

Comments received in response to the focused consultation on Modifications to the Eye and Dunsden Neighbourhood Plan in response to Sections 98 & 99 of the Levelling Up and Regeneration Act 2023

Response number	Date	Name	Organisation	Link to response	Public hearing	Made plan notification
1	12 June 2026	[REDACTED]	South Oxfordshire District Council	<i>Full response available on page 2</i>	No, I do not request a public hearing	[REDACTED]
2	15 June 2026	[REDACTED]	Heatons on behalf of Tarmac Trading Ltd	<i>Full response available on page 3</i>	Don't know	[REDACTED]

Policy and Programmes

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11 June 2026

Eye and Dunsden Neighbourhood Development Plan – Comments on the Focused Consultation on Modifications in response to Sections 98 & 99 of the Levelling Up and Regeneration Act 2023

South Oxfordshire District Council has worked to support Eye and Dunsden Parish Council in the preparation of their neighbourhood plan.

In order to fulfil our duty to guide and assist, required by paragraph 3 of Schedule 4B to the Town and Country Planning Act 1990 (as amended), the council commented on the emerging Eye and Dunsden Neighbourhood Development Plan (NDP) during the pre-submission consultation and the post-submission publicity period.

We consider that the NDP, as modified in response to Sections 98 and 99 of the Levelling Up and Regeneration Act 2023, would not have the effect of preventing development from taking place which is proposed in the development plan for the area and if it took place would provide housing. We consider that the comments we have raised on the NDP previously still apply when considering the changes brought forward by Sections 98 and 99 of the Levelling Up and Regeneration Act 2023.

[REDACTED]
Planning Policy Team Leader (Neighbourhood)

Our Ref: TAR-329-P

Date: 15th June 2026

Sent by email only to: planning.policy@southandvale.gov.uk

Dear Sir/Madam,

RE. Eye and Dunsden Neighbourhood Plan - Focused Consultation on Modifications in response to Sections 98 & 99 of the Levelling Up and Regeneration Act 2023 – Representations on Behalf of Tarmac Trading Ltd

Heatons have been instructed by our client, Tarmac Trading Limited (hereafter referred to as 'Tarmac'), to prepare and submit representations to the Eye and Dunsden Neighbourhood Plan, which is undergoing a Focused Consultation on Modifications, in response to Sections 98 and 99 of the Levelling Up and Regeneration Act 2023.

These representations make comment on the policies within the draft Plan where we consider further review of a policy is necessary. This letter also makes comment on the draft Plan as a whole. The letter is set out to follow the identified policies within the Draft Neighbourhood Plan. If a policy is not commented on, there are no comments to be made from Tarmac's perspective.

Tarmac's Interest

Tarmac has an important operational interest within the Eye and Dunsden Neighbourhood Plan Area. The interest, Sonning Quarry, is an active sand and gravel quarry with planning permission for the extraction of minerals until 2028 (Oxfordshire planning reference: MW.0044/21). Sonning Quarry is a strategic site for mineral extraction within the County and contributes a significant proportion of the County's sand and gravel reserve (20% of the year-to-year supply since reopening in 2017). In addition to the operational quarry, Tarmac retain ownership over restored lakes to the south-west of Sonning Quarry established through former mineral extraction (Caversham Quarry). A planning application for a southern and eastern extension to Sonning Quarry was submitted to Oxfordshire County Council (OCC) in February 2024 and assigned the reference number: MW.0036/24. The application is expected to be determined by the 31st of July 2026, under the statutory timescales given on OCC's website.

Sonning/Caversham Quarry location is shown in Figure 1.

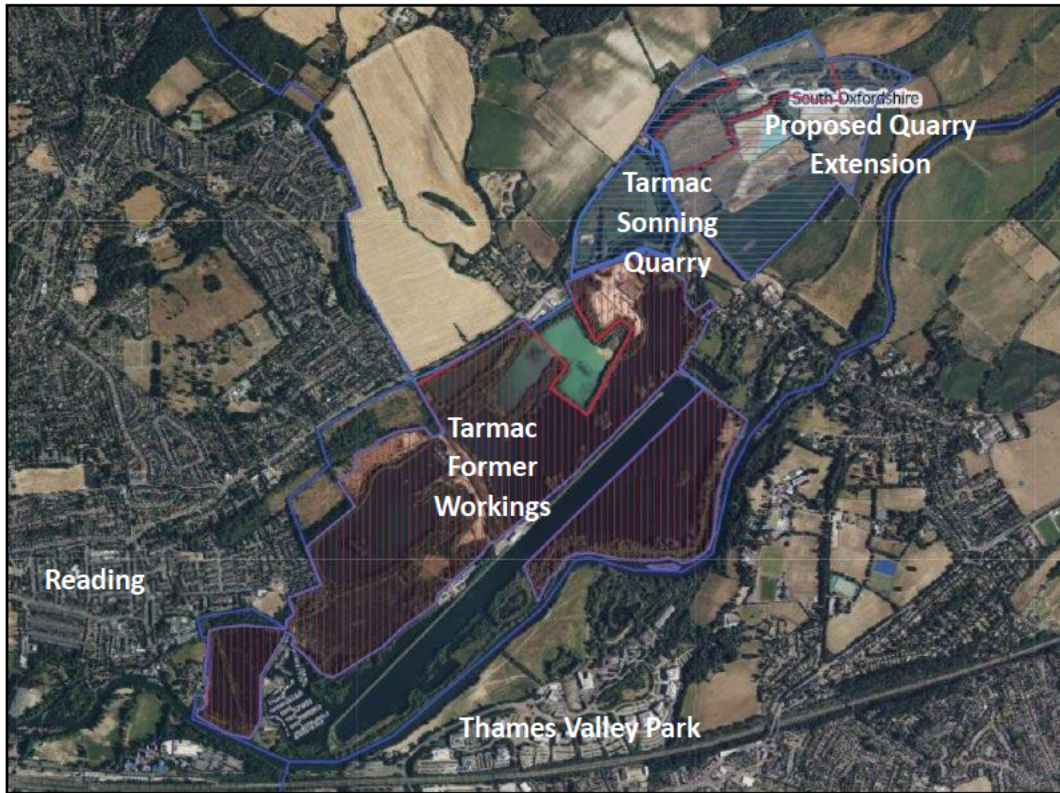


Figure 1. Outline of Tarmac ‘s Ownership including restored and operational and proposed sites

Planning Policy Context

Once formally made, the Neighbourhood Plan will form part of the Development Plan for South Oxfordshire District Council. As set out in Paragraph 13 of the National Planning Policy Framework (NPPF) (2024), Neighbourhood Plans should support the delivery of strategic policies contained in local plans or spatial development strategies and should shape and direct development that is outside of these strategic policies. Paragraph 30 goes on to state that Neighbourhood Plans should not promote less development than set out in the strategic policies for the area or undermine those strategic policies.

Further information on the neighbourhood planning process is set out in the Government’s ‘Planning Practice Guidance’ (PPG). As per the relevant PPG, a draft neighbourhood plan must meet several ‘basic conditions’ to proceed to a referendum and eventual ‘made’ status; these conditions include a contribution to the achievement of sustainable development, as well as the abovementioned general accordance with strategic policies in the adopted Development Plan.

Draft Policy: ED-VL1 Landscape Character and Valued Landscapes

Draft policy ED-VL1 sets out the Neighbourhood Plan’s proposed approach to Landscape Character and Valued Landscapes. In summary, the policy requires that development proposals within the Neighbourhood Area should preserve and where possible enhance the landscape character of the Parish.

In order to achieve this enhancement, the policy seeks to ensure that development proposals should reflect the valued landscape features of the neighbourhood plan area. This should include, inter alia, ‘*watercourses and wetlands*’, ‘*the network of trees, copses, hedgerows and boundaries*’, ‘*highways and public rights of way and recreational open space and public spaces*’ and, lastly, ‘*the contribution that the landscape makes to the distinctive character and identity of the settlements within the Plan area*’. Finally, the policy also includes a provision that “*Opportunities should be sought where appropriate to minimise the adverse impact of any intrusive or intensive land uses and to reintroduce and enhance traditional orchards and deciduous woodland, grassland, watercourses, wetland areas, and allotments*”.

Whilst the regard for preserving and, where possible, enhancing the landscape character of the area is acknowledged as reflective of National Policy, specifically that which is contained within Chapter 15 of the NPPF, we would caution against some of the more prescriptive sections of the policy wording, which if ‘made’ could run contrary to the Economic Objective of Sustainable Development as referenced in paragraph 8a of the NPPF, as well as Paragraph 2.1.4 a) of the draft Neighbourhood Plan.

The prescriptive wording we wish to draw attention to is contained within the final paragraph of the policy, particularly the section which reads “*Opportunities should be sought where appropriate to minimise the adverse impact of any intrusive or intensive land uses and to reintroduce and enhance traditional orchards and deciduous woodland, grassland, watercourses, wetland areas, and allotments.*” We would caution that in the context of the Policy, ‘*intrusive or intensive land uses*’ could be construed as a reference to Tarmac’s operational quarry at Sonning/Caversham, which under permission reference: MW.0044/21, is consented until 2027 and is the subject of a live application to extend mineral extraction operations southwards and eastwards, as is set out in full under application reference: MW.0036/24. Whilst the existing quarry is subject to a comprehensive restoration and aftercare plan, approved by Oxfordshire County Council, it is important that the consented and potential future activities of the quarry, which generate local employment opportunities and make a contribution both to the local economy and to the supply of vital aggregate to meet nationally-set needs, are not constrained by insufficiently precise wording in the neighbourhood plan. At present, the reference to ‘*intrusive or intensive*’ land uses is insufficiently precise and risks constraining future economic development associated with the quarry, which would be contrary to the economic objective of sustainable development. Furthermore, the Neighbourhood Plan area is set within a wider agricultural context and it is considered that agricultural use of land could also fall within the definition of ‘*intensive*’ use of land. On behalf of our client, Tarmac, we seek assurances that draft policy ED-VL1 is not used to constrain the operation of Sonning/Caversham Quarry and any future development opportunities associated with it.

Draft Policy: ED-VL3 Former Mineral Extraction Areas

Draft Policy ED-VL3 sets out the neighbourhood plans proposed approach to former mineral extraction areas. The supporting text to the policy notes that Minerals and Waste Policy is a ‘County-matter’ and therefore cannot be considered in the neighbourhood plan until the land is no longer required or it has been fully restored. Paragraph 5.4.1 of the Draft Neighbourhood Plan notes that mineral planning is outside of the outright jurisdiction of the Neighbourhood

Plan and states that, as a result of this, the draft policy focuses solely on quarries which have been restored. The policy notes that gravel extraction commenced in the area in the 1930s and continues to the present day, at Sonning/Caversham Quarry; identified within the neighbourhood plan as 'Phase C to the east of Spring Lane'.

Under the draft policy, development proposals *“for nature conservation and/or recreation on land previously used for the extraction of minerals will be supported where they involve...the raising of the capacity of the flood plain in conjunction with the provision of a site-specific flood risk assessment for development in Flood Zone 2 and 3, incorporating appropriate mitigation and management measures”*. The policy also states that *“any future development proposals should maximise the current floodplain capacity by allowing free drainage from one area to another and in the future and maintaining any excavation remaining as open water.”*

There are several comments to make on this draft policy, in respect of Tarmac's operational quarry at Caversham/Sonning. Indeed, the provision that the capacity of the floodplain should be raised in areas identified as Flood Risk Zones 2 and 3, specifically by allowing for free drainage from one area to another and maintaining any excavation remaining as open water, is considered to be overly prescriptive and places a constraint on the type of restoration land-use.

Indeed, whilst the regard for the long-term future of restored mineral sites is welcomed, the requirement that restored quarries should be maintained as open water, with free drainage from one area to another is an incursion into a matter which is the responsibility of Oxfordshire County Council, not Eye and Dunsden Parish Council. Caversham/Sonning Quarry is subject to a restoration plan and aftercare scheme, both approved by Oxfordshire County Council, and any future development proposals on the restored site should not be held to a specific land-use – open water – which may not be the most appropriate restoration land-use when considering other objectives beyond flood risk. Ultimately, the land at Caversham/Sonning quarry is within the freehold and mineral ownership of Tarmac and, any future plans they may have for the site once it is restored, should be judged on their own merits and not constrained by a requirement to incorporate the land into the already well-established complex of lakes to the south-west. On review of the draft policy as it is, this would essentially commit Tarmac to do so and is beyond the remit of a neighbourhood plan as set out in the basic conditions (PPG).

Draft Policy ED-BG11 Biodiversity

Draft policy ED-BG11 outlines the proposed neighbourhood plans approach to maintaining and enhancing the local biodiversity of the Plan area. The policy seeks to mandate that all development proposals within the neighbourhood plan area should deliver 20% biodiversity net gain and, where practicable, this should be delivered on-site and, if this is not possible, delivery should be within the Parish. This requested net gain is in exceedance of the 10% net gain which is a requirement of both national (NPPF) and local (South Oxfordshire Local Plan) policy, as well as the Environment Act 2021. Whilst the commitment to enhancing the biodiversity value of the neighbourhood plan area is supported, it is again unrealistic to expect that every development proposal, to which the mandatory requirement for net gain applies, should deliver a net gain double that of the current national and local requirements. This runs the risk of unduly constraining future development proposals which cannot meet 20% net gain on site. Furthermore, the requirement that this 20% net gain should only be delivered on-site and, if this is not possible, then within the Parish, ignores the provisions of the 'biodiversity net

gain hierarchy', which states that if developers cannot secure the requisite gains on-site, they can look to buy off-site credits on the market, or from the government as a last resort.

This draft neighbourhood plan policy is not considered to support the delivery of National and Local Policy objectives for sustainable development and risks subjecting future development proposals to measures which might constrain their viability and thus deliverability.

Draft Policy ED-BGI3 Use of the Lakes

The final draft policy we wish to comment on in respect of Tarmac's interests within the Neighbourhood Plan area is ED-BGI3, which seeks to govern the use of the lakes. The supporting text to the policy states, in paragraph 5.7.5, that *"the areas of restored former gravel workings in the Plan Area are an ecological haven and therefore are considered for designation as Local Wildlife Sites"*. The following paragraphs, from 5.7.6 to 5.7.9, reference a protracted enforcement case involving the unlawful use of the 'North Lake', as referenced in Figure 28 of the Proposed Plan, for the purposes of water-based sport and recreational use. Two separate enforcement notices were served in relation to this, to ensure the cessation of the abovementioned unlawful use of the lake and the *"removal of development and engineering operations including the introduction of sand to make artificial beaches, a gravel parking area, buildings, a bridge and fences"*. The supporting text also notes the ecological interest of the lakes and warns against 'adverse anthropogenic disturbance' from noise and light.

The policy wording of ED-BGI3 states that *"On land which has completed its aftercare period following mineral extraction, proposals for nature conservation that increases habitats and results in net biodiversity gain will be supported where it"* does not, inter alia, *"lead to detrimental impact on floodplain capacity, to this end impermeable hardstanding areas or synthetic surfaces should be avoided"*. Further to this, the policy states that *"The recreational, sporting, tourism and other after uses of the Lakes including marinas for boating, fishing and water sports should be sensitive to the site's high ecological value and the designation of Local Wildlife Sites as appropriate. Any proposed use should lead to an appropriate balance between recreation and nature conservation, not lead to an intensification of recreational use or tourism uses, which would be detrimental to biodiversity or quiet recreational enjoyment, not generate unreasonably excessive vehicular traffic...and not have an unacceptable noise impact on neighbouring residents and properties"*.

Once again, the draft policy is considered to be overly prescriptive and in its current form may present obstacles to the future development of land within the neighbourhood plan area, including land within Tarmac's ownership. In particular, the presumption against impermeable hardstanding areas and synthetic surfaces, is consistent with the request made in draft policy ED-VL 3 in respect of restored quarries that these should remain as open water, which presents a reductive approach to future development opportunities which could be realised as a consequence of reinstating the development platform. Though the need for any future use of Tarmac's Caversham/Sonning quarry to be compatible with surrounding land uses is acknowledged, the draft policy is considered to go too far in its pursuit of subsuming the land in question into the existing lake complex. Ultimately as it stands, the draft policy risks presenting undue obstacles to future development of Tarmac's interest, which once again run contrary to the economic objective of sustainable development, as set out in Paragraph 8a of the NPPF. The

draft policy is not considered to support the delivery of National and Local Policy objectives for sustainable development.

Final Remarks and Conclusion

To conclude, though it is acknowledged that the draft neighbourhood plan should have regard to ensuring that the impacts of mineral extraction within the neighbourhood area are managed, the abovementioned draft policies ED-VL1, ED-VL3, ED-BGI1 and ED-BGI3 are too prescriptive in their requirements of future development proposals within the neighbourhood plan area. This runs contrary to the achievement of sustainable development in the area, particularly with regards the economic objective, which is a basic condition of a neighbourhood plan.

I trust that the above comments are useful, however, should further clarity be required please do not hesitate to get in touch. Tarmac welcomes any opportunities for further engagement and discussion regarding the contents of this letter.

Yours faithfully,

Heatons (on behalf of Tarmac Trading Ltd)