traffic flows and junction capacities (Sainsburys).

Document A63 - Permissive bridleway to Dorney Common.

Document A64 - Legal submissions on applications by John Taylor QC and William Glover QC.

Document A65 - Letter from Bursar dated 3 June 1993 and schedules of letters in support of the proposals.

Document A66 - Photograph showing supporters' signatures on wrecked bow of rowing eight.

Document A67 - Suggested Conditions (A67.1 and A67.2).

Document A68 - Appendices to Mr Watson's proof of evidence (ECP1).

Document A69 - Appendices to Mr Langfield's proof of evidence (ECP2 ECP3 and ECP2/3).

Document A70 - Appendices to Mr Grainger's proof of evidence (ECP4).

Document A71 - Appendices to Mr Sweeney's proof of evidence (ECP8).

Document A72 - Appendices to Mr Couth's proof of evidence (ECP9).

Document A73 - Appendices to Mr Leivers' proof of evidence (ECP10).

Document A74 - Appendices to Mr Collens' proof of evidence (ECP11).

Document A74/1- Appendices to Mrs Hankinson's proof of evidence (ECP12).

Document A75 - Appendices to Mr Marsland's proof of evidence (ECP13).

Document A76 - Appendices to Mrs Carter's proof of evidence (ECP14).

Document A77 - Appendices to Mr Curson's proof of evidence (ECP15).

Document A78 - Appendices to Mr Marsh's proof of evidence (ECP16).

Document A79 - Appendices to Mr Miles' proof of evidence (ECP17).

Document A80 - Appendices to Mr Marsh's proof of evidence on footpaths (ECP19).

Document A81 - Appendices to Mr Armstrong's proof of evidence (OS1).

Document A82 - Appendices to Mr Owen's proof of evidence (OS6).

Document A83 - Appendices to Mr Chambers' proof of evidence (OS10).

Document A84 - Appendices to Mr Pickard's proof of evidence (LA1.2).

Document A85 - Appendices to Mr Gough's proof of evidence (LA2.2).

Document A86 - Appendices to Mr Bullied's proof of evidence (LA3.2).

Document A87 - Appendices to Mr Farley's proof of evidence (LA4.2).

Document A88 - Appendices to Mr Beckford's proof of evidence (LA5.2).

Document A89 - Appendices to Mr Buchan's proof of evidence (OS9).

Document IP1 - Appendix to Mr Richmond's proof of evidence (KP1).

Document IP2 - Appendices to Mr Jackson's proof of evidence.

Document IP3 - Appendices to Mr Palmer's proof of evidence.

Document IP4 - Appendices to Mrs Wooller's proof of evidence.

Document IP5 - A simplified guide to lorry sizes.

Document IP6 - Appendices to Mr P Palmer's proof of evidence.

Document IP7 - Appendices to Mr Bowman's proof of evidence.

Document IP8 - Appendices to Mr Plenderleith's proof of evidence.

Document IP9 - Legal submissions on behalf of Mr Baker.

Document IP10 - Appendices to Mr Allaway's proof of evidence.

Document IP11 - Plan of Sainsbury superstore.

Document IP12 - Letter from J Sainsbury plc dated 14 June 1993.

Document IP13 - Survey of Trumpers Field.

Document IP14 - Extract from Daily Telegraph (7 June 1993).

Document IP15 - Extract from Thames User (January 1992).

Document IP16 - Letter and plan put in by Mr Stark.

Document IP17 - Plan put in by Mrs Spencer.

Document IP18 - Royal Borough of Windsor and Maidenhead Recreation Strategy.

Document IP19 - Thames Planning and Amenity Forum: written appendices.

PLANS

Plan A - Revised Application plan to a scale of 1:2500 (Drwg No GAC-3A).

Plan B - Plan of proposed access to a scale of 1:500.

Plan C - Plan showing improvements at B3026/A4 junction to a scale of 1:500.

Plan D - Lake End Road proposals to a scale of 1:500 (Sheet 1 of 5).

Plan E - Lake End Road proposals to a scale of 1:500 (Sheet 2 of 5).

Plan F - Lake End Road proposals to a scale of 1:500 (Sheet 3 of 5).

Plan G - Lake End Road proposals to a scale of 1:500 (Sheet 4 of 5).

Plan H - Lake End Road proposals to a scale of 1:500 (Sheet 5 of 5).

Plan J - Appeal site - existing contours to a scale of 1:500.

Plan K - Appeal site - final contours to a scale of 1:500.

Plan L - Series of plans showing typical sections through lake (Drwg Nos GAC-4A, GAC-4B,GAC-4C, GAC-4D and GAC-5).

Plan M - Unscaled plans of local footpath network.

Plan N - Visual Analysis Plan (6712/PB2).