

## **Planning & Regulation Committee Monday, 15 July 2024**

### **ADDENDA**

- 7. North of the A420 Botley Road to south of the A423 ring road, running predominantly between the A34 to the west & the Oxford to London railway line to the east, including land between the A4144 Abingdon Road to the to the west & the River Thames (Pages 1 - 16)**

A flood alleviation scheme to reduce flood risk in Oxford, comprising: Construction of a new two stage channel from the confluence of the Botley and Seacourt Streams, extending south easterly to north Kennington; Floodwalls to the north of Botley Road, at Seacourt Park and Ride and adjacent to Bullstake Close allotments; Floodgates at Helen Road, Henry Road and Seacourt Park and Ride; Flood defences at New Hinksey between Abingdon Road in the west and the River Thames in the East, Ferry Hinksey Road and north of South Hinksey; Control Structures at Bulstake Stream, Eastwyke Ditch, Hinksey Pond, Redbridge Stream and Cold Harbour; Bridges and culverts to cross highways and footpaths maintaining access routes; Spillways, embankments, low flow control structure, modifications to Seacourt Stream, ford crossings, channel clearance, ditch widening and deepening, removal of weir and installation of telemetry cabinets; Repairs to existing walls along Osney Stream and in Hinksey Park. The creation of new and improved habitat for flora, fauna and fisheries, and change of use of land to provide exchange for existing open space. Works will include extraction of some sand and gravel for reuse on the site and exportation from the site.

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## Addendum for Planning & Regulation Committee 15<sup>th</sup> July 2024

**Report by the Head of Strategic Planning (Agenda Item 7 (North of the A420 Botley Road to south of the A423 ring road, running predominantly between the A34 to the west & the Oxford to London railway line to the east, including land between the A4144 Abingdon Road to the west & River Thames))**

### Further Representations Received

1. Since the committee report was written, three further representations in objection have been received, including a response from the Oxford Flood and Environment Group (OFEG). The full response from OFEG with personal information redacted can be read in Annex 2 of the Addendum. The issues raised in these objections are summarised below:
2. Oxford Flood and Environment Group
  - a. The proposal would be destructive impacting trees, hedgerows and floodplain meadows.
  - b. This destruction would increase flooding and cause the loss of MG4a meadows which cannot be properly mitigated.
  - c. Scheme impact on the traffic systems for 5 years.
  - d. There are schemes which are less destructive and costly and to which the application proposal is only marginally better.
  - e. Public petition online with over 5000 signatures objecting to the scheme.
  - f. Failure to properly model and consider less destructive and expensive schemes of equal or similar benefit. As part of their point they address alternatives such as the pumped scheme.
  - g. Inadequate environmental preparation and failures of mitigation. The applicant failed to recognise the importance of Hinksey Meadow. The scheme will deliver a net loss in biodiversity in Oxford with no detail on how biodiversity would be mitigated elsewhere in the county. Not clear what carbon loss digging the channel will have.
  - h. At the CPO enquiry, Section 19 compensatory land was discussed. This requires the compensatory public space for areas of public land taken for the scheme. EA propose to take land already in public use. This includes wildly unsuitable site for children's play in a corridor under pylons out of view of Oatlands Park.

### Other Third Party Comments:

3. There is a contradiction in the report. Paragraph 42 (page 14). Mentions floodgates at the end of Helen and Henry Road. But in Paragraph 324 (page 62) mentions floodgates on Henry Road is no longer proposed.

The officers report covers traffic at para. 79-80 and 203-217, yet fails to mention that the scheme would require turning 2.4 miles of the A34 from 70mph to 40mph during construction (p.244 of the environmental statement). This is needed due to the safety risks of 144 HGVs/day (25,000 over 3 years) joining the very busy A34 at South Hinksey at about 10mph.

4. The highways authorities propose to deal with this by a Construction Traffic Management Plan (CTMP) which would only be developed after planning consent has been granted, when the planning committee would no longer have oversight. The Environment Agency's own transport consultant stated during the CPO inquiry that, given the road layout at South Hinksey, the only CTMP mitigation he could imagine is a further speed reduction to 30 or even 20mph.
5. We calculate that this would affect 36+ million journeys over 3 years on a nationally-important trunk road. Is this 'cost-effective' and 'acceptable'?
6. The officer's report takes the benefits of the development at face value or overstates them. However laudable it is to provide flood protection, one needs to know what is being provided.
7. For example, the report refers to 1600 properties being at risk in a 1 in 100 year flood (paras. 138, 306, 355) without noting that 500 properties would still be at risk if the development went ahead (Sec. 5 of App. Q to the planning application, attached to this email). In other words, the scheme would take 1100 and not 1600 properties out of this risk category.
8. The report refers to the development reducing the flood risk to transport infrastructure and utilities, but nowhere is the level of protection quantified. At the CPO inquiry, much was made of the channel improving 'reliability' and 'certainty', but no evidence has been provided to support this claim.
9. Nor is there any recognition that flood risk is not the same as actual flooding, since it does not reflect measures taken by property occupiers to protect their property. For example, the very high rainfall in winter 2023/24 led to significant flooding in Oxford, but according to an Environment Agency FoI request only 20 properties reported water ingress.
10. The officer's report states that the availability of alternatives is not normally in itself a reason to refuse an application (para. 144). However, if the committee were minded to refuse this application, they should know that alternatives to the scheme have been proposed (paras. 142, 282, 284; also App. Q) that would provide virtually the same benefits but avoid almost all the harms of the proposed scheme.

Officer Response:

11. In regard to the comments sent by OFEG, there is considerable reference to evidence given at the Compulsory Purchase Order (CPO) Public Inquiry including by the Environment Agency and consultants commissioned by others. As stated in the Committee Report in paragraph 4, the CPO is a separate process to granting planning permission and its purpose is not to consider the planning merits of the proposed scheme. It is not a material consideration in the determination of the planning application. This involves any matter regarding monetary cost to construct the scheme. The remaining

points are noted although are considered to repeat concerns addressed as material considerations in the assessments provided in the Committee Report.

12. In regard to the floodgate at Henry Road, it is agreed there is a contradiction in the report. A floodgate is proposed as part of the application.

13. Paragraph 324 in the Committee Report states:

The Osney Town Conservation Area falls within 50m of the works originally proposed on Henry Road. The Heritage Assessment concludes that the scheme would be entirely screened by intervening vegetation and buildings. However, the proposed flood gate on Henry Road is no longer proposed. It is considered that no significant harm would be caused to the setting of the conservation area.

14. The above wording is deleted and replaced with the following amended Condition 324:

The Osney Town Conservation Area falls within 50m of the works originally proposed on Henry Road. The Heritage Assessment concludes that the scheme would be entirely screened by intervening vegetation and buildings. It is considered that no significant harm would be caused to the setting of the conservation area.

15. In regard to the third-party comments stated in paragraphs 4-6 above, OCC Highways Team were asked to consider the points raised and have stated the following: *“Whilst recognising that the slip lanes at South Hinksey Interchange are below the desired length, neither National Highways nor Oxfordshire County Council’s highway safety officers have raised concern with the use of these slip roads. The safety record of the junction is not unreasonably high (2 slight and 1 serious collision in the previous 5-year recording period), even at national speed limit (70mph). HGV’s already use the junction to a lesser extent and the safety record is adequate so the reduction to 40mph along with other measures through the CTMP should help all vehicles using the junction and mitigate the impact of the development. Further reducing the speed limit (if necessary) is not the only measure within the CTMP, this will also prohibit construction vehicles from using the network at peak times (07:30-09:30 and 16:30-18:30) and provide advanced signage/communication amongst other measures which will further help mitigate the impact of the development. Whilst recognising the potential impact on the strategic and local road network, National Highways and Oxfordshire County Council [as the Highways consultee] do not consider that this outweighs the potential benefits of the scheme and are satisfied that the measures identified will sufficiently mitigate the impact of the development.”*

16. In regard to the third-party comments stated in paragraphs 7-10 in relation to flooding, the information referring to properties at risk were taken from the planning application. The application was sent out to consultation, and no objections [subject to conditions] were received from the Environment

Agency, and the Lead Local Flood Authority as consultees. The third party mentions the CPO Public Inquiry, and the lack of evidence provided to support the claim from the EA that the channel would improve reliability and certainty. The point is noted but it is not considered that there is anything officers can add to what is in the Committee where the officer advice is that there would be significant public benefit including to the transport infrastructure and businesses.

17. The third-party comment raised in paragraph 11 above refers to review of alternatives. Alternatives and the officer advice with regard to the committee's consideration of them is set out in paragraphs 140 to 144 of the main report. The officer advice is that consideration of alternatives has been satisfactorily addressed in the Environmental Statement provided by the applicant and the further environmental information provided.

### **Clarifications and corrections to the report**

18. Since publishing the Committee Report, the need for a small number of clarifications and corrections has been identified which are set out below with the changes highlighted.

#### **Paragraph 11**

19. Paragraph 11 of report states:

The scheme area includes parts of gardens of residential properties in Kennington Road, Botley Road and South Hinksey. Approximately 2200m<sup>2</sup> of domestic garden land is within the site boundary and would be directly affected during construction with a permanent land take of 550m<sup>2</sup>. As part of the scheme a temporary road is proposed between Old Abingdon Road and Kennington Road, to allow for the closure of either Abingdon Road or Kennington Road.

20. The above wording is deleted and replaced with the following amended Condition 11:

The scheme area includes parts of gardens of residential properties in Kennington Road, Botley Road and South Hinksey. Approximately 2200m<sup>2</sup> of domestic garden land is within the site boundary and would be directly affected during construction with a permanent land take of 550m<sup>2</sup>. As part of the scheme a temporary road is proposed between Old Abingdon Road and Kennington Road in order to build two bridges at the junction of Old Abingdon Road and Kennington Road.

#### **Paragraph 30**

21. Paragraph 30 of the report states:

The scheme would take three years to construct...

22. The above wording is deleted and replaced with the following amended Condition 30:

The scheme would take three to five years to construct...

#### Paragraph 32

23. Paragraph 32 of the report states:

Most sections would have a two-stage channel. However, in some areas there would only be a first stage channel and in some areas there would only be a second stage channel. The second stage channel would be constructed by lowering ground levels by between 1m and 1.5m.

24. The above wording is deleted and replaced with the following amended Condition 32:

Most sections would have a two-stage channel. However, in some areas there would only be a first stage channel and in some areas there would only be a second stage channel. The second stage channel would be constructed by lowering ground levels by between 0.5m and 1.2m.

#### Paragraph 33

25. Paragraph 33 of the report states:

The channel dimensions would vary over the route, but the first stage channel would typically be approximately 15m wide and in normal conditions would contain about 1m depth of water. The width of the second stage channel would vary but be around 65 m wide.

26. The above wording is deleted and replaced with the following amended Condition 33:

The channel dimensions would vary over the route, but the first stage channel would typically be approximately 8m, with a maximum of 14.6m wide and in normal conditions would contain up to 1m depth of water. The width of the second stage channel would vary but be around 65 m wide.

#### Paragraph 54

27. Paragraph 54 of the report states:

Three telemetry cabinets are proposed at Botley Road (Seacourt and Bulstake Streams) and at Marlborough Road / Friars Wharf on the main River Thames. These would be automated communications devices providing data on water levels. They would be positioned on concrete bases and there would be solar panels on the top of the kiosks. They would be approximately 2.2m high.

28. The above wording is deleted and replaced with the following amended Condition 54:

Three telemetry cabinets are proposed at Botley Road (Seacourt and Bulstake Streams) and at Marlborough Road / Friars Wharf on the main River Thames. These would be automated communications devices providing data on water levels. They would be positioned on concrete bases and there would be solar panels on the top of the kiosks. They would be approximately 1.4m high.

#### Paragraph 68

29. Paragraph 68 of the report states:

The ES states that the land would remain in the applicant's (EA) ownership, which includes new parts of the first stage stream and most of the new second stage channel. The applicant states they have formed a partnership with Earth Trust to help provide the long-term environmental benefits of the Scheme.

30. The above wording is deleted and replaced with the following amended Condition 68:

The ES states that the land would remain in the applicant's (EA) ownership, which includes new parts of the first stage stream and most of the new second stage channel. The applicant states they have already been working with Earth Trust and intend to form a partnership with a third party to help provide the long-term environmental benefits of the scheme.

#### Paragraph 77

31. Paragraph 77 of the report states:

The proposals include improvements to public access in the area around the scheme, specifically:

- Devil's Backbone Public Right of Way (PROW) would be widened and collapsing fences, kerbs and path would be removed.
- Willow Walk PROW would be widened
- The informal route behind The Fishes public house would be maintained and improved through the provision of a new footbridge over the new channel, the replacement of stiles with gates and replacement of unsafe informal bog crossing arrangements.

32. Willow Walk PROW would in fact be maintained at its existing width. The above wording is deleted and replaced with the following amended Condition 77:

The proposals include improvements to public access in the area around the scheme, specifically:

- Devil's Backbone Public Right of Way (PROW) would be widened and collapsing fences, kerbs and path would be removed.



- The informal route behind The Fishes public house would be maintained and improved through the provision of a new footbridge over the new channel, the replacement of stiles with gates and replacement of unsafe informal bog crossing arrangements.

- new permissive path along the edge of the second stage channel between Osney Mead and Devil's Backbone and connecting to existing paths south to Old Abingdon Road

### Paragraph 230

33. Paragraph 230 of the report states:

South Hinksey residents have expressed concern about impacts on the Devil's Backbone, which is the main pedestrian route out of the village and links the community to services in Oxford. They would like to ensure that the temporary diversion is provided to the same standards of accessibility as the existing path. This can be secured by planning condition. The Parish Council also have concerns about the temporary closure of the path known locally as Electric Road. The Electric Road path is not a public right of way, instead it's a permissive path, there is no legal requirement for the path to be diverted during construction.

34. The above wording is deleted and replaced with the following amended Condition 230:

South Hinksey residents have expressed concern about impacts on the Devil's Backbone, which is the main pedestrian route out of the village and links the community to services in Oxford. They would like to ensure that the temporary diversion is provided to the same standards of accessibility as the existing path. This can be secured by planning condition. The Parish Council also have concerns about the temporary closure of the path known locally as Electric Road. The Electric Road path is not a public right of way, instead it's an informal path, there is no legal requirement for the path to be diverted during construction.

### Paragraph 346

35. Paragraph 346 of the report states:

The proposed development is anticipated to have considerable adverse effects on existing biodiversity, including the loss of irreplaceable habitat. Specifically, the project will encroach upon 1.3 hectares of MG4a lowland meadow within the Hinksey Meadow Local Wildlife Site (LWS), eliminate 62% of the Kennington Pool LWS, and result in the loss of both wet woodland and 3km of hedgerows prioritized for conservation.

36. The above wording is deleted and replaced with the following amended Condition 346:

The proposed development is anticipated to have considerable adverse effects on existing biodiversity, including the loss of irreplaceable habitat. Specifically, the project will encroach upon 1.3 hectares of MG4a lowland meadow within the

Hinksey Meadow Local Wildlife Site (LWS). Although not irreplaceable habitat the scheme would see the loss of other habitats including the elimination of 62% of the Kennington Pool LWS, and result in the loss of both wet woodland and 3km of hedgerows prioritized for conservation.

### Conditions

37. In addition to the conditions proposed, an additional condition should be added to those listed in Annex 1 to the Committee report. Paragraph 360 references the population of Strawberry Clover at Oatlands Road Recreation ground. Due to the construction of the embankment along the western edge of the recreation grounds, the translocation of the turfs along the footpath of Willow Walk would be carried out. Therefore a pre-commencement condition should be attached should planning permission be granted requiring that a scheme be submitted and approved to relocate the Strawberry Clover prior to the construction of the embankment. A permissive path is also proposed which would require an additional condition to be added to those set out in Annex 1 to secure it. An amended Annex 1 is annexed to this addendum.

### Officer Response:

38. The corrections made to the report are minor in nature and would not impact on the consideration of the application as a whole. Therefore, the Recommendation made by the Head of Strategic Planning in the Committee remains with slight amendment including to clarify that the monitoring fee would apply to both the onsite and offsite 30 years Habitat Management and Monitoring Plans and to allow for amendments to be made to the detailed wording of conditions and the provisions of the Section 106 Agreement.

## **RECOMMENDATION**

**It is RECOMMENDED that planning permission for application no. MW.0027/22 be granted subject to conditions to be determined by the Head of Strategic Planning to include the matters set out in Annex 1 (and any amendments to those conditions as deemed necessary), signing of a Section 106 Agreement to secure the 30 years Habitat Management and Monitoring Plan for offsite BNG and a monitoring fee for both the onsite and offsite Habitat Management and Monitoring Plans (and any amendments as deemed necessary) and the application first being referred to the Secretary of State as it would have a significant impact on the openness of the Green Belt.**

### **Annex 1 - Conditions**

\*- Pre- commencement requirement to be submitted to and approved by the Mineral Planning Authority (MPA)

1. Development to be carried out in accordance with approved plans.
2. Development to commence within 3 years of date of planning permission.
3. Applicant to give written notification of commencement of development.

4. End date for mineral extraction/construction within 6 years of commencement of development.
5. Restoration of mineral extraction areas in accordance with approved plans
6. Operating hours 7.00 am to 7.00 pm Monday to Friday and 8.00 am to 1.00 pm Saturdays only.
7. Removal of all plant and associated development upon completion of construction
8. No mud or dust on the highway
9. \*Dust management scheme to be submitted, approved and implemented
10. Restriction of mineral permitted development rights due to Green Belt location
11. Maximum construction noise limits at nearest sensitive receptors
12. Noise monitoring
13. No reversing beepers other than white noise
14. Vehicles, plant and machinery shall be serviced and maintained in accordance with the manufacturer's specifications.
15. No external lighting other than in accordance with a scheme to be submitted and approved.
16. \*Submission, approval and implementation of a soil handling and storage scheme
17. \*Submission, approval and implementation of a waste management plan specifying where inert waste would be taken and how it would be used
18. \*Submission, approval and implementation of Local Liaison Group Plan to meet at least twice a year for duration of the construction period, and once a year during the aftercare period.
19. No works which involve the loss of allotments, until the new allotments are in place.
20. \*Submission for approval of details including colours and materials of structures including bridges
21. \*Submission for approval of detailed plans of the main compound north of South Hinksey village. Detailed plans of any smaller compounds to be provided for approval by MPA within 3 months prior to implementation of the compound.
22. \*Submission, approval of updated detailed Arboricultural Impact Assessment, Arboricultural Method Statement, Tree Constraints and Tree Removal Plans
23. \*Submission, approval and implementation of a Tree Protection Plan (TPP), to include details on each construction phase in terms of tree removals and make provisions for retention and protection of additional trees throughout the course of the scheme.
24. \*Submission, approval and implementation of Scheme for arboriculture site monitoring
25. Supervision by qualified arboriculturist with monthly monitoring.
26. \*No works or development shall commence until full details of all proposed tree planting have been submitted to and approved in writing by the MPA.
27. \*Submission, approval and implementation of a Construction Traffic Management Plan (CTMP)
28. Submission, approval and implementation of an updated TCMP every 6 months until development is in aftercare.
29. Prior to implementation of works in Area 4 of the scheme, the temporary carriageway to be fully operational.
30. Prior to the closure of the Devil's Backbone public Right of Way a temporary diversion to be provided to the standards of accessibility as the existing path

- 31.\*Submission, approval and implementation of Construction Environmental Management Plan (CEMP) including details of any temporary lighting.
- 32.\*Submission, approval and implementation of Habitat Management and Monitoring Plan for period of 30 years.
- 33.\*Submission, approval and implementation of Landscape Monitoring Plan.
- 34.\*Submission, approval and implementation of Environmental Action Plan (EAP)
- 35.\*Submission, approval and implementation of Archaeology Written Scheme of Investigation
- 36.\*Submission, approval and implementation of programme of archaeological evaluation, mitigation and recording.
- 37.\*No groundworks (including site clearance) shall take place until a detailed programme for public archaeology which includes details on outreach work has been submitted and approved.
- 38.\*Submission, approval and implementation of detailed design and method statement for the protection and or reinstatement of impacted historic earthworks
39. Prior to the completion of landscape works the submission for approval by the MPA of a method statement regarding the installation of archaeological interpretation boards and storage & redisplay of any substantial medieval masonry in the event that an in situ medieval culvert arch is encountered during archaeological excavations.
40. Provision of Flood Management Plans for temporary works.
41. Drainage of temporary structure, roads and compounds using SUDs.
42. Development in accordance with FRA.
43. Piling only to be carried out with written consent of MPA.
44. Reuse of materials within scheme to be inert materials only
- 45.\*Submission, approval and implementation of Water Quality Monitoring Strategy
- 46.\*Submission, approval and implementation of Surface Water Management Plan
- 47.\*Submission, approval and implementation of remediation strategy and monitoring plan.
48. Prior to completion of works a full validation report and post development monitoring plan to be submitted to and approved by the MPA.
49. Watching brief to be undertaken throughout the course of the construction phase. Unexpected contamination found to be reported to the MPA. If unacceptable risks are found remediation scheme to be submitted and approved by the MPA and approved works carried out before development can continue in area affected.
- 50.\*Submission, approval and implementation of MG4 Mitigation strategy implementation with monitoring and management plan
- 51.\*Submission, approval and implementation of Habitat management and monitoring plan for Kennington Pools LWS and compensatory habitats
- 52.\*Submission, approval and implementation of updated Protected species surveys with mitigation requirements as necessary
- 53.\*Submission, approval and implementation of Updated Creeping Marshwort Mitigation Strategy

- 54.\*Submission, approval and implementation of Updated Whorled Water Milfoil Mitigation Strategy
- 55.\*Prior to construction works checks including walkovers and additional surveys to be completed.
- 56.\*Submission, approval and implementation of Sediment Management Plan (Iffley Meadows SSSI)
- 57.\*Submission, approval and implementation of Carbon Management Plan.
- 58.Submission, approval and implementation of an updated Carbon Management Plan every 6 months until development is in aftercare.
- 59.\*Submission, approval and implementation of Strawberry Clover Mitigation Strategy.
- 60.Permissive path to be provided along the edge of the second channel between Osney Mead and Devi's Backbone other than when in use for essential maintenance works.

## **Annex 2**

### **Oxford Flood and Environment Group**

OFEG (Oxford Flood and Environment Group) has earlier lodged objections to the EA's proposed version of a flood scheme for Oxford as (i) ruinously destructive of the very environmental factors (trees and hedgerows, floodplain meadows) whose loss increases flooding (ii) unable to be properly mitigated, especially because of the destruction of uniquely valuable MG4a meadows, (iii) giving very poor cost/benefit value for an extremely expensive scheme that will leave Oxford with compromised traffic systems for up to 5 years, and destroy for ever the character of the West Oxford green corridor (iv) selected without adequate consideration of less costly and less destructive alternatives in flood prevention and (v) based on principles (excavating a large man-made channel throughout the West Oxford green corridor) first used fifty years ago by the EA, but now abandoned by them as an approach for all their current schemes, in favour of whole catchment solutions and nature regenerative schemes.

OFEG has also lodged a tabulation of the results of the EA's public consultation on the scheme in which residents by a large majority (some 90%) objected strongly to the destructiveness of the scheme and also presented the results of a public petition (<https://www.change.org/p/save-hinksey-meadows-from-the-destructive-channel-in-the-oxford-flood-alleviation-scheme>), in which over 5,000 Oxford residents and some of Oxford's many international visitors objected to the EA's OFAS scheme. We would like to bring some further points to the Planning Committee's attention: these are from OFEG's joint submissions with the Ferry Hinksey Trust into the EA's proposed 1,000+ Compulsory Purchase Orders in West Oxford and points that emerged during OFEG's attendance at the 6 weeks of the enquiry.

#### **A. Failure properly to model and consider less destructive and expensive schemes of equal or similar benefit.**

1. The basic summary of the FHT/OFEG argument is that the EA has failed to properly optioneer alternatives - an undertaking that would be a fraction of the cost of the scheme as currently proposed. Therefore, the OFAS scheme with the channel as conceived lacks a firm evidence base. This could be easily remedied with proper consideration of alternatives that would avoid a costly scheme that is not fit for purpose and will cause irreversible damage to the high value ecology of the 133 acres of greenbelt and MG4a meadowland.
2. It would be foolhardy of the county council to award planning permission to a scheme that lacks a proper evidence base and commits an enormous amount of public money when there are serious concerns that it will not adequately address flooding.
3. The EA was wrong to summarily dismiss, as it did, the potential no-channel alternative canvassed in evidence before the inquiry without any proper investigation of how such potential alternatives might be optimised. In its final submission the EA did not even include a mention of one alternative presented at the enquiry, the pumped scheme which could

move water faster through the scheme area with far less digging up and destruction. Against industry best practice and precedent, the EA had secured a single over-estimated quotation by one non-specialist firm, a quotation which it used to dismiss the alternative, even though the actual costs were shown in the enquiry as much lower than the EA's own scheme.

4. The EA's preferred scheme performs only marginally better (or no better) than far less damaging and more policy compliant alternatives: in particular the 'no channel through Hinksey Meadow' and 'no channel generally'.
5. Appropriate future investigations can take account of the recent flooding in Oxford, and can test both the CPO scheme and a properly optioneered alternative or alternatives against this latest event (be those alternatives one of those discussed in independent expert evidence to the Enquiry or raised by other parties to the inquiry).
6. There are also significant public interests in avoiding:
  - a. the expenditure of huge amounts of public money on the wrong scheme.
  - b. the significant environmental harm to Hinksey Meadow and environmental harms to the Trust's land.
  - c. the significantly greater levels of construction traffic impacts (which would be greatly reduced in a scheme where some 700,000 tons of gravel did not need to be transported away via the A34 in the construction of the proposed channel); see REDACTED's final submission for more detail on the poor cost/benefit analysis of the scheme and on its impacts.<sup>1</sup>
  - d. the inevitable and avoidable changes to the landscape and current recreational use of the western floodplain.
7. Due to their concerns about the inadequate consideration given to alternatives, the Trust & OFEG took the very serious and expensive step of instructing a flood expert, REDACTED of GWP. He was instructed to review the EA's approach to alternatives, in order to provide his expert opinion as to whether the EA had properly followed their own guidance and stepped through the minimum necessary hoops. His conclusion is that the EA's work falls short.
8. As REDACTED emphasised in answer to the Inspector's questions, when one considers the proportionality of examining at least one other no-channel alternative to the same degree as the CPO scheme, and balancing the relatively minimal cost of doing so against the £24 million cost (at least and rising) of constructing the proposed channel in the western floodplain, the obvious answer is quite simply that "not enough has been done to interrogate alternatives."

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<sup>1</sup> <https://hinkseyandosney.org/news/2024-01/closing-submission-to-public-enquiry-tim-o-hara-re-costs>

9. A summary of the final submission of FHT/OFEG is available here.<sup>2</sup>

## **B. Inadequate environmental preparation and failures of mitigation**

1. The inquiry exposed beyond argument that the EA had failed to recognise the importance of Hinksey Meadow and its rare MG4a meadow status until far too late in the process, rendering their design inadequately conceived. The EA has failed to address the mitigation hierarchy that should according to the NPPF inform their approach to destroying the thousand-year-old Hinksey Meadow (species-rich floodplain meadow of which only 4 square miles remain in the UK and of which the meadow represents 4% of irreplaceable habitat).

2. The EA's assessment of indirect impacts on what they now acknowledge to be a nationally important site is deficient and based on unevidenced leaps of faith. (In the run up to the enquiry a Freedom of Information request even revealed that they had 'forgotten' about a survey of invertebrates in the scheme's MG4 areas). Their confidence in the proposed mitigation was exposed in the enquiry as unfounded. The impact of the channel through Hinksey Meadow in undermining the groundwater regime is potentially catastrophic.

3. Their assessment had been fatally data deficient. The EA claimed when challenged that they have the missing groundwater data, but they have failed to provide it. That data is essential for an informed planning determination. Independent expert witnesses at the enquiry showed that the EA's hydrology was misinformed, and their claims to be able to maintain the hydrology necessary to the meadows' partial survival was insecurely based, and the remedial riffles they proposed in neighbouring streams were as a result wrongly placed. The EA had failed to recognize the initial character of the meadows: after being informed of it, they nevertheless failed to collect or calibrate the data from their boreholes in Hinksey Meadow and their calculations had no firm basis.

4. The proposed compensation for direct impacts (MG4 creation) is also based largely on conjecture, scant information, unjustified data vacuums, claims against the grain of the existing specialist literature and reported experience of expert meadow restorers and the *EA had to acknowledge in the inquiry that what they advanced as mitigation was almost certain to be unsuccessful.*

5. The scheme will deliver net loss of biodiversity in Oxford with no detail on how that is proposed to be compensated elsewhere in the county and how the requisite BNG targets can or will be met. The EA's claim to a 'bespoke mitigation' for the floodplain meadows of MG4a quality was revealed as a way of setting aside the rarest and most valuable environment in the West Oxford Green Corridor from the NPPF requirement for 10% net biodiversity gain. The loss of the meadows cannot be compensated by planting whips and saplings somewhere outside Oxford at locations 'in Oxfordshire' the EA was still unable to specify at the end of the enquiry. A link to the summary of the

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<sup>2</sup> <https://hinkseyandosney.org/news/2024-01/closing-submission-to-public-enquiry-for-the-ferry-hinksey-trust-and-ofeg>



final submission from the owners of Hinksey Meadow (Oxford Preservation Trust) is available here.<sup>3</sup>

6. The EA's attitude to the destruction of between 2000 and 4000 trees and 5 kms of hedgerows which would need 30 years plus for any whips or saplings to develop into mature eco-systems capable of hosting all the species currently present was equally cavalier. An enquiry from the floor to the EA's ecologist as to when the residents of West Oxford would again be able to walk under mature trees elicited the response: "Well, shrubs grow quickly: you can walk under them". It was also not clear that the carbon loss of digging up the mature West Oxford Green Corridor had been properly calculated.
7. The EA wants to begin its scheme before the necessary work on the Kennington Rail Bridge has been completed by National Rail at the southern end of the scheme area. This risks leaving residents exposed to winter flooding under conditions where the defences currently offered by mature trees, floodplain meadows and hedgerows- an established floodplain environment - will be replaced by bare earth and mud slides. It will also very probably be glyphosated to repel invasive Himalayan balsam while awaiting the completion of the railway work/the summer excavating season.

**c. Section 19 problems**

At the enquiry, it emerged that the EA plans that some of its Section 19 compensatory land (required compensatory public space for areas of public land taken for the scheme) will be taken from land already in public use. It is also offering a wildly unsuitable site for children's play in a corridor under pylons out of view of Oatlands Park (where it must compensate for land take), and *has not consulted with any residents* in making its Section 19 determinations. Its understanding of how the relevant spaces are used and valued and whether its own plans were appropriate was thus deeply flawed.

**Conclusion:** We re-iterate that it would be foolhardy of the County Council to award planning permission to a flood scheme with so many flaws in its design, so much unnecessary environmental and financial cost, such poor cost/benefit ratio, so many breaches of the National Planning Framework Policies, and with so much doubt cast on its efficacy by independent experts.

For Oxford Flood and Environment Group  
[www.oxford.floodandenvironmentgroup.com](http://www.oxford.floodandenvironmentgroup.com)

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<sup>3</sup> <https://www.hwa.uk.com/site/wp-content/uploads/2023/08/OFAS-Closing-OPT.pdf>

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