Briefing note by RTCT for Thame Town Council on issues arising in relation to Works on Cuttle Brook Nature Reserve

1. Introduction

This paper provides background to works undertaken by the River Thame Conservation Trust (RTCT) at the Cuttle Brook Nature Reserve in February 2025, and subsequent issues arising regarding the scale of the works and compliance with required planning and regulatory requirements. To summarise key points:

- RTCT has worked with the best intentions, but due to a misinterpretation of the regulatory and planning requirements, and the requirement of works to comply with permitted development, the works have not complied with planning requirements.
- Despite the above, the scrapes as-built achieve their ecological objectives, and do not pose a detriment in any other respect, notably in terms of flood risk, or safety.
- Regarding what we perceive as the main concern of residents, the volume and location of spoil, we suggest that the best solution is localised redistribution of some of the existing spoil within the nature reserve, augmented with landscaping and possibly planting, to accelerate the "greening-up" of the soil immediately next to the properties concerned.
- Although unlikely to be material to planning considerations, any perceptions regarding the safety of the scrapes could be addressed through fencing of the scrapes, an idea which we believe the Cuttle Brook Conservation Volunteers (CBCV), are receptive to.
- The scrapes should also be viewed in the context of the wider programme of habitat enhancement works RTCT is undertaking in line with the Cuttle Brook Management plan. Notably, (and relevant to one of the main concerns expressed, flood risk) anecdotal reports indicate that the anticipated reduced flooding due to removal of a weir in Ryecote Meadows, are already evident, with floodwaters dissipating more rapidly.
- Readers are ask to note (through examples of recent successful RTCT projects - **Annex 1**) that habitat creation works are often visually impactful during and shortly after creation. However, projects very quickly colonise to provide visually attractive features which make a material difference to nature recovery, and are highly valued by landowners on whose property they are built.

2. River Thame Conservation Trust

The River Thame Conservation Trust (RTCT) is a charity which works with local people, businesses and organisations to improve the River Thame and its catchment for wildlife, and people's enjoyment of the natural environment. We achieve this through delivery of on the ground river enhancement projects, engaging with farmers to support sustainable practices, bringing disparate sectors together through our role as Catchment Partnership hosts, and by monitoring and surveying water quality and biology in the catchment. Community engagement features strongly across our project portfolio, e.g. through citizen science, work parties, and supporting local community environment groups. We are a team of eight dedicated and experienced ecologists, with an office base in Wheatly, supported by 9 locally-based trustees, and a network of ca 240 registered, volunteers of which 100-150 are active at any one time.

RTCT has a track record of undertaking successful habitat creation and restoration projects. Testimony of landowners who have accommodated comparable projects on their land within recent years are provided in **Annex 1**.

3. Alignment of the project with locally stated priorities

RTCT's desire to undertake the project arose through discussion with the Cuttle Brook Nature Reserve, and both organisations' desire to implement the long-term objectives for enhancement of the nature reserve set out in the **Cuttle Brook Nature Reserve Management Plan 2025-2029**.

The project also aligns with the **Thame Green Living Plan** objectives:

- *to Further joint aims of GLP with Cuttle Brook Conservation Volunteers and River Thame Conservation Trust and*
- *Seek to maximise the statutory role of the Local Nature Reserve in local biodiversity and flood control and harness the committee's expertise*
- *Elevate conservation profiles - of the River Thame Conservation Trust (RTCT) and Cuttle Brook Conservation Volunteers (CBCV) and general links with biodiversity parties by:*
    - *Public Talks and Walks around the River Thame and Cuttle Brook - supported by RTCT and CBCV etc., especially at weekends and school holidays*
    - *Encouraging more volunteers to engage with RTCT and CBCV and their work, to build understanding of the link between water as a shared resource for biodiversity and people.*

4. Funding

RTCT applied for and secured funding to undertake the project in financial year 24-25 from the Environment Agency, through its Water and Environment Improvement Fund. All expenditure from the fund was used to deliver the works.

5. Liaison with regulators and project approval

The following is a summary of numerous exchanges between RTCT and the EA over the project over the last year:

i. RTCT applied to the environment Agency for exemptions for the scrapes (FRA25). However, we were advised by EA that the scrapes neither fell within the scope of a FRAP, or the exemption. The implication, or our understanding was thus that we were at liberty to progress with the works as specified (i.e. maximum depth of 0.5m and area less than 0.1ha.

ii. RTCT and the Environment Agency visited the site and discussed the approach to the FRAP and the scrapes on 8 September 2023. EA permitting team advised that scrapes do not need a FRAP is spoil is placed outside the floodplain

iii. FRAP submitted for all other elements of the chalk stream improvements to the Cuttlebrook (instream improvements, fish easement and weir removal) excluding reference to the scrapes on 24 January 2024

iv. Numerous email exchanges and clarifications (>10 emails) between EA and RTCT (31 Jan and 19 July 2024), including a detailed conversation in person with EA's Permitting Officer on 1 May 2024 and the subsequent submission of a Flood Risk Appraisal on 16 July 2024. Although the scrapes did not require a FRAP (or exemption) EA requested that details of the scrapes were included within the FRAP to provide wider context for the programme of works. The details we provided to the EA stated that the scrapes would be of a volume up to 1,000m^3
v. Environmental Permit for the wider programme of Cuttle Brook works acquired from the Environment Agency on 29 August 2024

6. Project engagement and communication

i. RTCT Offered spoil from scrapes to SODC drainage team on 29 October 2024, but it was agreed that the timelines didn't work.
ii. RTCT Shared detail of the scrapes, including the piped connection for scrape 2 to the ditch and some guidance on flood risk, with TTC by email 28 November 2024
iii. RTCT & CBCV spoke at the Thame Environment Group (public) meeting in Thame Town Hall which included an item highlighting our work on Cuttlebrook (28 November 2024)
iv. RTCT defined locations for spoil with Cuttlebrook Conservation Volunteers 22 January 2025
v. RTCT shared signs with TTC and CBCV to display around the reserve showing location of scrapes on 31 January 2025
vi. Signs were prominently displayed around nature reserve from 5 February 2025
vii. Engagement with TTC by phone on 7 February 2025, discussion about work to be carried out, scrape and spoil locations and agreement to sign the Landowner agreement.
viii. Landowner agreement signed off by TTC showing scrape locations and spoil locations on 7 Feb 2025

7. Appointment of Contractor

In order to undertake scrape creation and the barrier removal elements of the project, RTCT commissioned Amenity Water Management. Amenity Water were appointed by RTCT soliciting competitive tenders from prospective contractors, evaluating tenders against pre-determined quality and cost criteria, and awarding the contract accordingly.

8. Credentials of Amenity Water Management

Amenity Water Management Ltd are a contractor specialising in Design, construction and maintenance of water and wetland habitats. They have worked extensively across the Rivers Trust movement, and have previously worked with RTCT, providing exemplary works in the creation of the Stadhampton Bypass Channel in 2023 (See **Annex 1**).

9. Instructions to the Contractor

As part of the appointment of AWM, RTCT issued AWM with a works specification. This instruction specified that scrapes should be excavated to a maximum depth of 0.5m, and also specified locations within the nature reserve outside the floodplain (thus not taking up floodplain capacity), and avoiding ecologically sensitive areas of grassland.

10. Delivery of the contracted works

The works were undertaken between the 10th and 25th February 2025. The works were delivered to a high quality. However, the depths of the scrapes were somewhat deeper than intended, being approximately 0.5m deep on average, rather than 0.5 m maximum depth. This we attribute to the contractor employing a degree of discretion in delivering the works, based on their extensive experience of undertaking similar works. Thus, whilst the slightly greater than designed depth is not detrimental to the ecological purposes of the works, and does not create a flooding or safety risk, it has however resulted in a greater volume of excavated spoil than would otherwise have been the case. This in-turn has generated concerns from residents regarding the larger visual and landscape impact than anticipated, this effect being experienced by residents immediately adjacent to the spoil location within the nature reserve.

11. Proposed approach to addressing issues arising from the project

RTCT understands that on the advice of the Planning Authority, retrospective planning permission will need to be secured. In terms of informing what should be sought in terms of retrospective planning permission, RTCT considers that further modification of the works should focus on partial relocation and landscaping of the soil to achieve acceptable aesthetic and ecological outcomes and address resident concerns.

i. Volumes of the scrapes

We consider that the scrapes as constructed will deliver the intended ecological benefits as well as being a positive aesthetic feature once vegetation establishes (vegetation will already be well underway). We thus do not believe there is any benefit to the scrapes of returning spoil to them, or otherwise modifying the scrapes.

ii. Flood Risk

A perception expressed is that the works increase flood risk to properties. This is not the case. The excavations create extra capacity for river runoff thus increasing river capacity and slightly reducing risk of river water otherwise spilling out into the floodplain.

Note, our understanding is that that the Environment Agency, on being advised that the scrapes work had exceeded 0.5m advised that they would be unlikely to undertake enforcement action. The EA's remit in consenting / exemption / enforcing river works is largely in relation to flood risk. The fact that EA considers that there is no public interest in undertaking enforcement, supports our view, (informed by our in-house flood risk expertise), that the scrapes reduce,

rather than enhance flood risk to properties. Perceptions of increased flood risk by residents may be based on the observation that the scrapes when wet, result in water being closer to properties than would otherwise be the case (i.e. the scrapes are closer to properties than the river is. However, this does not equate to an increased flood risk to properties.

It is also worth stressing that the scrapes will drain to the adjacent ditch downstream of the one-way valve in the ditch which prevents river water flowing towards properties when river levels are elevated after high rainfall.

iii. Safety

The presence of any watercourse or surface water feature potentially poses a risk. However, the additional risk of the increased maximum depth is negligible in the context of water courses in the wider nature reserve. Risks associated with watercourses primarily occur in coastal environments when high energy, unpredictable movements of water arise as the result of waves and tides.

In freshwater situations risks are strongly associated with steep banks which abut deep water. Such conditions raise the likelihood of people entering the water unintentionally, and being unable to exit the water due to depth combined with steep embankments (a canal would be one such illustration). None of these scenarios arise as a result of the new works. Indeed, the shallow depth, shallow and predictable gradients both above and below the waterline, and absence of strong (or indeed any) currents, or sudden water depth changes make the new scrapes benign in terms of additional risk. It is also worth adding that the scrapes are designed to be wet only part of the time when rainfall, groundwater or river water wet the scrapes.

RTCT provides the above safety risk evaluation based on decades-worth of staff experience of working in the water environment, having undertaken risk assessments for diverse work activities for projects involving professionals, volunteers and young people, and with specific experience flood risk assessments for a range of projects. All RTCT staff possess accredited water safety training which includes identification and assessment of risks.

Notwithstanding the minimal risks, it is possible that access to the scrapes could be restricted by placement of a fence or similar barrier. This would have additional benefits of reducing disturbance to wildlife on the nature reserve from people and dogs. Our understanding is that the Cuttle Brook Conservation Volunteers are actively considering fencing.

iv. Spoil relocation

<u>Localised spoil relocation</u>

There are areas of land immediately adjacent to the current pile which might be suitable for relocating a proportion of the spoil. Additionally, an area in Montron Meadow adjacent to Oxford Road also appears to be suitable, Exact locations will require further consideration, but relocation on-site does appear to be possible with acceptable aesthetic and ecological outcomes. Relocation of a proportion of the spoil to the new areas would ensure that a) the height of the original pile is lower – commensurate with the originally anticipated volume, and that the new areas of spoil are also of acceptably low elevation.

Additional mitigation: the original (but reduced in height) spoil could also be landscaped such that the edges are blended into the existing landscape. Whilst the currently base spoil will vegetate within weeks as the spring growing period progresses, additional options might be available to accelerate the greening up process. In considering any accelerated greening-up approaches, due consideration will need to be given to potential ecological disadvantages of not simply allowing native, local provenance vegetation to regenerate (the seedbank in the soil plus naturally colonizing vegetation from the nature reserve). As an illustration of just how quickly new works can become vegetated and look natural, we highlight the project examples in **Annex 1**, in particular the Stadhampton bypass channel.

12. Timing of soil relocation and landscaping in relation to planning consent

RTCT recognizes the desire to undertake the above remediation actions as soon as possible, but that doing so presents a risk that planning conditions will then require a different option than might be implemented by acting quickly (in advance of planning consent). Such a scenario might entail abortive work, escalating costs and creating other adverse outcomes. RTCT suggests that the advice of the SODC ecologist (or if not possible, another suitably qualified ecologist) is sought prior to undertaking any action. The expert opinion of the ecologist can then be used to inform the decision. This advice does not preclude SODC from taking a different view (which might be informed by considerations wider than ecological considerations). However, it might give an indication of the risk associated with acting early in advance of planning being formally determined.

13. Cost and resource implications

RTCT is a small, community focused charity. Our income arises from sources which are ring-fenced for particular projects, which are then spent on delivering those projects. In this case the project budget has been fully spent, meaning that any funds provided to undertake modification works or address issues which might arise through the planning application (e.g. the need for specialist surveys which the planning authority or consultees might conceivably require), would all have to come from our charitable reserves, which would otherwise be used to support our wider environmental and community work, including projects in and around Thame.

Nonetheless, we will work with all parties to seek to redress the issues , including where necessary allocating funds and staff resources consistent with what is required for planning, good partner and community relations, and the optimal ecological outcome.

David Fraser

River Thame Conservation Trust

21st March 2025

Annex 1 Recent example of successful habitat creation and Enhancement works, including landowner Testimonials

Eythrope Wetland Complex, Waddesdon


My involvement with RTCT relates both to the important contribution it has made to Waddesdon Estate, and the ongoing role the Rothschild Foundation has in supporting RTCT to promote wildlife and water friendly farming in the Thame Catchment.

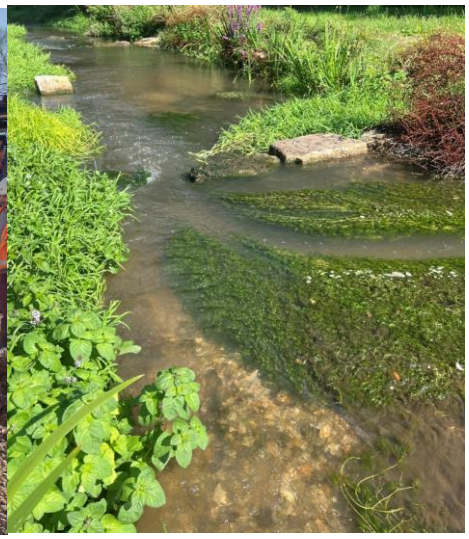
RTCT and the Freshwater Habitats Trust created a wetland complex on the Waddesdon Estate in 2019. Although the nature of the earthworks unavoidably meant that the site was initially somewhat stark, the site quickly greened-up. Today, the wetlands look great, and are a rich habitat for wildlife, contributing to biodiversity locally and regionally.
Chris Leach, Rothschild Foundation

Manor Farm Wetlands, Chearsley

I was keen to create some good wetland habitat on my farm in Chearsley. I mentioned this to the FHT and RTCT who applied for a grant to create ponds and scrapes. The project was overseen and delivered by the 2 charities very well and I am delighted by the ponds and scrapes that were created. They are gradually naturally regenerating and are now home to a host of dragon flies, newts and seasonal birds.
Rose Dale, farmer

Stadhampton Bypass Channel, Chalgrove Brook

March 2023



May 2025

We have only positive feedback to give! The project has been a great success in our view. The new by-pass works well, both in terms of fitting into the landscape and in enabling breeding brown trout. Nearly two years on now, the by-pass is flourishing with native vegetation and a wide variety of fish and other river life. The excavation works were quite extensive and done at a wet time of year when the land didn't easily recover, but even during that first summer, everything greened up again very quickly. It has been admired by all who have seen it.
Anne Peet, Landowner

Lopemede Farm, Thame

October 2023

August 2024

We worked very closely with the River Thame Conservation Trust who were instrumental in restoring 30ha of river meadows on our farm, by the creation of scrapes to help protect red list bird species like Lapwings and Curlews; following bird surveys we are pleased to see these endangered birds returning.

Eddie Rixon, Lopemede Farm