Divisions Affected - Isis, Kennington and Radley Jericho and Osney, North Hinksey

PLANNING AND REGULATION COMMITTEE
15th July 2024

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.

Report by the Head of Strategic Planning

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Location: 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

OCC Application No: MW.0027/22
Oxford City Ref: 22/00782/CONSLT
VOWH Ref: P22/V0835/CM

District Council Area: Oxford City Council
Vale of White Horse District Council

Applicant: Environment Agency

Application Received: 11th March 2022

Consultation Periods: 1st April -1st May 2022
16th March -17th April 2023

Contents

Background and Context

1. This report considers planning application MW.0027/22, which seeks planning permission for a flood alleviation scheme to manage the flood risk to the city of Oxford. The proposal is for a new stream or channel, to help reduce flood risk by creating more space for floodwater, directing the water away from built up areas. The scheme would be approximately 5km extending from north of the A420 Botley Road to south of the A423 southern by-pass where it would rejoin the River Thames. The scheme would be located predominantly between the A34 to the West and the Oxford to London railway line to the east.

2. The application has been made by the Environment Agency (EA). The EA are leading on the project and are the sole applicant for planning permission, but they are working in partnership with nine other organisations including Oxfordshire County Council (OCC), Oxford City Council, Vale of White Horse District Council and University of Oxford (full list below[1]) to promote the scheme, the partnership being known as the Oxford Flood Alleviation Scheme Partnership. Therefore, OCC is both a 'partner'/ 'sponsor' and body responsible for determining the planning application in this case.

3. Members are advised that to avoid any potential conflict of interest only officers and their advisors on the regulatory side of the Council have been involved in carrying out the planning functions of the County Council in gathering information, assessing the application and producing this report. Legal officers have also kept a separation of functions. Officers who are directly affected by the proposal as local residents of west and south Oxford cannot be and have not been involved with the application process to avoid any personal conflict of interest.

4. The EA are involved in a separate Compulsory Purchase Order (CPO) process. The CPO is a legal process that allows land to be acquired compulsorily from a landowner when there is a compelling case that the land is needed in the public interest. The CPO process is a separate step to a grant of planning permission

[1] The scheme partners are Environment Agency, Oxfordshire County Council, Oxford City Council, Vale of White Horse District Council, Thames Water Utilities Ltd, Thames Regional Flood and Coastal Committee, Oxford Flood Alliance, Oxfordshire Local Enterprise Partnership and University of Oxford.

and is not a material consideration in the determination of this planning application.

5. A planning application for a similar development was originally submitted in March 2018 (MW.00028/18), with the main difference being a variation in design around the A423 Kennington Rail Bridge. This application was withdrawn in March 2020, in order for the EA's design team to work with the County Council's design team for the Kennington Rail bridge to produce schemes that work together. To avoid any potential conflict of interest, no Council officer working on the design of the Kennington Rail Bridge has played any part in the consideration of the Flood Alleviation Scheme by the Council as Local Planning Authority.

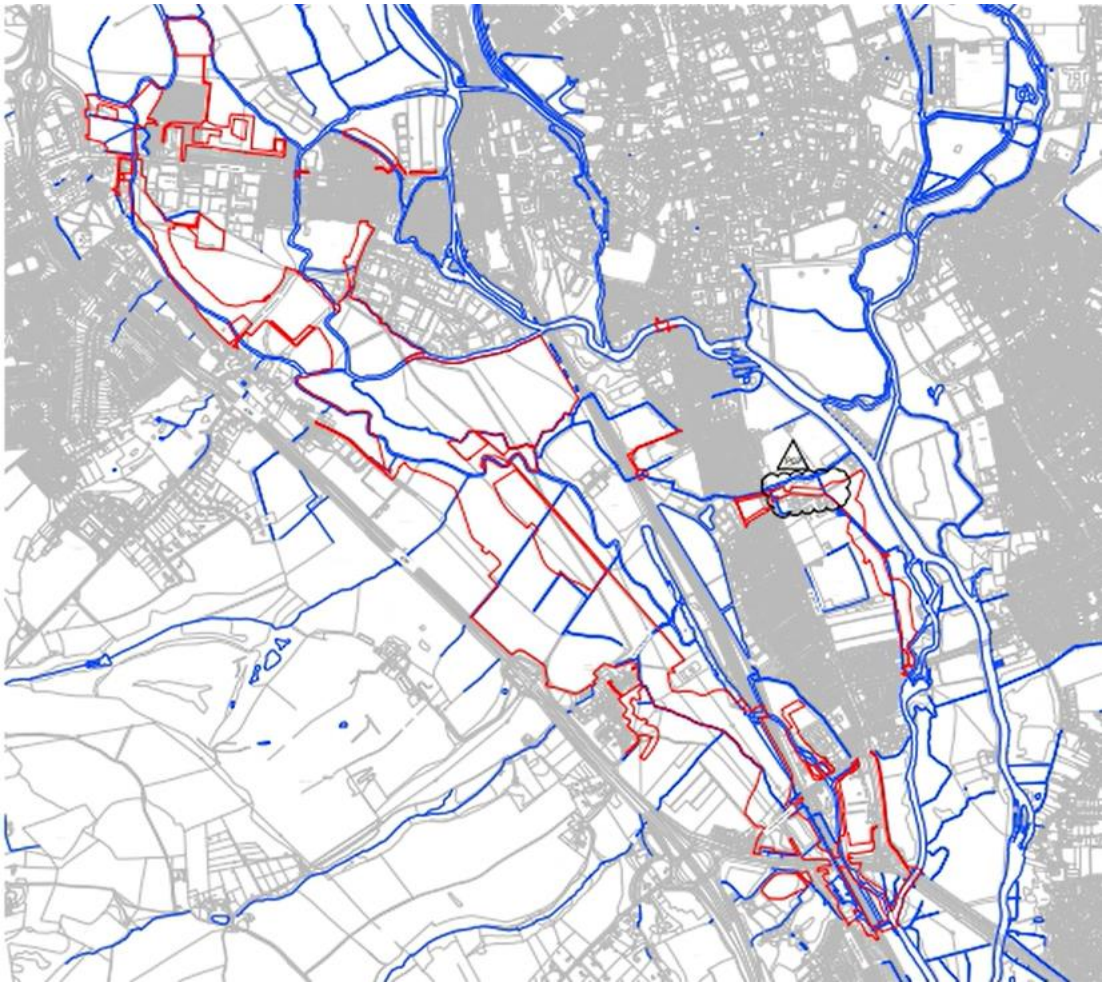
Recommendation

6. The application has been considered against the development plan, taking account of material considerations including statutory and non-statutory consultation responses and public representations. It is recommended that, subject to the application first being referred to the Secretary of State to consider whether he wishes to call it in for his own determination and to conditions to be determined by the Head of Strategic Planning, including those listed in Annex 1, and the signing of a Section 106 Agreement to secure 30 years Habitat Management and Monitoring Plan for offsite Biodiversity Net Gain and a monitoring fee, the application is approved.

PART 1- FACTS AND BACKGROUND

Location (see Plan 1 below)

7. The application site covers approximately 134 hectares of land spread across a wide area to the west of Oxford. The site area predominantly includes land between the A34 to the west and the Oxford to Didcot railway line to the east. The site area also includes land to the rear of properties north of the A420 Botley Road, area south of Friars Wharf, to the west of Seacourt Park and Ride, around Redbridge Park and Ride, small areas directly north of Botley Road, a strip of land between the A4144 Abingdon Road to the west and the River Thames to the east from the track adjacent to Oxford Spires Hotel to Donnington Bridge, areas of land around the junction of the A4144 Abingdon Road and the A423 Oxford Southern and Eastern bypass.



Plan 1 – Location Plan (the blue lines show the existing watercourses).

Site and Setting

8. A large part of the site lies within the Oxford Green Belt. This designation does not include built up areas of the city and therefore the parts of the site area that lie directly north of Botley Road, small area south of Friars Wharf and within Hinksey Park are not within the Green Belt.

9. The scheme area comprises flood meadows to the west of Oxford and as such is relatively flat, falling from a high point of 60m AOD in the north of the site at Botley Road to 55 m AOD in Kennington. The land tends to flood in winter as part of the normal functioning of the River Thames floodplain. Most of the site is agricultural land under long term pasture and silage meadow. The site also includes non-agricultural land uses such as woodland, scrub, gardens, allotments, watercourses and tracks.

10. High voltage electricity pylons run through the site area.

11. The scheme area includes parts of gardens of residential properties in Kennington Road, Botley Road and South Hinksey. Approximately 2200m^2 of domestic garden land is within the site boundary and would be directly affected during construction with a permanent land take of 550m^2. 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.

12. There are a number of grade II and grade II* listed buildings in North Hinksey and South Hinksey villages, on the Botley Road, Abingdon Road including and roads off those roads. The nearest Listed Buildings are: Grade II South View; Grade II 13 and 15 North Hinksey Lane; Grade II Old Manor House circa; Grade II* Church of St Lawrence, Grade II* Churchyard Cross, and two Grade II Chest Tombs, North Hinksey; Grade II College Farmhouse and attached walls and railings, North Hinksey; Grade II Martyr Farmhouse, North Hinksey; Grade II Ferry Cottage, North Hinksey; Grade II Ruskin Cottage, North Hinksey; Grade II 22 North Hinksey Village; Grade II 26 North Hinksey Village; Grade II 27 North Hinksey Village; Grade II* Well House; Grade II Hinksey Hill Farmhouse; Grade II Hinksey Hill Farm Barn; Grade II 44 Manor Road, South Hinksey; Grade II 32 Manor Road, South Hinksey; Grade II 21 and 23 Manor Road, South Hinksey; Grade II 18 and 20 Manor Road, South Hinksey; Grade II Horseshoe House, Manor Road, South Hinksey; Grade II Hill view and Myrtle Cottage, South Hinksey; 4 and 6 (The Old Bakehouse), South Hinksey; Grade II Pin Farm, South Hinksey; Grade II* Church of St Lawrence and Grade II Base of Churchyard Cross, South Hinksey; Grade II The Old Whitehouse Public House, Grandpont; Grade II Eastwyke Farmhouse; Grade II New Hinksey Vicarage; Grade II Church of St John the Evangelist, New Hinksey; Grade II Stone on Thames Towpath at Long Bridges, Kennington Backwater; Grade II Stone in Abingdon Road outside no. 309; Grade II Roving Bridge 20 yards upstream from Iffley Lock; Grade II Old Iffley Lock; and Grade II Templeton College.

13. Conservation areas cover North Hinksey village (a small area of which is covered by the application site area), the Osney Town area south of Botley Road (immediately south of the application site), central Oxford City and University (500 m east of the application site), Iffley Village (400 m east of the application site), and Binsey (800m north of the application site)

14. The scheme affects part of the Old Abingdon Road culverts, which run under the Old Abingdon Road in the southern part of the site and are a scheduled monument. The channel would be constructed through the line of an undesignated section of the Redbridge causeway. Other scheduled monuments in the wider area include North Hinksey Conduit House approximately 315 metres south-west of the closest part of the site, Rewley Abbey, approximately 325m north-east of the closest part of the site on Botley Road, remains of Osney Abbey, approximately 400 metres north-east of the closest part of the site, section of Grandpont causeway approximately 260m east of the closest part of the site, Oxford city walls (approximately 800 metres north-east of the closest part of application site), Oxford Castle (approximately 400 metres east of the closest part of application site) and a railway swing bridge (approximately 400 metres northeast of the closest part of the application site).

15. The closest properties include properties adjacent to the application boundary on Botley Road, Helen Road, Henry Road, Prestwich Place, North Hinksey Lane, Whitehouse Road, Edith Road, Fox Crescent, Donnington Bridge Road, Kennington Road and Egrove Close.

16. The site area covers land which is in the floodplain and affected by flooding. The vast majority of the development is in flood zone 3a or 3b, with small pockets of land in flood zone 2, and flood zone 1. The agricultural land is all located in the floodplain. Under the separate agricultural land classification system this is classed as grade 3b agricultural land which is not defined as 'best and most versatile agricultural land.

17. The closest SSSIs to the site are: Wytham Woods, approximately 500m north-west of the application area, Port Meadow with Wolvercote Common & Green approximately 800m north of the application area and Iffley Meadows immediately adjacent to part of the application site. The scheme would affect nationally rare grassland meadow at Hinksey Meadow. The nearest Special Area of Conservation (SAC) Oxford Meadows is located approximately 770m north-east of the red line boundary. There are two local wildlife sites (LWS) within the red line boundary, these are Osney Mead (including Hinksey Meadows), Kennington Pool and Willow Walk Meadow. There are four Sites of Local Importance to Nature Conservation (SLINC), these are Bulstake Stream, Field North of Osney Mead, Hinksey Pools and Wytham Stream/Seacourt Stream.

18. The application site area is crossed east/west by two public rights of way in the northern part of the site – bridleway 320/14 and footpath 320/16. A designated traffic free cycle route (not part of the national network managed by Sustrans) runs north/south through part of the site, along a track crossing Bulstake Stream, Hogacre Ditch and Hinksey Stream. This intersects with public footpath 320/17 (becoming 352/17) which runs east/west in the central part of the site between Oxford and South Hinksey village. Public footpath 352/3 runs from South Hinksey to the Old Abingdon Road, through parts of the application site. Part of the application site area off Donnington Bridge Road affects public footpath 320/18. Public footpath 352/2 running south from South Hinksey also runs through part of the site. There is also informal or permissive access in various parts of the scheme area.

19. Four areas of public open space are identified within the scheme area; Seacourt Nature Park, Oatlands Recreation Ground, Kendall Copse and Kennington Pools local wildlife site. Other areas of public open space are adjacent to the scheme.

20. The northern and eastern parts of the site are within the Oxford City Council administrative area and the south-western areas are within the Vale of White Horse District Council. The site includes land within the Parishes of Kennington, North Hinksey, South Hinksey and Wytham.

21. The northern part of the site is adjacent to Seacourt Park and Ride. Planning permission was granted for the expansion of this site by Oxford City on 12th March 2018 (16/02745/CT3). This application takes the Park and Ride proposals into account. The southern end of the site is adjacent to the Hinksey Hill interchange, for which Oxfordshire County Council as Highways Authority is planning improvement works.

22. The application area includes land on a number of former landfill sites, namely Cold Harbour Landfill, Rivermead Landfill, Redbridge Landfill and Kennington Road Landfill in the southern part of the site area and Grandpont Landfill in the central/eastern part of the site area.

23. Two Air Quality Management Areas (AQMA) are affected by the proposed development: Parts of the proposed development fall within The City of Oxford AQMA; the Botley AQMA lies to the west, but the affected road network lies within the AQMA.

Planning History

24. A planning application for a similar development was originally submitted in March 2018 (MW.00028/18), with the main difference being a variation in design around the A423 Kennington Rail Bridge. As set out above, this application was withdrawn in March 2020, in order for the EA's design team to work with the County Council's design team for the Kennington Rail bridge to produce schemes that work together.

25. The Kennington Bridge planning application was made in February 2023 (R3.0033/23). The application has been made to demolish and replace Kennington rail bridge. At the time of writing of the report the application had yet to be determined.

Details of Proposed Development

Overview

26. The applicant proposes to construct a new channel, between the A34 to the west and the railway to the east, to the west of Oxford City Centre. The channel is proposed to run in a south-easterly direction from the confluence of the Botley and Seacourt Streams, which lie approximately 0.6km north of Botley Road, to the south of Kennington, approximately 0.3km to the south of the A423 ring road. The channel would carry excess flow during a flood event, reducing the pressure on River Thames. The channel would comprise two stages.

27. The two stages refer to a first stage channel which would permanently carry water and a second stage channel, which would be a shallow sloped channel which would only carry water in times of flood when the first stage channel was full. The channel is designed to behave as a natural river system. During the winter months, the second stage channel would be wetter.

28. The scheme also includes a variety of associated works to existing rivers and streams in the area including:

a. Provision of new flood defences, either embankment or walls to protect properties which would otherwise continue to flood even with the reduced river levels;
b. Provision of new culverts and bridges to cross highways and footpaths to maintain access;
c. Installation of flood gates for access, which would be open under normal, non-flood conditions;
d. A new track along much of the scheme to allow access for maintenance. A proportion of the path would be made into a permissive path which the public are allowed to use, except when maintenance or other activities would conflict with this;
e. Creation of new and/or improved habitat for flora, fauna and fisheries. This habitat creation/restoration forms part of the integrated design of the Scheme to help mitigate habitat losses, to meet Water Framework Directive Regulations and support Environment Act 2021 biodiversity net gain targets e.g. new wetland habitat within the footprint of the second stage channel, new channel connecting the Bulstake and Hinksey Streams, habitat improvements including scrapes, ponds and backwaters. The wetland features in the second stage channel will incorporate a variety of profiles and gradients, to include marginal shelves, steep banks and undulating bed profiles to maximise wetland habitat diversity;
f. Removal of Towles Mill Weir, which would facilitate unimpeded fish passage around Oxford for the first time in over century;
g. Change of use of land for public recreation to provide exchange for existing open space if required;
h. Change of use of land to provide allotments;
i. Applicant proposes three telemetry cabinets located at different points across the scheme to monitor flow; and
j. Eastwyke Ditch flood control structure.

29. The application states that over 2,200 properties are at risk of flooding (in flood with a 1 in 100 annual risk) in any one year. The EA's existing flood risk management activities reduces the likelihood of flooding such that around 1,600 properties are currently at risk of flooding in Oxford (in flood with a 1 in 100 annual risk), with around 1,050 of those being brought out of risk for a 1 in 100 annual risk flood event should the proposed scheme be implemented. A reduction of flooding in Oxford would also reduce transport disruption arising from the closure of the railway line, Botley Road and Abingdon Road and protect utilities such as electricity substations, sewers and broadband. The application states that if no action is taken the number of properties at risk of flooding in the city will rise due to the impacts of climate change to a predicted 5,626 properties in 50 years time for a 1 in 100 annual flood risk event.

30. The scheme would take three years to construct. This would include 15 months of works with a winter break each year when the ground is too wet for earthworks. The scheme is designed to be passive (i.e. operate without intervention) other than the Eastwyke Ditch control structure which would control the direction of flow in the Eastwyke Ditch.

Construction of a Two Stage Channel

31. The channel would be approximately 5km (3 miles) long and would carry excess water from Seacourt Stream, Bulstake Stream and Hinksey Stream during flood events. This would reduce the water level in the River Thames and therefore reduce flooding in built up areas of Oxford.

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 1m and 1.5m.

33. 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.

34. The channel would begin at the confluence of the Botley Stream the Seacourt Stream north of Botley Road and run south easterly to enter the Thames north of Kennington 0.3km south of the A423 ring road.

35. The channel construction would include spillways, embankments and a low flow control structure.

Sand and Gravel Extraction

36. The application has been submitted to Oxfordshire County Council, as Minerals Planning Authority, because the site lies on mineral bearing land and the creation of the first stage channel would lead to the removal of sand and gravel.

37. A total of 455,000m^3 material is proposed to be excavated during the construction of the scheme. The construction programme for the scheme would require the removal of approximately 900m^3 of material from the site each day.

38. The application states that most sand and gravel removed from the ground would largely be retained for use on-site with any surplus being used in other local Environment Agency (EA) projects. It is not anticipated that mineral would be sold. On-site uses include gravels for the construction of the new channel bed and low flow weirs. The application estimates that 8,200 m^3 of sand and gravel would be removed from the site. The total volume of material to be removed from the site, including topsoil, made ground, sand and gravel and alluvium would be approximately 359,128m^3. The breakdown of materials is as follows:

    i) Topsoil – 27,585m^3
    ii) Made Ground (including landfill material) – 30,088m^3
    iii) Alluvium – 293,255m^3
    iv) Sand and Gravel – 8,200m^3

    No clay would be removed from the site.

39. It is not proposed to extract any additional mineral other than that which needs to be removed to construct the channel. It is not proposed to erect or operate a mineral processing plant. Material would be used on site, as raised. Any surplus would be removed from site, as raised, for use in other local Environment Agency projects.

Associated Infrastructure and Works

40. The scheme includes new flood embankments and walls to protect properties that would continue to be at risk of flooding following the implementation of the channel. Flood gates are proposed to allow access through these flood defences when there is no flooding. These structures are all located on the edge of built-up areas. Grass covered earth embankments have been proposed where this is possible with flood walls where space does not allow for embankments.

41. Floodwalls would be constructed of clad steel sheet pile, while the embankments are of earthen construction, with a small steel key below to reduce seepage during floods. In addition, the applicant is proposing materials for the flood wall to reflect the vernacular architectural style. The Botley Road flood walls would be clad with red engineering brick cladding panels with a contrasting blue coping laid in English garden wall bond for flood walls at Botley Road and Kennington village, and buff limestone coursed rubble construction or low-carbon alternative with similar visual properties for South Hinksey village to help blend with the structures' semi-urban setting.

42. The works include:

- Floodwalls to the north of Botley Road, at Seacourt Park and Ride and adjacent to Bullstake Close allotments. The wall would be 1.65m high,0.5m wide and 210m long.
- Floodgates at the end of Helen Road and Henry Road on the footbridge and Seacourt Park and Ride. Short sections of new brick wall to infill missing sections of wall to the east of Helen Road.
- Flood defences at New Hinksey between Abingdon Road in the west and the River Thames in the East (Eastwyke Farm), Ferry Hinksey Road and north of South Hinksey;
- Control Structures at Bulstake Stream, Eastwyke Ditch, Hinksey Pond, Redbridge Stream and Cold Harbour;
- Repairs to existing walls along Osney Stream and in Hinksey Park

43. The flood defences to the east of Seacourt stream would comprise a floodwall in and around the extended Park and Ride. The flood wall would be 1.75m high (on average), 0.6m wide and 180m long. The wall would be linked to a 130m long earth bund that would skirt to the rear of residential properties on the northern side of Botley Road. The bund would be no more than 2m high and include a 3m moving strip at the base to provide a way of inspecting the bund. There would be an additional 225m of flood wall linking the bund on its eastern side. The flood wall is proposed to an average of 1.3m high.

44. The works at Ferry Hinksey Road include a flood embankment, which would be 180m long, 4m wide and on average 1.4m high. In addition, a 315m long flood wall requiring the removal of a light industrial building and the re-routeing of a footpath and provision of floodgates to allow continued access along rights of way is proposed.

45. It is also proposed to make modifications to Seacourt Stream and to undertake channel clearance and ditch widening and deepening. This would include the creation of a backwater connected to the channel.

46. It is proposed to modify Botley Bridge, which takes the Botley Road over Seacourt Stream, by lowering the raised channel bed, providing a mammal ledge, rebuilding the outfall, reinforcing the wall and installing a vehicle access point for clearing debris from channel.

47. New culverts and bridges are proposed to remove existing bridges which cause obstructions to water flow and to allow highways and footpaths to cross the new channel. Six new bridges and one replacement bridge are proposed in the following locations:

    - Westway (replacement of cycle bridge)
    - Willow Walk (access for vehicles, pedestrians, horses and cyclists)
    - North Hinksey Causeway (new footbridge across two stage channel)
    - Bulstake Stream (replacement footbridge)
    - Devil's Backbone (designed to carry vehicles as well as pedestrians)
    - Old Abingdon Road (new bridge to take existing road over channel)
    - Kennington Road (new bridge to take existing road over channel).

48. The channel is proposed to pass across Willow Walk, the channel would be narrow and deepen to pass under the new Willow Walk bridge. Abutments would be clad with stone or a lower carbon alternative that is in keeping with the setting. A combination of asphalt and a cobble verge would be used for the path, and a combination of timber and corten steel would be used for the railings. The width of the bridge has been chosen to accommodate the combined usage of the bridleway with verges to avoid the use of high parapets. The bridge would also be used for maintenance vehicles. The construction work in Willow Walk would result in the loss of 30 individual trees of varying sizes and a group of mixed species trees.

49. As the second stage nears Willow Walk, it is proposed to separate from Seacourt Stream again, where it would be narrow and deepen, to pass under the new Willow Walk bridge mentioned above. From this point, the channel would contain water all year round, being a backwater of Bulstake Stream, when the second stage channel is not flowing.

50. Construction when possible is proposed to take place in the new channel's footprint, in order to minimise impacts on the MG4a grassland. MG4 & MG4a are National Vegetation Classifications for a type of mesotrophic grassland/meadow habitat.

51. Originally two new box culverts were proposed below the A423, however with the bridge being replaced, this is no longer required. Instead, the existing channels will be widened either side of the railway.

52. A site compound would be located at Redbridge Park and Ride during the construction causing a temporary loss of up to 306 parking spaces. There would also be a permanent loss of 21 spaces due to the scheme. This loss is a reduction from the original scheme proposed in 2018 when 380 parking spaces were proposed to be temporarily lost.

53. The original application made in 2018 would have seen closure of Old Abingdon Road for a temporary period of up to 15 months. Instead, in the current application a temporary road is proposed between Old Abingdon Road and Kennington Road to facilitate the two-way flow of traffic whilst the channel is constructed under Old Abingdon and Kennington Road. The change was made due to concerns raised by National Highways due to the potential impact on the Hinksey Hill Interchange and the A34.

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 2.2m high.

55. It is proposed to remove Towles Mill weir. In conjunction with a separate scheme this would enable fish movement around Oxford.

Vegetation Removal and Habitat Loss

56. The construction of the channel and associated works would result in the loss of a number of habitats including approximately 2,000 trees (358 individual trees and 77 groups of tree, and partial removal of a further 61 tree groups) and areas of lowland meadow, wet woodland and eutrophic standing waters. It is proposed to remove trees and vegetation from within the footprint of the channel, in order to facilitate the construction of the channel and culverts and to carry out the proposed channel modifications to existing watercourses. 1.33ha of naturally rare grassland in Hinksey Meadow would be lost. MG4a grassland is a rare habitat with high biodiversity value.

57. The proposal would see the loss of 0.35ha of Kennington Pit to accommodate a widened channel and embankment. The reinstated areas of the pond would be smaller than existing but would be reprofiled to mitigate for some of the loss, creating varied pond profiles.

Habitat Creation

58. New habitat would be provided to mitigate for the habitat loss necessary to implement the scheme, including new tree planting, to be undertaken as land becomes available. It is proposed to create four areas of woodland:

- 1.76ha along the southern edge of Osney Mead Industrial Estate
- 3.48ha adjacent to Hinksey Stream and Hogacre Ditch, between the new second stage channel and the railway, north-east of Hogacre Common.
- 0.53ha on land between the Hinksey Stream and Hogacre Ditch adjacent to North Hinksey
- 1.49ha bordering the southern boundary of the new second stage, just norther of Devil's Backbone, to the north-west of South Hinksey.

59. A number of areas of new tree planting are proposed to mitigate tree losses. These are proposed for the following locations:
    - North of Seacourt Park and Ride at the confluence of Botley Stream and Seacourt Stream (2.17 ha)
    - West of Bulstake Close allotments (0.31 ha)
    - North of Botley Road west of Seacourt Stream (1.09 ha)
    - New tree planting on the right bank of Seacourt Stream where there are gaps in the trees
    - 0.75ha of tree planting between Seacourt Stream and North Hinksey Lane, adjacent to Willow Walk
    - East of the new second stage channel, to the south of Botley Road Retail Park (0.03ha)
    - 0.22ha of woodland to the north of Old Abingdon Road between the railway and the new second stage channel
    - 0.31ha of woodland planting at Kendall Copse (east and west)
    - 0.48ha to the south of the A423 and to the east of the railway

60. Translocation and creation/restoration of 17.8ha of MG4a grassland in two new areas is proposed, as follows, in addition to replacing 2ha of meadow (1.33ha of MG4a) in Hinksey Meadow with non-MG4 meadow:
    - 15.7ha in area between Bulstake Stream and Hogacre Ditch, between the new second stage channel and the railway
    - 2.1ha in an area just north of South Hinksey, between Hinksey Stream and the new second stage channel, of which 1.33ha would be translocated turf from Hinksey Meadow subject to the owner's approval.

61. The applicant proposes the create new areas of wetland habitat (rivers, scrapes and backwaters) in other locations to offset the loss of habitat within the scheme area and ensure an overall net gain in habitat.

62. It is also proposed to carry out an experimental translocation of MG4a turf from within the scheme footprint to the new location. It is not clear that this will succeed, which is why a larger area of meadow would be created using seeds taken from existing MG4a meadows.

63. New habitat would be created within the scheme footprint, including new wetland habitat within the footprint of the second stage channel and the inclusion of scrapes, ponds and backwaters. Marginal shelves, steep banks and

undulating bed profiles would be used to maximise wetland habitat diversity within the channel.

64. The proposed removal of Towles Mill Weir on Hinksey Stream would mitigate disruption during construction and the new obstruction to migratory fish caused by the proposed fixed crest weir across Bulstake Stream.

65. A new pond is proposed of a similar size and depth to the original Kennington Pit as additional mitigation, along with a number of smaller off-line ponds with the second stage.

66. It should be noted that the application was submitted prior to 12th February 2024 and so is not subject to the mandatory Biodiversity Net Gain requirements.

Long Term Management

67. Details of how the habitats would be managed for the first 25 years after construction to ensure successful establishment have been provided in the Landscape and Habitat Creation- Delivery and Management Plan. The document also provides outline guidelines for maintenance beyond the first 25 years to ensure the delivery of biodiversity net gain. The management plan sets out the intention for the management of the scheme area to be secured through a long-term lease with an environmental organisation for the lifetime of the scheme (100 years). The applicant indicates that a more detailed Landscape and Environment Management Plan (LEMP) will be produced, the provision and implementation of the LEMP would be secured through a planning obligation[2].

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 formed a partnership with Earth Trust to help provide the long-term environmental benefits of the Scheme.

69. The applicant states that with regard to the land at Willow Walk, they are working with Oxford City Council Direct Service to develop a maintenance plan that will enable them to undertake pro-active management and succession planting along the full length of Willow Walk, with a view of improving the appearance of the landscape feature in the long term.

70. In addition to on-site long-term management, after the first round of consultation, the applicant could no longer show a net gain in biodiversity, so stated that it would look to secure a net gain and within the trading rules of the Biodiversity Metric Calculator. To this end it has provided letters of comfort and supporting letters from the three landowners of Oxford City Council, Blenheim Estate and Earth Trust with regard to potentially making land in their control available for the required additional off-site biodiversity net gain.

[2] A Landscape and Environment Management Plan is a site-specific document which details your immediate and long-term commitments to manage the planting, protection and enhancement of biodiversity in and around a new development site.

Loss of Open Space and Proposed Compensation

71. The scheme would result in approximately 8ha of public open space being inaccessible during construction, due to being within the footprint of the scheme or temporary working areas. There would also be a permanent loss of 3.86 ha public open space following construction, with an additional 1.2ha unsuitable for walking part of the year.

72. The proposals include the change of use of land to provide new open space to compensate for the loss of existing open space.

73. The public open space lost would include land at Seacourt Nature Park (2.4ha permanent loss, 50% of this available at certain times of the year), Oatlands Recreation Ground (2 ha temporary loss, 0.25 ha permanent), Kendall Copse (2.3 ha temporary loss, 1.47 ha permanent), Kennington Pond (0.5 ha temporary loss of publicly accessible land and 0.94ha permanent loss) and Botley Park (0.7 ha temporary loss).

74. Three allotment gardens would be lost at Bullstake Close and two at Osney Mead. These would be replaced by the provision of a larger area of allotments to the west of the existing allotments at Bullstake Close.

Rights of Way

75. No additional rights of way are proposed as part of this development. However, the proposals include new bridges to ensure existing routes remain accessible and the development would reduce the risk of flooding to rights of way in the area. There would be some temporary and permanent closures and diversions to rights of way, including:
    - Willow Walk - temporary closure of up to 279m of bridleway and cycleway to construct new bridge. The temporary diversion would be on a raised walkway running parallel to Willow Walk.
    - Willow Walk – Temporary closure of up to 117m bridleway and cycleway during construction of new flood wall south of Oatlands Recreation Ground. Temporary diversion alongside working area at east end adjacent to Oaklands Recreation Ground.
    - North Hinksey Causeway - temporary closure of up to 212m of public footpath during bridge construction - proposed temporary diversion pending approval would be diversion around Willow Walk and its associated diversion. Increase walking distances by just over 1000m.
    - North Hinksey Causeway – permanent closure and diversion of 78m at end of Ferry Hinksey Road due to food wall and flood gates, diversion 10m to east.
    - Devil's Backbone – Temporary closure approximately 266m length of the northern end of the footpath. Preferred route pending approval would be to temporarily divert the footpath along a route close to Devil's Backbone, which would track to the south, would likely increase distances by approximately 600m.
    - Devil's Backbone – Permanent closure and diversion of approximately 57m at the southern end of the footpath. The temporary diversion during

construction will increase the distance by 513m. The permanent diversion will follow a route slightly east of the existing route and will increase distances by approximately 4m.

- Footpath 352/3 South Hinksey to Old Abingdon Road – permanent closure of up to 46m of footpath at the north-western end. Temporary diversion during construction will increase the distance by 138m. The route of the permanent footpath would be moved further south of the existing route and will increase the distance from the intersection of footpaths 352/2 and 352/3 by 42m.
- Footpath 352/2 South Hinksey to A34 – temporary closure of up to 22m of footpath, proposed temporary diversion around the temporary working area in the field would increase walking distance by approximately 13m.
- Thames Path National Trail – Loss of permissive access into the adjacent fields for a short period of time during planting.

76. There would be some temporary closures on public footways, including at Old Abingdon Road, Seacourt Park and Ride, the A423 and Oatlands recreation ground. There would also be temporary closure of some informal or permissive rights of way including the Westway cycleway, footpath from the Fishes public house to Bulstake stream, path from Abingdon Road alongside Oxford Spires Hotel and the track from Whitehouse Road to railway. There would be restricted access along the western edge of Hinksey Meadow during construction and grass establishment.

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.
    - 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.

78. Bulstake and Hinksey streams would be closed to navigation for up to three years for construction of the new channel.

<u>Traffic and Access</u>

79. It is proposed that materials would be transported to and from the site using the A34 which lies to the west of the application site. This would be accessed from the A420 Botley Road, sharing access with Seacourt Park and Ride, the South Hinksey interchange in the south (Parker Road) and the A4144 Abingdon Road.

80. There would be an average of 111 vehicle movements per day. It is anticipated that vehicles would be lorries each carrying 8 m^3 of material. The vehicle movement locations including percentages where more than one route would be used for access and egress are set out below:
    a. Area 1 – North of Botley Road accessed via A420 Botley Road would generate approximately 16 movements

b. Area 2 – Botley Walk to Willow Walk accessed via A420 Botley Road (50%) and Parker Road off the A34 (50%) would generate approximately 40 movements
c. Area 3 – Willow Walk to South Hinksey access accessed via Parker Road off the A34 would generate approximately 70 movements.
d. Area 4 (part) – Devil's Backbone to Old Abingdon Road accessed via Parker Rd, off the A34 would generate approximately 24 movements.
e. Area 4 (part) – Old Abingdon Road to Munday's Bridge accessed via Parker Rd, off the A34 would generate approximately 30 movements and
f. Area 4 (part) – Works to existing channels accessed via A4144 Abingdon Road would generate approximately 14 movements.

81. Old Abingdon Road and Kennington Road would remain open via a temporary carriageway arrangement, ensuring two-way traffic keeps flowing in this area. This would ensure the bus services along route 35, would not be impacted.

Construction

82. The applicant proposes to commence development subject to approval in 2024 and is expected to take between three and five years to complete. The final programme is dependent on the delivery of the replacement A423 Kennington Railway Bridge, which is subject to a planning application yet to be determined.

83. It is proposed construction hours would be restricted to 7am to 7pm Monday to Friday, and 8am to 1pm on Saturdays (with piling works restricted to 8am to 6pm Monday to Friday). The operators would avoid construction activities on Sundays, public Holidays other than in emergency or other exceptional circumstances.

84. The main construction compound and site office would be located east of the A34 near South Hinksey village. It would be accessed from an existing field gate access on Parker Road in South Hinksey. The original application in 2018 had the compound located in the same location, but changes have been made to move the compound further away from the village, with a buffer area, and temporary earth bund to screen the compound visually and reduce any disturbance. Internal haul roads would link the compound to other areas of the site. Two further local compounds are proposed in Kendall Copse and Redbridge Park and Ride.

85. The whole life carbon dioxide emissions over the project life is estimated at 19,558 tonnes and the operational carbon is 909 tonnes (4.65% of this) based on the proposed maintenance regime. The applicant advises that for comparison, a 2019 Oxford City Council report stated that direct and (selected) indirect carbon dioxide emissions from the city in 2017/18 were 718,362 tonnes per year. The emissions due to the Scheme including operation for 100 years would be equivalent to direct emissions from the city for ten days.

86. The applicant states that throughout the development of the scheme a number of workshops have been held to review opportunities to reduce the carbon emissions associated with the Scheme, these have reviewed the solution,

materials and advances in technology which will help to reduce carbon. This process will continue through the delivery stage of the project to ensure that further carbon reduction improvements are incorporated as they become available through advances in technology and the development of sustainable practices.

87. As a result of these workshops a number of elements of the design have been refined to help reduce the carbon impacts of the scheme; these include amongst others: use of re-usable shutters for concrete casting; use of pre-formed brick cladding in place of tradition hand laid brick cladding; use of pre-cast concrete components where possible; avoiding complicated cladding details and using textured concrete in less high profile visual areas; use of sustainable nature-based solutions for creating headwalls for pipe outfalls, reducing the number of traditional concrete headwalls; use of nature-based solutions for erosion protection where possible to minimise the amount of rock scour protection.

88. The proposed two-stage channel is the main construction activity for the scheme and the dimensions of this channel, and its associated features have been optimised to reduce carbon emissions as far possible. The raised defences such as walls and embankments create larger carbon emissions than the channel works due to the use of new materials brought to the site and the construction process. This would be minimised by use of lower carbon materials. The raised structures have been designed with a long design life to minimise maintenance and the need for replacement during the scheme life, this has helped to reduce the long-term maintenance carbon emissions. The applicant states that it will continue to monitor developments in construction materials and adopt new technologies to further reduce carbon emissions associated with the raised structures as opportunities arise.

89. The carbon emissions are based on currently available technology and plant, which is predominantly diesel powered. However, the applicant states that advances in alternative fuels, hydrogen powered, and electric plant are developing quickly and are likely to be more widely available when construction commences, these advances in plant technology will be adopted as soon as they are commercially available to further reduce carbon emissions during construction.

90. In order to minimise and reduce the associated carbon footprint of the scheme. The soil requirement for new flood defence embankments and environmental enhancements, estimated at 96,000m^3 (about 21% of the total) will be met by reuse of materials generated by excavations on site.

91. The applicant states that its contractor will use well-maintained equipment, new technology low emission vehicles where feasible, and implement construction procedures (e.g. regular fleet maintenance) to minimise emissions, as will be detailed in the Construction Environmental Management Plan. It will also seek to operate a park and ride scheme to bring site workers onto site on a daily basis and reduce the numbers of vehicles on roads at start and finish times each day. Sustainable use and disposal of resources would be ensured in a materials management plan (see Appendix O). A Site Waste Management Plan will be

prepared by the Contractor, which will consider reduction, re-use and recycling of soils, timber and waste. Each of these sustainability requirements would also be extended to the wider sub-contractor and supply chain.

92. The applicant advises that it is investigating options for lower-emission road vehicles and will continue to look for further ways to reduce these emissions during construction, as this technology is currently advancing rapidly.

Environmental Impact Assessment

93. An Environmental Impact Assessment (EIA) of the proposed development was carried out and an Environmental Statement (ES) was submitted with the application. This covers the range of potential environmental impacts of the proposal. A summary of the findings can be found in Annex 2.

Habitat Regulations Assessment

94. The Conservation of Habitats and Species Regulations 2017 (as amended) stipulate that a Habitat Regulations Assessment must be carried out on all plans and projects that have the potential to impact upon sites designated for supporting habitats or species of international importance. Oxfordshire County Council, as the competent authority, is responsible for authorising the project and any assessment of it required by the Habitats Regulations. A Habitat Regulations Assessment (HRA) Record has been produced by OCC's Ecologist which considered the scheme in light of the assessment requirements of Regulation 63 of the Habitats Regulations; having carried out a 'screening' assessment of the project, it was concluded that it would be likely to have a significant effect on the Oxford Meadows SAC. A Stage 2 Appropriate Assessment was therefore undertaken to consider the implications of the project on the qualify features of Oxford Meadows SAC in relation to its conservation objectives. As a result of the Appropriate Assessment, it is concluded that the project would not have an adverse effect on the integrity of the Oxford Meadows SAC either alone or in combination with other plans or projects (Annex 5).

New and further Information March 2023

95. Further information was submitted in late February 2023 and consulted on in March/April 2023 in response to a formal request for further information under the Environmental Impact Assessment Regulations. This information also included some amendments to the application.

96. The applicant made a minor change to the planning application red line boundary at Eastwyke Lane, New Hinksey. The change was made in order to adjust the temporary working areas. Also, the inclusion of a field immediately north of South Hinksey into the permanent works to assist with the proposed maintenance regime of cattle grazing.

97. To address the further information, request the following was submitted:

a. An updated biodiversity net gain calculator score to reflect the changes to the methodology in the DEFRA Biodiversity Metric 3.1. The applicant also completed a review and update on the existing condition scores and associated additional survey, the inclusion of 'delay in year' condition resulting from a delay in planting future habitats and information on off-site biodiversity net gain delivery.
b. Additional Arboricultural information
c. An updated Agricultural Holdings impact assessment
d. An updated Environmental Action Plan to address queries
e. Updated information on Air Quality
f. Updated landscape and planting plans
g. A minor update to the No-channel Modelling Report
h. Inclusion of the Carbon Calculator detailing the calculation used to estimate the carbon emissions figures quoted in the ES
i. Additional Information on the options assessed for the proposed 2 stage channel route alignment
j. An updated Landscape and Habitat Creation – Delivery and Management Plan

98. The submission also included further environmental information submitted to supplement the original Environmental Statement, which is detailed in Annex 2.

PART 2 – OTHER VIEWPOINTS

99. There were two periods of public consultation. The application was originally consulted on during April and May 2022. Consultation on the amended application and further information took place between 16th March and 17th April 2023.

100. The full text of the consultation responses can be seen on the e-planning website[3], using the reference MW.0027/22. These are also summarised in Annex 3 to this report.

101. The application is being reported to this Committee as it is EIA development and was advertised as a departure from the development plan as it includes inappropriate development in Oxford Green Belt. There have been objections to the development from a number of consultees.

102. A total of 232 third party representations were received in the first round of consultation and 227 representations received in the second round of consultation. The majority of the first round of representations expressed concern or objected to the application although a large percentage supported the principle of scheme, but not the secondary channel. In the second round of consultation the majority of responses received were still objecting, but in January/February 2024 the council received a large number of representations in support of the scheme. The points raised are covered in Annex 4. Key areas

[3] Click here to view application MW.0027/22

of concern included arrangements for long term management and maintenance, loss of habitat, design of bridges, visual impact, disruptions to rights of way and roads, queries about the need for the scheme and its effectiveness and concern about impacts on specific properties.

103. In addition to these third party comments, a petition was started on Change.org titled 'Save Hinksey Meadows from the destructive channel in the Oxford Flood Alleviation Scheme'. At the time of writing, it has received 5,294 signatures. A link was provided in a comment from a third-party representation.

104. Representations were also received from landowners, including Hartwells Plc. and Oxford University. The points raised are addressed in Annex 4. The Oxford Preservation Trust (OPT) also own land within the scheme area and their views are summarised in Annex 3 as they were also consultees on the application.

105. A Representation was made by Layla Moran MP in the first round of consultation, the Member of Parliament for Oxford West & Abingdon at the time of writing the report. She stated that constituents do have serious concerns about the proposed scheme. She summarised her response by stating *"While it is clear that Oxford needs a flood alleviation scheme, and the current proposal meets many of the aims of the overall need, there is an opportunity to mitigate disruption to residents during construction, re-examine the impact on Hinksey Meadow and to create a valuable opportunity to increase active travel between Abingdon and Oxford"*.

106. A Representation was received from Botley and Sunningwell Ward District Councillor (Debbie Hallet), who raised several concerns on behalf of local residents. She does recognise the need for the scheme and supports the application with some caveats, particularly in relation to the construction phase of the scheme.

107. Cllr Susanna Pressel, County Councillor for Jericho and Osney Division and City Councillor for Osney and St Thomas commented that she supports the scheme. Stating *"over that time I have far too often waded through flooded homes and watched the anguish of the owners/tenants of those homes. Climate change will bring even more flood-risk. Our hydrologists have at last devised a scheme to reduce the risk and secured the funding. I now can't wait to see the scheme implemented. I know there are concerns about the MG4a Meadow, but I hope the proposed mitigations will address those concerns. It is great that there will also be gains in some aspects of biodiversity and that more trees will be planted"*.

108. The council also received several letters from Oxford Flood & Environment Group and Hinksey & Osney Environment Group who both continued to object throughout the consultation periods. Their views are summarised in Annex 3 as they were also consultees on the application.

PART 3 – RELEVANT PLANNING DOCUMENTS

Relevant planning documents and legislation (see Policy Annex to the committee papers)

109. In accordance with Section 70 of the Town and Country Planning Act 1990, planning applications must be decided in accordance with the Development Plan unless material considerations indicate otherwise.

110. The application has been submitted to Oxfordshire County Council for determination as Oxfordshire County Council are the Mineral Planning Authority and the proposals include the extraction of minerals. For the original application made in 2018, legal advice was sought prior to the submission of that application and the advice received from Counsel was that minerals extraction is a substantial element of the proposals making this a County Matter. The approach was agreed between Oxfordshire County Council, Oxford City Council and the Vale of White Horse District Council. As the latest application isn't substantially different, the application again was made to Oxfordshire County Council as a minerals application and so a County Matter.

Development Plan Documents

111. The Development Plan for this area comprises:

- Oxfordshire Minerals and Waste Local Plan Part 1: Core Strategy (OMWCS)
- Oxfordshire Minerals and Waste Local Plan 1996 saved policies (OMWLP)
- Oxford Local Plan 2016 -2036 (OLP)
- The Vale of White Horse Local Plan 2031 Part 1 (VLP1)
- The Vale of White Horse Local Plan 2031 Part 2 (VLP2)

112. The OMWCS was adopted in September 2017 and covers the period to 2031. The Core Strategy sets out the strategic and core policies for minerals and waste development, including a suite of development management policies .

113. The OMWLP was adopted in July 1996 and covered the period to 2006. 46 policies within the OMWLP were 'saved' until the adoption of the OMWCS and 16 of these policies continue to be saved until the Part 2 Site Specific document is adopted. The saved policies are site-related policies and none of them apply to the area proposed in this planning application. Therefore, they are not relevant to the determination of this planning application.

114. The OLP was adopted in 2020. This contains a vision for Oxford and policies against which planning applications in the area must be considered.

115. A number of other adopted documents are used to determine planning applications within Oxford City. This includes the Oxford West End and Osney Mead Supplementary Planning Document, Oxford West End Design Guide, Barton Area Action Plan, Northern Gateway Action Plan and the Sites and Housing Plan. The policies contained in these documents are not directly relevant to this application.

116. The Vale of White Horse Local Plan 2031 Part 1 was adopted by the Full Council in December 2016. It sets out the spatial strategy policies to deliver sustainable development.

117. The Vale of White Horse Local Plan 2031 Part 2 was adapted in 2019. It complements the Part 1 plan and sets out detailed policies and additional sites for housing.

Emerging Plans

- Draft Vale of White Horse and South Oxfordshire Districts Joint Local Plan 2041
- Draft Oxford Local Plan 2040 (DOLP)

118. South Oxfordshire and Vale of White Horse district councils are working together on a Joint Local Plan which will guide the kinds of new developments needed and where they should go, informing planning application decisions in the districts. The drafting is currently at 'preferred options' stage with a consultation having been carried out between 10th January and 26th February 2024. The responses to this consultation are currently under review. A draft local plan is yet to be released.

119. Oxford City Council has published its draft Oxford Local Plan 2040 which was submitted to the Secretary of State on 28th March 2024 which marks the beginning of a public examination process. Initial Hearings took place between 11th and 13th June 2024 and the Inspectors will now consider the way forward for the Examination in Public. At this stage it is therefore not adopted so limited weight should be attached to its policies.

Other Policy Documents & Material Considerations

120. The National Planning Policy Framework (NPPF) 2023. This is a material consideration in taking planning decisions. Relevant sections include those on facilitating the sustainable use of minerals, Green Belt, meeting the challenge of climate change, flooding and coastal change and conserving and enhancing the natural environment.

121. The National Planning Policy Guidance (NPPG) contains specific advice on matters including flood risk, minerals, conserving and enhancing the historic environment, determining a planning application and natural environment.

122. North Hinksey Neighbourhood Plan was adopted as part of the Vale of White Horse DC's development plan in May 2021. There are no other neighbourhood plans in the application area. However, Neighbourhood Plans are not permitted to cover minerals and waste development.

123. Local Transport and Connectivity Plan 2022-2050 (LTCP), adopted in July 2022

124. National Design Guide (NDG), last updated January 2021

125. Noise Policy Statement for England (NPSE) 2010

126. The Waste Management Plan for England published by Defra in 2021 and National Planning Policy for Waste published by DCLG in October 2014 are material planning considerations.

Relevant Development Plan Policies

127. Oxfordshire Minerals and Waste Core Strategy
    M2 – Provision for working aggregate minerals
    M3 – Principal locations for working aggregate minerals
    M5 – Working of aggregate minerals
    M10 – Restoration of mineral workings
    W6 – Landfill and other permanent deposit of waste to land
    W11 - Safeguarding waste management sites
    C1 – Sustainable development
    C2 – Climate Change
    C3 – Flooding
    C4 – Water environment
    C5 – Local environment, amenity and economy
    C6 – Agricultural land and soils
    C7 – Biodiversity and Geodiversity
    C8 – Landscape
    C9 – Historic environment and archaeology
    C10 – Transport
    C11 – Rights of way
    C12 – Green Belt

128. The Vale of White Horse Local Plan 2031 Part 1 (VLP1)
    Core Policy 1 – Presumption in favour of sustainable development
    Core Policy 7 – Providing supporting infrastructure
    Core Policy 13 – Oxford Green Belt
    Core Policy 35 – Promoting public transport, walking and cycling
    Core Policy 37- Design and Local Distinctiveness
    Core Policy 39 – Historic environment
    Core Policy 42 – Flood risk
    Core Policy 43 – Natural Resources
    Core Policy 44 – Landscape
    Core Policy 45 – Green infrastructure
    Core Policy 46 – Conservation and improvement of biodiversity

129. Vale of White Horse Local Plan 2031 Part 2 (VLP2)
    Development Policy 16 – Access
    Development Policy 17 – Transport Assessments and Travel Plans
    Development Policy 23 – Impact of development on amenity
    Development Policy 25 – Noise pollution
    Development Policy 26 – Air quality
    Development Policy 27 – Land affected by contamination
    Development Policy 30 – Watercourses

Development Policy 31 – Protection of public rights of way, national trails and open access areas
Development Policy 33 – Open space
Development Policy 36 – Heritage assets
Development Policy 37 – Conservation areas
Development Policy 38 – Listed Buildings
Development Policy 39 – Archaeology and scheduled monuments

130. Oxford Local Plan 2016- 2036 (OLP)

Policy S1: Presumption in favour of sustainable development
Policy RE3: Flood risk management
Policy RE6: Air quality
Policy RE7: Managing the impact of development
Policy RE8: Noise and vibration
Policy RE9: Land Quality
Policy G1: Protection of Green and Blue Infrastructure Network
Policy G2: Protection of biodiversity and geo-diversity
Policy G3: Green Belt
Policy G4: Allotments and community food growing
Policy G5: Existing open space, indoor and outdoor sports and recreation facilities
Policy G7: Protection of existing Green Infrastructure features.
Policy G8: New and enhanced Green and Blue Infrastructure Network features
Policy DH1: High quality design and placemaking
Policy DH2: Views and building heights
Policy DH3: Designated heritage assets
Policy DH4: Archaeological remains
Policy M2: Assessing and managing development

Relevant Emerging Plan Policies

131. Draft Oxford Local Plan 2040

Policy S1: Spatial Strategy and Presumption in Favour of Sustainable Development
Policy G1: Protection of Green Infrastructure
Policy G2: Enhancement and provision of new Green and Blue features
Policy G4: Delivering mandatory net gains in biodiversity
Policy G5: Enhancing onsite biodiversity in Oxford
Policy G6: Protecting Oxford's biodiversity including the ecological network
Policy G7: Flood risk and Flood Risk Assessments (FRAs)
Policy G8: Sustainable Drainage Systems (SuDS)
Policy G9: Resilient Design and Construction
Policy R2: Embodied carbon in the construction process
Policy R4: Air quality assessments and standards
Policy R6: Soil quality
Policy R7: Amenity and Environmental Health Impacts of Development
Policy HD1: Conservation Areas
Policy HD2: Listed Buildings
Policy HD4: Scheduled Monuments

Policy HD5: Archaeology
Policy HD6: Non-designated Heritage Assets
Policy HD9: Views and Building Heights
Policy HD10: Health Impact Assessment

PART 4 – ASSESSMENT AND CONCLUSIONS

Comments of the Head of Strategic Planning

The NPPF sets out a presumption in favour of sustainable development (paragraph 10), which is supported by policy C1 of the OMWCS, Core Policy 1 of the VLP 2031 and policy S1 of the OLP. This means taking a positive approach to development and approving an application which accords with the development plan without delay, unless material considerations indicate otherwise.

132. The NPPF states at paragraph 8 that achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways. Those objectives are economic, social and environmental. The NPPF makes it explicit that these objectives should be delivered through the preparation and implementation of plans and the application of the policies in the NPPF. They are not criteria against which every decision can or should be judged. Planning policies and decisions should play an active role in guiding development towards sustainable solutions, but in doing so should take local circumstances into account, to reflect the character, needs and opportunities of each area.

133. All planning applications must be determined in accordance with the Development Plan, unless material considerations indicate otherwise, in accordance with the Town and Country Planning Act 1990. The key planning policies are set out above and discussed below in accordance with the key planning issues.

134. The key planning issues for these proposals are:

i) Minerals
ii) Waste Management
iii) Green Belt
iv) Landscape and visual impacts
v) Transport
vi) Rights of way, public access and open space
vii) Amenity
viii) Flood risk and water environment
ix) Archaeology and historic environment
x) Biodiversity and natural environment
xi) Soils and agriculture
xii) Socio- economic
xiii) Contaminated land

xiv) Climate change, carbon emissions, natural resources and waste
xv) Sustainable development

Principle of the development

135. The OLP paragraph 4.13 states a considerable proportion of Oxford is at risk of flooding, in particularly built-up areas of South and West Oxford and Lower Wolvercote. These areas have a 1% greater annual risk of flooding (Flood Zone 3). It also states that Oxford's flood risk is 'predominantly fluvial flooding from rivers, but there is some flood risk to properties from other sources including surface water, sewer, groundwater and flooding from artificial sources such as reservoirs and canals.'

136. The OLP references the Oxford Flood Alleviation Scheme (OFAS) in paragraph 4.18. It states the scheme is a 'partnership project'. It also states the scheme would help to convey water away from 'development infrastructure', helping to reduce flooding in the most at risk areas. Paragraph 4.18 later states the benefits to the city in terms of reducing risk of flooding to homes, businesses, major roads and the railway.

137. DOLP paragraph 4.43 references the OFAS, also stating the benefits of reducing flood risk on homes, businesses, major roads and the railway.

138. The purpose of the scheme is to manage flood risk to Oxford, particularly over the next 100 years. The scheme looks to create more space for water within the existing western floodplain of the city. The applicant states that if nothing is done about flood risk, then approximately 1,600 properties would remain at risk from internal flooding in a major flood that has a 1% chance of happening each year after existing flood management activities are taken into account. Climate change would potentially increase the extent of flooding, but also the frequency and scale of disruption to the city. The Planning Statement submitted as part of the planning application states that if no action is taken the impacts of climate change would mean approximately 5600 homes would be at flood risk by 2080.

139. Both the Vale of White Horse District Council (VoWH) and Oxford City Council have stated in their consultation responses that the proposed development is supported in principle. The City Council states their planning policies are very supportive of its wider aims and ambitions. The City Council is particularly aware of the confluence of flood risks that are present in the city and of the likely trends towards increasing occurrence and duration of flooding events in the future in the face of climate change. Oxford Local Plan policies RE3 and RE4 highlight the importance of ensuring that new development takes account of and addresses the current and future risks and requires that proposals within flood zones 2 and 3 must be accompanied by a Site-Specific Flood Risk Assessment (FRA) to align with National Policy.

140. Whilst there has been support for the proposed scheme, many local residents and interested parties have raised concerns about the principle of the

development, stating for example that the proposal is too destructive, there are better alternatives which would reduce the impact on the MG4a grassland. It is suggested that alternative solutions have not been properly considered, such as no channel or to use twin pipes to pump excess flood water.

141. The proposal before members emerged as the applicant's preferred option following a detailed review of approximately 100 different combinations. Work on the scheme started after the flooding in 2007. The ES outlines the main alternatives that were studied and explains the options of doing nothing or just maintaining the existing flood defence were discounted early during the appraisal process. Public consultation took part in 2010, following the publication of the Oxford Flood Risk Management Strategy. Following the consultation, it was recommended by a three phased approach to managing flood risk in Oxford over the next 100 years be undertaken[4].

142. During the process of developing the scheme, alternatives have been promoted by other interested parties, groups, and individuals. The applicant reviewed these alternatives, but none were considered to reduce flood levels to the same extent across the whole area, some of which would just transfer the flood risk to a different area. The twin pipe, pumped option and no channel or smooth floodplain option were raised in the ES. The twin pipe option involves the construction of a large underground pump house north of Botley Road and installation of two large pipes running from this point to the Redbridge area where it would be discharged. This is similar to the culvert option, and this was discounted due to costs, risk and contrary to the EA's policy against culverting if possible. The EA as the applicant also prefers the passive solutions that operate naturally in a flood event which do not require human intervention or mechanised operation. The 'no channel option', would not include parts of the proposed river channel, instead removing hedges and fences to prevent barriers to the flow across the floodplain. The applicant states in the ES that building parts of the scheme without increasing the capacity of the western floodplain would cause water to redistribute through existing channels and floodplain and could lead to unintended consequences elsewhere. The 'no channel' or 'twin pipe' would involve additional and enhanced maintenance and intervention and has the greater risk of failure.

143. A number of alignments for the scheme were considered for the secondary channel. The alignments were subject to appraisal looking at a number of factors, including modelling to understand environmental, social, maintenance and engineering constraints, costs, risk, benefits and sensitivities. The application scheme with the channel has been designed to minimise the impact on the MG4a grassland habitat and mature willow trees, amongst other habitats. The scheme proposed also differs from the 2018 planning application, with changes to the route under the A423 Southern By-Pass.

[4] Phase 1 – Implementation of local channel works to achieve some immediate localised flood reduction; this phase has already been completed. Phase 2 – Creation of more space for water within the existing western floodplain of the city. Phase 3 – Potential future upstream flood storage should predicted climate change result in the reduced effectiveness of the first two phases.

144. Members are advised that the application before them needs to be considered on its own merits, and the availability of potential alternatives is not normally in itself a reason to refuse the application proposed. Members will need to consider the impacts of the proposed development on the surrounding area, and to weigh these impacts with other harms and benefits of the development, before deciding whether or not the application before them should be approved or refused. Impacts including those by way of noise and other disturbance, air quality, landscape and visual effects, biodiversity and the natural environment, the historic environment and the Green Belt are discussed in later chapters of this report to assist Members in reaching a view on these matters.

145. Many objectors have also stated that the proposal does not represent good value for money. However, Members are reminded the role of the Planning and Regulation Committee is to determine whether the proposal is an appropriate use of land, rather than to consider whether it is or is not a good use of public funds.

146. Given the importance to reduce flood risk in Oxford, and that the planning application is supported by Oxford City Council and VoWH as the Local Planning Authorities responsible for parts of the development plan for the area in which the proposed development set out in the application is located, with no objections from Lead Local Flood Authority (LLFA) and Environment Agency as a consultee, it is recommended that strong support is given to the development as a matter of principle. That strong support should be weighed against the other material considerations outlined in this report, including any benefits and harms, when reaching a reasoned conclusion on whether or not planning permission should or should not be granted.

Minerals

147. OMWCS policy M2 makes provision for the working of aggregate minerals and sets a level of 0.972 million tonnes per annum (mtpa) for sharp sand and gravel. It states that landbanks will be maintained of at least 7 years.

148. OMWCS policy M3 details the principal locations for working aggregate minerals. The application site does not fall into the areas identified. It is not in a mineral safeguarding area identified by OMWCS policy M8 and therefore this policy does not apply. OMWCS policy M4 is also not relevant as it relates to how specific sites will be selected through the Part 2 plan document.

149. OMWCS policy M5 paragraph 1 confirms that prior to the adoption of the Part 2 document, permission will be granted for working of aggregate minerals where this would contribute towards meeting the requirement for provision provided that the proposal is in accordance with the locational strategy in policy M3 and policies C1-C12. This proposal does not meet this paragraph as the site is not located in an area identified in policy M3. OMWCS policy M5 paragraphs 2 and 3 do not apply as the Part 2 plan has not been produced. Policy M5 paragraph 5 states that permission will exceptionally be granted for borrow pits to supply

mineral to associated construction projects. This is considered to apply, as the majority of the mineral extracted would be used in the construction of the scheme. Paragraph 5 includes five criteria which must be met for borrow pits. The proposal complies with bullet 1 as it is located in close proximity to the project area. It does not fully comply with bullet 2 as not all the mineral extracted is required for the scheme. It complies with bullet 3 as sourcing the mineral required from the application site would have less environmental impact than importing it. It complies with bullet 4 as no imported restoration material is required. It complies with bullet 5 because the mineral extraction would be limited to the life of the project.

150. Overall, the proposal does not entirely comply with some aspects of mineral policy, as it is not located in an area identified by OMWCS policy M3 and does not meet all the requirements if considered to be a borrow pit as not all the extracted mineral would be used on site. However, the use of the mineral extracted within the scheme's construction is a legitimate use of mineral as it would have to be imported from elsewhere otherwise. The quantity of sand and gravel which would not be used in the scheme construction is approximately 8,200m^3 (approximately 12,300 tonnes) It is not clear that this mineral would be put to beneficial use, although the intention is to use it in other local schemes undertaken by the Environment Agency. However, the quantity is not considered to be significant in the context of sand and gravel resources and supply in Oxfordshire. Therefore, this requirement of OMWCS policy M5 is not considered to be a reason to refuse the application.

151. OMWCS policy M10 states that mineral workings shall be restored to a high standard and in a timely and phased manner. It lists criteria which the restoration and afteruse of mineral workings must take into account, including the character of the landscape, the conservation and enhancement of biodiversity and the quality of agricultural land. It states that planning permission will not be granted for mineral working unless satisfactory proposals have been made for the restoration, aftercare and afteruse of the site. The proposed flood alleviation scheme would also comprise the restoration of the mineral extraction required. This is considered to be an acceptable restoration in principle, subject to the signing of s106 agreement to secure long term management of the site for a 30-year period.

Waste Management

152. The proposals do not include any waste disposal on site. Waste would be removed from the site for disposal elsewhere. Therefore, the OMWCS waste policies do not apply in relation to waste disposal at the site. However, waste arising from the site should be managed in accordance with the waste hierarchy as required under the Waste (England and Wales) Regulations 2011 and the Waste Management Plan for England and reflected in the National Planning Policy for Waste and in the OMWCS.

153. OMWCS policy W6 states that priority will be given to the use of inert waste that cannot be recycled as infill materials to achieve satisfactory restoration at quarries. The application suggests that waste material which cannot be reused

on site would be used in the Oxford area, particularly in quarry restoration schemes, which would be in accordance with this policy. Therefore, it is recommended that a condition is added for a waste management plan which specifies where inert waste would be taken and how it would be used.

154. The site adjoins Redbridge HWRC, which is a safeguarded waste management site under OMWCS policy W11. It is not considered that the proposals would have any significant effects on this site.

155. The proposals are considered to be in accordance with relevant waste management policies, subject to a condition for a waste management plan.

Green Belt

Green Belt Policy

156. NPPF paragraph 142 confirms that the Government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open and the essential characteristics of Green Belts are their openness and their permanence.

157. NPPF paragraph 143 sets out the five purposes that Green Belts serve. These are to check the unrestricted sprawl of large built-up areas; to prevent neighbouring towns merging into one another; to assist in safeguarding the countryside from encroachment; to preserve the setting and special character of historic towns; and to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

158. NPPF paragraph 152 states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. This is also set out in OMWCS policy C12.

159. NPPF paragraph 153 states that when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.

160. NPPF paragraph 155 lists certain forms of development which are not inappropriate in the Green Belt providing that they preserve the openness of the Green Belt and do not conflict with the purposes of including land in the Green Belt. Mineral extraction and engineering operations are listed as examples of these forms of development that are not necessarily inappropriate.

161. OMWCS policy C12 states that proposals that constitute inappropriate development in the Green Belt will not be permitted except in very special circumstances. These will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.

162. VLP1 core policy 13 states that the Oxford Green Belt area in the Vale will be protected to maintain its openness and permanence. Proposals for inappropriate development will not be permitted except in very special circumstances. The policy wording reflects the NPPF and includes the same list of forms of development which are not inappropriate in the Green Belt provided that they preserve openness and do not conflict with the purposes of including land in the Green Belt, this list includes minerals development.

163. OLP policy G3 states that proposals for development in the Green Belt will be determined in accordance with national policy.

Consideration of whether development is inappropriate in the Green Belt

164. The proposals include the change of use of land from its current uses to flood alleviation and as part of facilitating this, operational development including mineral extraction, engineering operations and built development.

165. The change of use of land and associated mineral extraction is not considered to be inappropriate development in the Green Belt. It is considered that the proposed mineral extraction would not impact the openness of the Green Belt as it would take place below ground level and would not conflict with the purposes of including land within the Green Belt. The construction of the channel itself and associated bunds, walls and embankments, are considered to be engineering operations. Some of these engineering operations, including the storage of materials above ground level, would have the potential to impact on openness. These features would also have an impact on the setting and special character of Oxford, potentially conflicting with one of the five purposes as set out in NPPF paragraph 143. Therefore, the engineering operations do not benefit from the potential exceptions in NPPF paragraph 155 and are inappropriate development in the Green Belt. The built development, including new bridges, weir, control structures, telemetry cabinets, flood walls and embankments, do not benefit from the potential exceptions listed in NPPF paragraphs 154 and 155 and therefore are considered to be inappropriate development, which is by definition harmful to the Green Belt.

166. Therefore, as a whole the scheme would include substantial elements of inappropriate development. Therefore, NPPF paragraph 152 applies and the development should only be approved in very special circumstances.

Very Special Circumstances

167. With regard to NPPF paragraph 152, case law has established that if one element of a proposal is inappropriate then the whole development must be assessed as if it is inappropriate. Therefore, very special circumstances are required in relation to the development as a whole, not only the specific elements assessed above as inappropriate.

Applicant's view on Very Special Circumstances

168. The applicant has set out the very special circumstances that they consider apply to this proposal. These relate to the benefits of delivering the flood alleviation scheme.

a. The scheme does not include any development that would be considered as urban sprawl, and so is in accordance with paragraph 142 of the NPPF.
b. The only structures in the scheme are bridges and raised defences. The bridges will provide access to the scheme and provide new paths. The defences reduce flooding, and when possible are grass covered earth embankments.
c. Economic benefits –the reduction of risk of flooding would lead to less disruption to transport infrastructure and business operations.
d. Environmental improvements – new habitat creation linked to the scheme.
e. Preservation of the Green Belt – the scheme would utilise the floodplain and therefore protect it from other development, restricting sprawl and preventing encroachment.
f. Improved access to the Green Belt – upgrading of existing rights of way east-west across the floodplain.
g. Improved access to Oxford – reduction in flood risk to critical transport infrastructure including the railway line, Abingdon Road and Botley Road.
h. Health – without the scheme the city would continue to be vulnerable to flooding which would have significant adverse impacts on health.
i. Need – the frequency of flooding and public support for the scheme demonstrates the need for it.

Officer View on Green Belt

169. In my view, the applicant's very special circumstances (c), (g) and (i) are linked and set out considerations which can be assessed in relation to the harm that the development would cause to the Green Belt. The proposed very special circumstances (d) and (f) relate to mitigation of the scheme. In relation to (d) although the scheme might provide long term environmental benefits, the deliverability of these is uncertain and there would also be some adverse impacts on the environment in the shorter term. In relation to (e) the Green Belt is protected by national planning policy regardless of whether this scheme goes ahead. In relation to (f) the impacts on access are considered to be mixed as there would be some short-term disruption to rights of way. Even in the longer-term improved access across the floodplain is not considered to be a compelling case for the development as opportunities to create new links and routes have not been taken. In relation to (h) the significant adverse impacts on health have not been fully explained. It is accepted that a reduced risk of flooding could mean that a future flood event would be averted leading to a reduction in stress for residents and commuters at that time, although it is not clear that this amounts to the avoidance of significant adverse health impacts. It does however involve the avoidance of significant adverse impacts on the amenity of residents. The applicant also refers to improvements to footpaths and cycleways as improving physical and mental health, however as the scheme does not propose any new rights of way, I do not consider that this would be a significant change.

170. In my view, there are no reasonable alternatives to locating the proposed scheme within the Green Belt as this is the location of the floodplain and of the watercourses which would be modified in order to provide the benefits of the scheme. Therefore, it must be considered whether the scheme benefits comprise very special circumstances which outweigh the harm.

171. NPPF paragraph 153 sets out that very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations. Therefore, the potential harm needs to be assessed and balanced against the other considerations.

172. I consider that the harm to the Oxford Green Belt would primarily arise from the introduction of engineered structures into a rural, open setting. This will affect the openness of the Green Belt and have an impact on the setting of Oxford. However, the extent of the harm would be limited as the proposed structures would be spread across a wide area and would not fundamentally alter the character of this part of the Green Belt which would still comprise open countryside free from urban development. Although the channel and associated structures would have an engineered appearance which would not be completely in keeping with a rural context, this type of development is found in rural areas where needed to control and manage watercourses. Therefore, in relation to point (a) above I agree that the development would not be considered or encourage urban sprawl. In addition, the scheme area already contains other infrastructure, including high voltage overhead electricity pylons, the railway line and the neighbouring A34.

173. I accept that there is a strong need to reduce the flood risk in Oxford as flooding has caused the closure of key routes into the city and the flooding of homes and businesses in recent years. It is important that existing properties and infrastructure are protected against flooding, especially as flood events are anticipated to increase in frequency and severity in future due to climate change. I consider that there are reasons why the alleviation scheme must be located in the floodplain and that to the west of Oxford this means in the Green Belt. Overall, I consider that the harm caused by locating this development in the Green Belt would be outweighed by the benefits that the scheme would offer in terms of reducing flood risk in Oxford. Very special circumstances exist and therefore the NPPF advises that the development can be approved in the Green Belt.

174. Concern has been raised that tree planting to replace removed trees could have a detrimental impact on the openness of the Green Belt. I do not consider that the proposed tree planting would have a detrimental impact on the openness of the Green Belt. The use of land for forestry and afforestation is excluded from the definition of development given in section 55 of the Town and Country Planning Act 1990. Concern has also been expressed by a number of consultees that the bridge design is not sympathetic to the setting in the Green Belt and historic setting of Oxford. I consider that bridges are a necessary component of the overall scheme and therefore the very special circumstances

apply to justify their location in the Green Belt. The visual impact of the bridge design is considered elsewhere in this report.

175. Concerns have also been expressed about the 'creeping suburbanisation' of the Green Belt. However, this location is already heavily influenced by the presence of adjacent urban areas, the A34 corridor, the rail corridor and the Park and Rides. Therefore, I consider that once constructed the scheme would be of a green and open character which can be assimilated into the landscape.

Green Belt conclusions

176. The proposed development contains elements which are considered inappropriate in the Green Belt which render the whole development inappropriate. There would also be other harm arising from the proposal as addressed in this report. However, very special circumstances can be demonstrated which in my view outweigh the potential harm to the Green Belt. Therefore, the proposal is in accordance with the NPPF and relevant development plan policy including OMWCS policy C12, OLP policy G1 and VLP1 policy 13.

Referral to the Secretary of State

177. Applications which meet certain criteria must be referred to the Secretary of State under the Town and Country Planning (Consultation) (England) Direction 2021 if it is intended to approve them[5]. This allows the Secretary of State an opportunity to consider whether to call in the application for their own determination. It is considered that this application meets one of the criteria for referral as it includes inappropriate development in the Green Belt which due to its scale, nature or location would have a significant impact on the openness of the Green Belt. Therefore, should the committee be minded that the application be approved, this should be subject to the application first being referred to the Secretary of State.

Landscape and Visual Impacts

178. NPPF paragraph 180b requires planning policies and decisions to contribute to and enhance the local environment by recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services.

179. OMWCS policy C8 states that minerals development shall demonstrate that it respects and where possible enhances the local landscape character and shall be informed by landscape character assessment. Proposals shall include adequate and appropriate measures to mitigate adverse impacts.

180. OLP policy G7 states planning permission will not be granted for development that results in the loss of green infrastructure where it would have a significant

[5] NB, this application was submitted before the current 2024 Direction came into force and so the 2021 Direction applies.

adverse impact upon public amenity. It must be demonstrated that the retention is not feasible, and their loss will be mitigated.

181. OLP Policy G8 requires development to demonstrate how existing green infrastructure features have been incorporated into the design.

182. OLP policy DH1 requires development to be of high-quality design that creates or enhances local distinctiveness.

183. VLP1 core policy 44 states that the key features that contribute to the nature and quality of the landscape will be protected, these include trees, hedges, watercourses, views, tranquillity and areas of cultural and historic value.

184. VLP core policy 45 requires existing green Infrastructure to be protected and seeks a net gain in green Infrastructure. Proposals for new development should provide adequate green infrastructure in line with the Green Infrastructure Strategy.

185. The application is supported by a Landscape and Visual Assessment, as part of the ES. Mitigation measures are included in the proposals including mitigation planting. The landscape Specialist at OCC originally requested some further information in order to assess the landscape impacts of the proposed scheme. Additional information relating to tree canopy gains and losses, bridge design summary, clarity on the compound potential impacts on South Hinksey, improvements to recreational provision, views and photomontages were provided and the landscape specialist confirmed that they have no objection to the scheme subject to conditions to cover a Arboricultural Method Statement, Detailed Landscaping Scheme, detailed design and materials of structures, detailed Landscape and Ecological Management Plan, phased vegetation removal, lighting and Construction Environment Management Plan to be implemented prior to the commencement of works on site.

186. The scale of the development would result in impacts upon the landscape. However, these would reduce over time following the completion of construction as the mitigation planting develops, and the new channel becomes incorporated into the surrounding landscape. The bridges and floodwalls would remain evident however they would be viewed in the context of the wider area which includes both open green space and urban influences.

187. The landscape advisor remained concerned about the scale of tree loss and the landscape and visual impact of this but following the submission of further information on this concluded that the proposals represent a balance between various constraints affecting the site. She considers that the restoration scheme of characteristic floodplain habitats, trees and woodlands to be in keeping with the local landscape character of the area.

188. The applicant has proposed that as many trees as possible will be retained and further opportunities for retaining trees will be identified during construction.

189. The acceptability of the proposals in terms of landscape depend on the effective implementation of the proposed mitigation measures and their effective long-term management to ensure that new planting and habitats are successfully integrated into the landscape. Subject to conditions to secure this, the development is in accordance with relevant development plan policy relating to landscape and visual impacts including OMWCS policy C8, OLP policies G7, G8 & DH1 and VLP1 policy 44.

Views of Oxford

190. OLP policy DH1 states that permission will only be granted for development of high-quality design that creates or enhances local distinctiveness.

191. OLP policy DH2 states that the City Council will seek to retain significant views both within Oxford and from outside, in particular to and from the historic skyline.

192. The ES submitted with the application identifies that three of the viewpoints that are protected as Oxford View Cones, at Raleigh Park, Boars Hill and the A34 Interchange at Hinksey Hill, give views over the application area. Therefore, changes in the view from these locations could impact the appreciation of Oxford within its landscape setting. The application states that care has been taken not to locate new planting where it would grow to obscure the protected views.

193. Oxford City Council initially asked for additional information, requiring fully assessed CGI imaging to understand the impact on the setting of the city and also requested the view from St Mary's Tower to be considered as the vantage point as it is higher than others selected and a critical vantage point and also stated that Raleigh Park and Hinksey Interchange, whilst having visualisations of the existing view, had not been included in verified views. The Vale of White Horse District Council (VWHDC) stated OCC needs to ensure landscaping and tree removal does impact on the views to Oxford's skyline or impact on the setting.

194. A response from the applicant was produced, challenging the need for viewpoints from St Mary's tower, and explained that the other additional information has already been produced, pointing to the location in the ES. After the second consultation the City Council raised no further concern to the information provided, and VWHDC has raised no objection. Therefore, although the development would result in structures in areas of importance for the preservation of views, overall, it is considered that the development would retain significant views of Oxford and the green backcloth, in line with OLP policies DH1 and DH2.

Bridges and Flood Walls

195. OLP policy DH1 states that permission will only be granted for development of high-quality design that creates or enhances local distinctiveness.

196. VLP1 core policy 37 states all proposals for new development will be required to be high quality design which responds positively to the site and its surroundings, cultural diversity and history.

197. OMWCS policy C5 states that proposals for mineral development shall demonstrate that they will not have an unacceptable adverse impact including from visual intrusion. Where necessary, appropriate buffer zones between working and residential development will be required.

198. Specific concern has been expressed during the consultation periods about the design of the new bridges on Willow Walk and Devil's Backbone, and how they are assimilated into the landscape. A number of respondents, including OCCs Landscape Specialist, Oxford Preservation Trust, third party responses, Oxford City Council and Vale of White Horse District Council consider that the proposed design is not in keeping with the character of the area and that there is an opportunity for a better design that would make a positive contribution to the landscape and historic setting. Concern has also been expressed about the size and scale of the bridges.

199. The applicant has explained that the specifications for the new Willow Walk bridge are set by a range of factors including the need for high volumes of water to flow beneath it during flood events (affecting the bridge space and height), the need to carry occasional vehicular traffic for maintenance (affecting its width), standards relating to its use as a public right of way (affecting the height of the parapets) and the design loading and the span influence the thickness of the bridge base. They have stated that the designed layout and materials have been specified to keep the bridge profile as slim as possible. The further information submitted included further detail and amendments with regards to the materials that would be used. The applicant has explained that bridge design was informed by a pre-application consultation with the public.

200. The OCC landscape Specialist has considered the design and materials of the proposed bridges and is satisfied the design is acceptable overall. She states, whilst more bespoke designs would have been welcomed, she believes the chosen designs in combination with habitat creation and replacement planting will ensure that the proposed bridges will not appear overly prominent in time. Along with OPT and the City Council, the Landscape Specialist requested a pre-commencement condition requiring detailed design and materials of structures which include bridges.

201. A number of flood walls, embankments and bunds are proposed throughout the development in order to protect residential and commercial properties from flooding. This includes flood walls to the west of Seacourt Stream and Botley Road, around part of Seacourt Park and Ride, behind homes alongside allotments north of Botley Road, boundary of Osney Mead Industrial Estate, and to the north of the access road off the Abingdon Road (adjacent to Oxford Spires Hotel). The height of the walls does not exceed 2m in height, although some are on land raised above ground level. Materials used to clad flood walls would be in keeping with local materials used on structures and buildings in the surrounding area, which include brick and buff limestone course rubble stone.

The landscape impact of the flood walls varies from 'no significant impact', 'minor to moderate' to 'minor adverse'. Considering the height of the walls being no more than 2m in height and benefits the structures would bring to reducing flooding to local properties. I am of the view they are an acceptable in planning terms and will not cause significant harm.

202. The proposed design and materials for the bridges, bunds and flood walls are considered to be acceptable taking into account the engineering requirements, design, materials and landscape impacts. There is not considered to be any conflict with relevant policies including OLP policy DH1 and VLP1 core policy 37.

Transport

203. NPPF paragraph 117 states that all development that generates a significant amount of movement should be supported by a Transport Statement or Transport Assessment. NPPF paragraph 114 states that in assessing applications it should be ensured that opportunities for sustainable transport modes can or have been taken up, safe and suitable access to the site can be achieved and whether any significant impacts from the development on the transport network in terms of capacity or congestion, or on highway safety, can be cost effectively mitigated to an acceptable degree. Paragraph 115 states that development should only be refused on transport grounds where there would be an unacceptable impact on highway safety or the residual cumulative impacts on the road network would be severe.

204. OMWCS policy C10 states that minerals development will be expected to make provision for safe and suitable access to the advisory lorry routes shown in the plan and if possible, lead to improvements in the safety of all road users, the efficiency and quality of the network and residential and environmental amenity. Where practicable minerals shall be transported by rail, water or conveyor. Where minerals are to be transported by road, they should be in locations which minimise road distances.

205. OLP policy M2 states that permission will only be granted if the City Council is satisfied that adequate and appropriate transport-related measures will be put in place.

206. VLP2 policy 16 states that development must demonstrate that adequate provision will be made for vehicle turning, loading, circulation and servicing and that where the highway infrastructure is not adequate to service the development acceptable offsite improvements should be demonstrated.

207. VLP2 policy 17 states major developments will need to be supported by a Transport Assessment or Statement and Travel Plan.

208. There has been no objection to the proposals from OCCs Transport Development Control officer (TDC), and National Highways subject to conditions. Both consultees require a pre-commencement condition requiring the submission and approval of a Construction Traffic Management Plan which

would set out full details of the management of construction traffic and would need to be approved prior to commencement and updated at least every 6 months.

209. In the previous application TDC raised concerns over the closure of Old Abingdon Road and Kennington Road for up to 15 months. This would have significant impacts to buses, residents, and traffic flow on the ring road/A34. Pre-application discussions took place, and a solution was agreed for temporary carriageway between Old Abingdon Road and Kennington Road which would be subject to a 20mph speed limit.

210. In addition, TDC requests a condition requiring, prior to implementation of works in Area 4 of the scheme, a new temporary carriageway between Old Abingdon Road and Kennington Road shall be constructed and in operation. A Section 278 Agreement will be required which will first need to be approved by OCC.

211. There would be a temporary loss of up to 306 parking spaces and a permanent loss of 21 parking spaces at Redbridge Park and Ride as a result of the scheme. The temporary loss is due to the requirement for compound proposed during the construction phase. This is a decrease from the previously submitted application which is considered beneficial. TDC state that the expansion at Seacourt Park and Ride may be able to compensate some of the loss at Redbridge. There has been no objection from TDC to the impacts on the Park and Ride, although they require additional signage to inform drivers on the A34 when Redbridge is reaching capacity so that they can drive on to Seacourt. This can be provided through the Construction Traffic Management Plan.

212. Oxford City Council, who own Redbridge Park and Ride have not objected. Overall, it is considered that whilst there will be a temporary and permanent loss of spaces at Redbridge, the impacts can be mitigated through conditions for a Construction Traffic Management Plan.

213. The TDC officer states regular dialogue during the construction period with the EA, appointed contractor and OCC is needed to ensure that the impacts of the proposed scheme on the road network can be managed appropriately. The construction period will inevitably lead to travel disruption; however, this needs to be weighed against the benefits of the proposed scheme in terms of keeping the main routes into Oxford open during flood events.

214. The scheme would result in removal of material to create the proposed two - stage channel. Options for transporting the material such as the use of rail, barges, pumping etc. have been explored. But it has been concluded that the use of HGVs would be the appropriate option for the scheme submitted. A separate application for the use of rail maybe made in the future, potentially in the Autumn of 2024, but this is not a consideration for this application. The temporary road will allow for parts of Old Abingdon Road and Kennington Road to be closed to complete construction work in Area 4. The works will allow for buses to operate as they do currently.

215. South Hinksey Parish Council and individual residents are concerned about the impacts of HGVs using the Parker Road junction to access the A34. They have significant safety concerns. They state that the slip roads are short, and cars need to start from a standing start. HGVs laden with materials will need to join the A34 and will need a larger gap in the traffic to accelerate up to speed. They also state for residents, the lorry movements from the compound in the village will produce noise, pollution and disruption and will mean local cars and business traffic are likely to be stuck behind a HGV on the slip road in operational hours. The Parish Council would like the application not approved until an expected application for the movement by rail is submitted.

216. HGVs associated with the construction and the removal of minerals would have direct access to the A34 via Parker Road, in accordance with OMWCS policy C10. In the long term, once the scheme is operational, there would be no significant impacts on the highways. The construction period would cause disruption due to additional HGVs and the temporary closure of Old Abingdon Road and part of Kennington Road. However, this short-term disruption needs to be weighed against the long-term benefits of reduced disruption to Oxford's transport infrastructure during flood events.

217. Overall, it is considered that subject to the condition requiring approval and compliance with a comprehensive Construction Traffic Management Plan, and additional condition relating to the temporary carriageway, the proposals accord with the relevant development plan policies relating to ensuring that there is safe and suitable access and that suitable measures are in place in relation to highways impacts and also in accordance with the NPPF in that residual cumulative impacts on the road network would not be severe. Subject to conditions, the proposal is in accordance with OMWCS policy C10, OLP policy M2, and VLP2 policies 16& 17.

Rights of Way, Public Access and Open Space

218. NPPF paragraph 104 states that planning policies should protect and enhance public rights of way and access and local authorities should seek opportunities to provide better facilities for users, for example by adding links to existing rights of way networks.

219. OMWCS policy C11 states that the integrity and amenity value of the rights of way network shall be maintained and if possible, it shall be retained in situ in safe and useable condition. Diversions should be safe, attractive and convenient and, if temporary, shall be reinstated as soon as possible. Improvements and enhancements to the rights of way network will generally be encouraged.

220. VLP1 core policy 7 requires that all new development provides necessary onsite, and as appropriate off-site infrastructure.

221. VLP1 core policy 35 encourages walking and cycling and encourage new routes as part of the development.

222. VLP2 policy 16 states proposals for development will need to provide evidence to demonstrate that acceptable offsite improvements to the highway infrastructure, cycleways, public rights of way and the public transport network can be secured where these are not adequate to serve the development.

223. VLP2 policy 31 states development on and / or over public rights of way will be permitted where the development can be designed to accommodate satisfactorily the existing route, or where the right of way is incorporated into the development site as an attractive, safe, and continuous route. Alternative routes will need to be made equally or more attractive, safe and convenient to rights of way users.

224. VLP2 policy 33 states that development of open space will only be permitted if the open space can be demonstrated to be surplus to requirements or the loss would be replaced by equivalent or better provision in a suitable and accessible location.

225. OLP policy G4 states planning permission will not be granted for development that results in the loss of protected allotment sites or plots.

226. OLP policy G5 states that the City Council will seek to protect existing open space, sports recreational buildings and land.

227. The LTCP contains various policies which seek to promote cycling, walking and other non-motorised transport modes in developments including policies 1, 2, 3, 4, 5, 6 and 7. It also contains policies which support the provision and access to green infrastructure in policies 7 and 30.

Public Rights of Way

228. No additional formal rights of way are proposed as part of the scheme, however existing routes would remain, and some improvements are proposed, including along the Devil's Backbone and Willow Walk and an informal path behind the Fishes public house. There would be temporary diversions in place during the construction period and also some permanent closures and re-routeing of rights of way. Once construction is completed a permissive access for pedestrians and cyclists will be provided along the maintenance track beside the second stage channel from Osney Mead to Devil's Backbone, connecting to the existing footpath to Old Abingdon Road. In addition, the applicant states they will retain any existing permissive or informal footpaths on the land they own following construction, apart from few diversions. There has been no objection from the rights of way team.

229. There have been some objections to the detail of the scheme, from members of the public on the basis that opportunities have not been taken to enhance public access in the area, for example the provision of a cycle route alongside the new channel. Although Oxford City Council have not objected, they did state this could be an opportunity to make the paths less formalised whilst still functioning as cycle tracks. Whilst relevant policies do encourage enhancements to the rights of way network, the submitted proposals must be

assessed on their merit and it is considered that additional rights of way are not necessary to make the development acceptable in policy terms.

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 a permissive path, there is no legal requirement for the path to be diverted during construction.

231. The development is considered to be in accordance with relevant policies relating to protecting the rights of way network, including OMWCS policy C11, VLP1 policy 35 and VLP2 policies 16 & 33.

Open Space

232. The proposals affect a number of areas of public open space including Oatlands Recreation Ground, Seacourt Nature Park, Kennington Pool, Kendall Copse and Botley Park. The biggest impact on public open space would be during construction when open space within temporary working areas would be lost. There would be impacts on Bertie Place Recreation Ground from the use of this for temporary storage and drying of excavation material.

233. The longer-term impact on Oatlands Recreation Ground is not considered to be significant as although there would be a loss of level open space due to the new flood embankment, the public could continue to use the new sloping landform. However, the permanent loss in other locations is more significant, including the loss of 2.4ha of Seacourt Nature Reserve, Kennington Pit and Kendall Copse. Concerns were raised by the Oxford Flood Environment Group (OFEG) on significant loss of habitat at Kennington Pool/Pit.

234. The ES submitted with the application includes a chapter on recreation and public access which assesses the predicted impacts on a number of receptors, including pedestrians, cyclists, horse riders, users of small boats and users of recreational areas within the scheme area. This includes details of how disruption would be minimised through consultation, communication and phasing.

235. There would be a significant impact on Seacourt Nature Park, which is currently managed by Oxford City Council. This would include the loss of mature trees and alterations to the alignment of Seacourt Stream. However, there has been no objection to the impacts on this site from Oxford City Council, nor the OCC Ecology Specialist and the works in this area are considered necessary to achieve the flood alleviation benefits of the scheme.

236. In addition, there will be the loss of three allotments at Bulstake Close and two allotments at Osney Mead. The applicant proposes to mitigate the loss of

allotment gardens through the provision of a larger area of allotments to the west of existing allotments at Bulstake Close. There would be a conflict with OLP policy G4 as both allotments are protected allotment sites shown on the Oxford City Policies Map and would result in the permanent loss of allotments. But with the proposed mitigation for a larger area of allotments this would mitigate the loss of 5 plots. This can be secured by planning condition requiring that the existing allotments are not developed until the alternatives have been provided.

237. The scheme would bring disruption to public open space, particularly during construction but also in the longer term. However, it would also bring benefits in reducing the risk of flooding to recreational facilities and other areas of open space. There would be a conflict with OLP policy G5 as there would be the permanent loss of some areas of public open space. However, it is considered that these impacts have been minimised as far as possible and must be balanced with the benefits of the scheme for open space in terms of the reduction of flood risk and the provision of green infrastructure with some public access. Overall, the development is considered to be acceptable in terms of policies protecting public open space when weighed against the need for flood protection that would be provided.

238. The proposals are considered to be in accordance with OLP policies G4 & G5, VLP1 policy 35 and VLP2 policies 16 & 33.

Amenity and health

239. NPPF paragraph 191 states that decisions should ensure new development is appropriate for the location by taking into account the likely effects (including cumulative effects) on health, living conditions and the natural environment. This includes mitigating and reducing to a minimum potential noise impacts and limiting the impact of light pollution on amenity and nature conservation.

240. NPPF paragraph 217 states that when determining planning applications for mineral extraction, planning authorities should ensure that there are no unacceptable adverse impacts on human health and that any unavoidable noise, dust and particle emissions are controlled, mitigated or removed at source. Appropriate noise limits should be established for extraction in proximity to noise sensitive properties.

241. OMWCS policy C5 states that proposals for mineral development shall demonstrate that they will not have an unacceptable adverse impact on the local environment, human health and safety, residential amenity and the local economy, including from a range of factors including noise, dust, visual intrusion, light, traffic, air quality and cumulative impact. Where necessary, appropriate buffer zones between working and residential development will be required.

242. VLP2 policy 23 states that development proposals should demonstrate that they would not result in significant adverse effects on amenity of neighbouring uses including in relation to loss of privacy, visual intrusion, noise or vibration, odour,

dust, pollution or external lighting. VLP2 policy 25 states that noise generating development that would have an impact on amenity or biodiversity should provide an appropriate scheme of mitigation and development will not be permitted if appropriate mitigation cannot be provided in line with the appropriate British standards.

243. VLP2 policy 26 states that development likely to have an impact on local air quality must demonstrate mitigation incorporated into the design to minimise impacts. An air quality assessment will be required for development in areas of existing poor air quality.

244. OLP policy RE6 states that permission will only be granted where the impact of new development on air quality is mitigated and where exposure to poor air quality is minimised or reduced. Proposals that involve significant construction or earthworks will be required to submit a dust assessment as part of an Air Quality Assessment (AQA), to assess the potential impacts and health risks of dust emissions from those activities. Any appropriate site-specific dust mitigation measures will be secured as part of the Construction Management Plan (CMP).

245. OLP policy RE7 states that planning permission will only be granted for development that: a) ensures that the amenity of communities, occupiers and neighbours is protected; and b) does not have unaddressed transport impacts affecting communities, occupiers, neighbours and the existing transport network; and c) provides mitigation measures where necessary.

246. OLP policy RE8 states that permission will only be granted for development proposals which manage noise to safeguard or improve amenity, health, and quality of life. Planning permission will not be granted for development that will generate unacceptable noise and vibration impacts.

Noise and Vibration

247. The ES states the proposals would not create noise impacts during the operational stage, however there would be some impacts during construction works. Noisy activities would include the construction of flood walls, embankments, bridges and culverts, the creation of the new channel, widening of existing channels and sheet piles. This has the potential to affect a large number of properties for example on Botley Road, in North Hinksey village, in South Hinksey Village, Kennington Road and Redbridge Hollow. There would also be noise impacts on users of rights of way in the area.

248. The ES assesses noise impacts in relation to noise sensitive receptors in proximity to the works and along the routes taken by construction traffic. During construction noise and vibration would be caused by construction vehicles/plant and construction related activities including piling and general earthworks. A minor negative magnitude has been defined as a predicted outdoor noise level above 65 decibels (dB(A)) during the working day. The worst affected areas will be properties affected by sheet piling, as this is expected to be the noisiest

single activity. These locations are considered to have a 'minor to moderate adverse effect'. These areas most affected include:

- Junction of the A420 and WestWay,
- Properties on the western side of the junction of Botley Road/Bullstake Close;
- Properties on the junction of North Hinksey Lane and North Hinksey Village
- North Hinksey Church of England Primary School
- Saint Lawrence Church, North Hinksey
- Properties on the northern and eastern sides of South Hinksey

249. The highest predicted noise levels during construction would be 78.6 dB(A) to properties close to the piling works for the floodwall to the west of Seacourt Stream above Botley Road, 76.8 dB(A) for properties close to the piling works for the floodwall at South Hinksey, 74 dB(A) for properties close to the piling works for the embankment to the north of Botley Road, 65.5 dB(A) for properties and those attending North Hinksey Church of England Primary School and Saint Lawrence Church, North Hinksey and 63.4 dB(A) for the erection of the construction compound at South Hinksey.

250. Levels of vibration measured as Peak Particle Velocity (PPV) in mm/second would be significant at 1mm/second on human beings and 10 mm/seconds on buildings. The highest predicted level of vibration would be 0.2mm/second at any location during piling works. This would therefore not reach levels noticeable by people nor be at a level where building damage, even cosmetic, would be expected.

251. Details of mitigation measures are provided in the Environmental Action Plan and would be supervised by an Environmental Clerk of Works. Mitigation includes the following during the construction process:
    - Limited use of equipment on site as defined by the working hours to minimise noise and lights impacts. 7am -7pm Monday to Friday and 8am to 1pm on Saturdays. Pilling works to be restricted to 8am -6pm Monday to Friday. No construction activities on Sundays and public holidays.
    - Residents and commercial occupants to be notified of construction activities, through communication changes likes newsletters.
    - Appoint a Community Liaison Officer.
    - The works would be programmed and phased over the construction period to restrict impacts.
    - Adopt Best Practicable Means as defined in Section 72 of the Control of Pollution Act 1974.
    - Careful selection of equipment for example any compressors brought to the site would be super-silenced or sound reduced models fitted with acoustic enclosures.
    - Equipment would be properly maintained.
    - Equipment shut down when not use.
    - No vehicles to wait or queue on public highways with engines running.

252. These measures could be included in a Construction Environmental Management Plan (CEMP) which could be secured through condition if planning permission is granted.

253. No objections have been received from the VWHDC Environmental Protection Team, City Council, nor OCC Public Health Team in regard to noise and vibration. Concern has been raised by the South Hinksey Parish Council, about the generation of noise during the construction phase between 7am and 7pm.

254. Conditions can be used to set maximum acceptable noise levels for the construction operations as measured at the nearest sensitive receptors. Conditions can be used to restrict work hours during the construction period.

255. Subject to the relevant conditions to control noise, the proposals comply with relevant policies with respect to noise impacts including OMWCS policy C5, OLP policies RE7 & RE8 and VLP2 policies 23 and 25.

Lighting

256. Temporary external lighting would be required for construction works and temporary compounds. No specific concerns have been raised about the location of external lighting and there has been no objection from the Environmental Health Officer. The County's Landscape Specialist requires details on lighting to be used prior to commencement of the development. Mitigation measures are described in the ES, including positioning lighting columns to avoid spillage impacting on people or wildlife. The lighting details can be incorporated into a condition for a Construction Environmental Management Plan including full details of any external lighting required to ensure that lighting associated with the development would not give rise to unacceptable impacts on amenity. Therefore, subject to conditions the proposal is considered to be in accordance with relevant policies in this regard, including OMWCS policy C5, VLP2 policies 23 and 25 and OLP policies RE7.

Amenity - Local Liaison Meeting

257. I recommend a condition requiring a local liaison meeting. The local liaison meetings would give local residents, potentially represented by parish councillors, an opportunity to raise and resolve any potential issues on amenity. The local liaison meeting would be open to all parish councils impacted by the scheme. A pre-commencement condition should be attached to any planning permission granted which would require details of how the local meeting will be held. The group would need to meet at least twice a year for the duration of the construction period, and potentially only once a year during the aftercare period.

Amenity – concerns about impacts on South Hinksey village

258. The main compound is proposed to the north of South Hinksey village. When the previous planning application was submitted in 2018, the parish council and residents raised concerns about the location. A large number of objections have

been received from residents of South Hinksey Village and South Hinksey Parish Council have raised concerns about the location of the proposed temporary works area in fields immediately adjacent to the village and the related impacts on amenity including noise and pollution from lorries queuing alongside gardens, nuisance, noise and disruption from employees, lighting, cars and temporary structures at the works area. The applicant investigated various options to move its location, detailed in the ES. The alternatives would potentially have greater environmental impacts. The applicant has made some alterations to the design, which include a greater buffer area to set the compound back further away from the village, and a temporary earth bund screen which would reduce the disturbance. An indicative layout has been provided, with the applicant stating further details would be provided prior to construction commencing, a matter which could be provided for by condition should planning permission be granted.

259. The Landscape Specialist has no objection in regard to mitigation of visual amenity impact. But she did raise some concerns addressed in the landscape section. The compound would be in place for approximately five years but is necessary in order to construct the scheme. The applicant has listened to and sought to address where possible the concerns of residents of South Hinksey, and included a temporary bund and a buffer zone, so the active elements of the compound are located further away from the village with screening provided. No objections on the compound location have been received from OCC Public Health and Vale's Environmental Protection Teams.

260. Therefore, subject to a condition to require the submission and have approved detailed plans of the compound prior to commencement of the development, the amenity impacts on the village of South Hinksey village are considered to be in accordance with relevant policies in this regard, including OMWCS policy C5, VLP2 policies 23 and 25 and OLP policies RE7.

Air Quality and Health

261. The construction phase would consist of various activities that could potentially affect air quality in the local area. These activities include the movement of earth via excavation, flood defence construction, demolition and channel re-alignment procedures; increased use of site access roads by HGVs and other vehicles; and additional HGV traffic on the existing road network. It is not anticipated that the operational phase would cause any air quality impacts. Overall, the ES concluded that there would be no significant impacts caused to air quality.

262. The original air quality modelling was carried out in 2017. The data provided therefore predated the Covid-19 period, and the data collected regarding traffic was obtained in 2016 and monitoring data obtained in 2016. Therefore, the Oxford City Council 's air quality officer and VWHDC Environmental Protection Team recommended that the air quality modelling exercise should be re-done for this scheme, using 2019 as the model baseline year for traffic and air quality date, as 2020 and 2021 data should not be used as it is not representative of a 'business as usual' scenario.

263. The applicant provided an updated Air Quality Assessment using the 2019 data. The City Council's Air Quality Officer was happy with the data provided and that the development would not have a significant impact on air quality. No further comment has been received on this from the VWHDC Environmental Protection Team.

264. The OCC public health team state they support in principle the proposal, due to its potential to positively impact the local area and mitigate the impact of climate change. They comment though that the Air Quality Assessment (AQA) does not appear to pay specific heed to vulnerable receptors, such as children and older people and those living in higher areas of deprivation, instead it measures all receptors equally and require further reassurance on the air quality impacts.

265. The ES outlines the situation with regard to key sensitive human receptors and that the 21 worst case receptors were selected – these included homes, schools, hospitals and care homes. In the ES Addendum, the locations of the air monitoring points are given, as agreed with the Environmental Officers at the City and District Councils. Two of these locations are in close proximity to primary schools.

266. Using this information and subject to a condition requiring the monitoring of air quality during construction it is considered that the reassurance required that vulnerable human receptors has been accounted for.

267. Subject to the relevant conditions, the proposals are considered to be in accordance with policies with respect to protecting air quality, including OMWCS policy C5, VLP2 policies 23 & 26 and OLP policies RE6 & RE7.

Amenity and Health Conclusions

268. Overall, it is considered that the potential impacts on amenity and health can be addressed through planning conditions attached to any consent granted to control construction hours, noise limits and monitoring, details of external lighting and to secure the mitigation measures proposed in the ES. Therefore, subject to such conditions, the proposal is considered to be in accordance with the NPPF, OMWCS policy C5, OLP policies RE6, RE7, & RE8, VLP2 policies 23, 25 and 26.

Flood risk and water environment

269. NPPF paragraph 157 requires that the planning system should support the transition to a low carbon future in a changing climate taking full account of flood risk…. It should help to: shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience; encourage the reuse of existing resources, including the conversion of existing buildings; and support renewable and low carbon energy and associated infrastructure.

270. OMWCS policy C3 states that minerals development will, where possible, take place in areas with the lowest probability of flooding. Where development takes place in areas of flood risk, this should only be where other areas have been discounted using the sequential and exception tests as necessary and where a flood risk assessment demonstrates that risk of flooding is not increased from any source. The opportunity should be taken to increase flood storage capacity in the flood plain where possible.

271. OMWCS policy C4 states that proposals for mineral development will need to demonstrate that there would be no unacceptable adverse impact on surface or groundwater resources. Watercourses of significant value should be protected.

272. OMWCS policy C2 states that minerals development should take account of climate change.

273. OLP policy RE1 is wide ranging and encourages sustainable construction principles in the design and construction of development, where appropriate to reduce emissions, conserve water, enhance biodiversity. minimise waste and flood risk.

274. OLP policy RE3 states that permission will not be granted for development in flood zone 3b except where it is for water-compatible uses or essential infrastructure; new development will be directed towards areas of low flood risk.

275. VLP1 core policy 42 states that the risk and impact of flooding will be minimised through directing development to areas of lowest flood risk, ensuring that new development addresses the management of sources of flood risk and does not increase flood risk elsewhere and ensuring wider environmental benefits of development in relation to flood risk.

276. VLP1 Strategic Objective 12 states to minimise greenhouse gas emissions and other pollution… across the district and increase resilience to likely impacts of climate change, especially flooding.

277. VLP2 policy 30 states that development on or adjacent to watercourses will only be permitted where it would not have a detrimental impact on the function or setting of the watercourse or its biodiversity. Plans for development should include a 10m buffer along the watercourse. Development within 20m of a watercourse will require a construction management plan.

278. The Environment Agency is a statutory consultee with responsibility for commenting on applications in the floodplain. As the Environment Agency is also the applicant for this scheme, the consultee role was performed by EA officers from the Lincolnshire and Northamptonshire Area. Oxfordshire County Council as Lead Local Flood Authority (LLFA) also has responsibilities in relation to flood risk from surface water, groundwater and ordinary watercourses and have also been consulted and have commented on the application.

279. The LLFA initially requested further information after carrying out a peer reviewed study on the application. But after the second round of consultation,

their objection was removed, providing the works are carried out in accordance with the Flood Risk Assessment (FRA) and Technical Notes.

280. The EA as consultee have no objection subject to a number of conditions and informatives. The conditions cover FRA, penetrative methods of pilling, a pre-commencement condition requiring the submission of a water quality monitoring strategy, landscape management plan, and method statement outlined in the Environmental Action Plan.

281. The North Hinksey Neighbourhood Plan contains a section on flooding and references the proposed Oxford Flood Alleviation scheme. It states that residents are concerned about the impact of the scheme and that the project is not expected to reduce flooding in vulnerable parts of North Hinksey Parish. North Hinksey Parish Council made comments on the application, referring to flooding in relation to cost efficiency, comparing the option in the first round of consultation. The proposals are not considered to be contrary to any of the policies in the North Hinksey Neighbourhood Plan.

282. The Oxford Flood and Environment Group (OFEG) state in their responses, that they consider there is not a need to extract 450k cubic tonnes of soil and gravel when there are schemes which can achieve the same result in terms of flood protection with less destruction of irreplaceable habitats. There were a number of questions raised relating to ES Appendix Q in the third-party comments from OFEG, North Hinksey Parish Council (NHPC), Hinksey & Osney Environment Group (HOEG) and Oxford Preservation Trust (OPT). Appendix Q reviewed two flood models, firstly Scenario A1 (this scheme) versus Scenario A2 (no channel). They compared the two scenarios against different annual exceedance probability (AEP) flood percentages[6].

283. The applicant responded with a technical note to the various points raised in the Regulation 25 letter requesting further information and provided an updated Appendix Q document.

284. OFEG, HOEG, OPT, and NHPC continued to object to the application after the second round of consultation. OFEG make a number of statements including that '85% of measures can be introduced and do not depend on the channel' and suggest an incremental approach and a 'maintain and monitor' strategy. The majority of the third-party objections received relate to the requirement for a channel. OFEG consider that the EA's data in Appendix Q is not robust enough to make a decision on. However, the advice of the LLFA and Environment Agency as statutory consultees can be relied upon. They have considered the environmental information provided and concluded that they have no objection to this application in terms of flood and groundwater risk.

285. The purpose of the application is to reduce flood risk and it is anticipated that the completion of the scheme will lead to a significant reduction in flood risk for

[6] AEP is term used to describe a flood size, describing the probability that a flood of a given magnitude will occur within a period of one year. For example, a 1% AEP flood means you have a 1-in-100 chance that a flood of that size could occur in any one year.

Oxford. Therefore, the proposals are considered to be in accordance with OLP policies RE1 &RE3, VLP1 Policy 42 and OMWCS policies C3, & C4 in this regard.

286. The proposed scheme is classified as water compatible development with regard to assessing flood risk. It is accepted that this development necessarily must take place within the floodplain in order to achieve its aims and therefore it is considered that the sequential test is passed as there are no reasonably available alternative sites in areas of lower flood risk which could accommodate the development proposed. The development would increase flood storage capacity in the flood plain, in line with OMWCS policy C3 and comply with OLP policy RE3 as the development is water compatible and cannot be located outside of the flood plain.

Archaeology and Historic Environment

287. NPPF paragraph 205 states that when considering the impact of a development on the significance of a heritage asset, great weight should be given to the asset's conservation. Paragraph 206 requires a clear and convincing justification for any harm to, or loss to the significance of, a designated heritage asset. It confirms that significance can be harmed or lost through alteration or destruction of the heritage asset, or from development within its setting. Substantial harm to, or loss of, scheduled monuments and grade I and II* listed buildings should be wholly exceptional. Substantial harm to, or loss of, grade I and II listed buildings should be exceptional. A footnote confirms that non-designated heritage assets of archaeological interest that are demonstrably of equivalent significance to scheduled monuments, should be considered subject to the policies for designated heritage assets.

288. Paragraph 207 states that consent should be refused, where development will lead to substantial harm or total loss of significance of a designated heritage asset, unless the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss.

289. NPPF paragraph 208 states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal.

290. NPPF paragraph 209 states that the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.

291. NPPF paragraph 200 states that where a site includes, or has the potential to include, heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation.

292. NPPF paragraph 211 states that Local planning authorities should require developers to record and advance understanding of the significance of any heritage assets to be lost (wholly or in part) in a manner proportionate to their importance and the impact, and to make this evidence (and any archive generated) publicly accessible. However, the ability to record evidence of our past should not be a factor in deciding whether such loss should be permitted.

293. NPPF paragraph 212 states that proposals which preserve the elements of the setting of a heritage asset which make a positive contribution to the asset (or which better reveal its significance) should be treated favourably. NPPF paragraph 213 states that not all elements of a conservation area will necessarily contribute to its significance. Loss of an element which makes a positive contribution to the significance of a conservation area should be treated either as substantial harm under paragraph 207 or less than substantial harm under paragraph 208, as appropriate, taking into account the relative significance of the element affected and its contribution to the significance of the conservation area as a whole.

294. OMWCS policy C9 states that minerals development will not be permitted unless it has been demonstrated that there would not be an unacceptable adverse impact on the historic environment. Great weight will be given to the conservation of designated heritage assets including scheduled monuments, listed buildings and conservation areas. Proposals for mineral working shall wherever possible demonstrate how the development will make an appropriate contribution to the conservation and enhancement of the historic environment.

295. VLP1 core policy 39 states that the council will ensure that new development conserves and where possible enhances designated and non-designated heritage assets in accordance with national policy.

296. VLP2 policy 36 states that proposals for development which would affect heritage assets must demonstrate that they conserve and enhance the special interest or significance of the asset and its setting.

297. VLP2 policy 37 states that development within or affecting the setting of a conservation area must demonstrate that it would conserve or enhance its special interest, character, setting and appearance.

298. VLP2 policy 38 states that development affecting the setting of a listed building must demonstrate that it will conserve and enhance the heritage significance and setting, respect features of special interest and be sympathetic in design.

299. VLP2 policy 39 states that development will be permitted where it can be shown that it would not be detrimental to the site or setting of scheduled monuments, nationally designated or non-designated archaeological remains.

300. OLP policy DH2 states that the City Council will seek to retain significant views both within Oxford and from outside, in particular to and from the historic skyline.

301. OLP policy DH3 states that planning permission will be granted for development that respects and draws inspiration from Oxford's unique historic environment (above and below ground), responding positively to the significance character and distinctiveness of the heritage asset and locality.

302. OLP policy DH4 states that development proposals that affect archaeological features and deposits will be supported where they are designed to enhance or to better reveal the significance of the asset and will help secure a sustainable future for it.

Medieval Causeway and Culverts

303. An archaeological evaluation at Old Abingdon Road formed part of the ES. Historic England has concerns on heritage grounds. They advise the scheme's effect will be less than substantial harm, within the moderate to minor range of such harm to the setting of the scheduled culverts. The channel and road bridges would also be constructed through the line of an undesignated section of the causeway where the archaeological deposits are assessed as being of national significance. Historic England state the proposed scheme will cause a high level of harm to this undesignated section of the historic causeway at Old Abingdon Road. The ES states the residual effect is assessed in the application as 'moderate adverse', but Historic England have assessed this as 'large adverse'. Historic England state the minor change to the alignment since the 2018 planning application has not altered their advice.

304. Despite the high level of harm, Historic England understand the reasoning for the proposed route for the flood channel, as the only alternative viable route would have passed between the scheduled culverts and would have caused substantial harm. They advise the council needs to ensure the balancing exercise of harm against public benefit in the NPPF uses the correct level of harm (paragraph 208).

305. Because the non-designated parts of the causeway should be considered as part of a single nationally important heritage asset, it is demonstrably of equivalent significance to the scheduled monument. NPPF paragraph 206 (footnote) advises that it should be considered subject to the policies for designated heritage assets. It is considered that taking the harm to the designated and undesignated elements together, the overall harm caused to the causeway and culverts would be less than substantial but at the higher end. Therefore, NPPF paragraph 207 does not apply. NPPF paragraph 208 applies, and the harm must be weighed against the public benefits of the proposal.

306. The public benefits of this proposal are considered to be significant as the purpose of the scheme is to provide public benefits in relation to a major reduction in flood risk for the city of Oxford which would benefit around 1,600 properties. The implementation of the scheme would have widespread public benefits through protecting people, buildings and transport infrastructure from flooding and therefore supporting the economy. When weighed in the planning balance, these public benefits are considered to provide clear and convincing justification for when set against the identified harm that would be caused by

the development. Therefore, with respect to consideration of the less than substantial of harm and so impact on the nationally important causeway as a single nationally important heritage asset, the development is considered to be acceptable.

307. The proposals are also considered to be in accordance with other policies protecting scheduled monuments and nationally designated assets, including OMWCS policy C9, VLP1 policy 39, VLP2 36 and OLP policies DH3 and DH4. The proposals are not fully supported by VLP2 policy 39 as there would be some harm to the heritage asset. However, as this harm would be less than substantial the NPPF requires the harm to be weighed against the public benefits and it is considered that the significant benefits of this scheme do outweigh the harm.

Other archaeology on site

308. The ES includes an assessment of cultural heritage, including a desk based archaeological assessment, the results of a geoarchaeological investigation undertaken, a geophysical survey and a trial trench evaluation.

309. The site is in an area of considerable archaeological interest and the proposed route includes a number of areas of pre-historic settlement dating to the Bronze Age through to the late Roman period. There are also a series of stone causeways crossing the floodplain within the scheme boundary, dating from the Late Saxon to Medieval periods.

310. The OCC Archaeologist has no objection to the proposals. They did not agree with the conclusion of the ES, that there will be no further requirement for any recording of the geoarchaeological deposits on the site. However, the archaeologist is satisfied that this can be dealt with through conditions on any planning consent granted requiring details of a scheme of archaeological investigation to be submitted and approved and a staged programme of archaeological evaluation to be implemented in accordance with that.

311. The scheme falls partly in Oxford City. Oxford City Council provide archaeology advice for this area. The Oxford City Council archaeologist has not objected to the proposals and has also requested the archaeological conditions which include agreement with the conditions outlined by the County Archaeologist above, a method statement for the protection of upstanding earthworks, a programme of public outreach, archaeological interpretation signage and contingency arrangements for the reconstruction of significant historic masonry off-site.

312. As set out above there are significant public benefits that must be weighed in the planning balance against any harms. It is considered that the harm to the non-designated archaeology identified would be outweighed by these public benefits. It has been demonstrated through the technical work submitted with the ES, that the proposals would not have an unacceptable impact in terms of archaeology, subject to mitigation. This has been confirmed by the OCC and City Council archaeologists. Therefore, subject to conditions the proposal is

considered to be in accordance with OMWCS policy C9 in that there would not be an unacceptable adverse impact. It is considered that the proposals make adequate provision for the recording of archaeology, as required by the NPPF paragraph 200. The proposals are not considered to be contrary to OLP policy DH3 and the inclusion of permanent interpretation signage of key archaeological features is supported by OLP policy DH4.

Historic Landscape, Listed buildings and Conservation Areas and their settings

313. Section 66 (1) of the Listed Buildings and Conservation Areas Act 1990 states that in considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

314. Section 72 (1) of the Listed Buildings and Conservation Areas Act 1990 states that with respect to buildings or other land in a conservation area, special attention shall be paid to the desirability of preserving or enhancing the character if that area.

315. A heritage assessment was submitted as part of the ES. This considers designated heritage assets and their settings.

316. The development would give rise to a moderate level of less than substantial harm to the historic landscape setting of Oxford. Impacts on view cones is addressed above in the landscape and visual impacts assessment section of this report. The development would give rise to a moderate level of less than substantial harm to the historic landscape setting of Oxford. The heritage assets being the historic skyline and its composite listed buildings – the Central Conservation Area, Osney Conservation Area and Iffley Conservation Area. The harm would arise as a result of the engineered solution proposed to alleviate the natural flooding of watermeadows. Some design aspects of the development of the proposed of the bridges and the maintenance access tracks/roads would contribute to the aforementioned harm. It is possible that the identified harm could be further compounded if lighting is used.

317. The proposals would impact on the setting and thereby significance of Eastwyke Farmhouse (a Grade II listed building) giving rise to a lower level of less than substantial harm. The proposed development would alter the wider landscape setting of the Church of St John the Evangelist. The magnitude of impact would be negligible, and it is considered the harm would be less than substantial at the lower end.

318. The proposed development would be screened from the remainder of the Listed Buildings within New Hinksey and along Abingdon Road by intervening buildings and vegetation. Consequently, it is considered there would be no direct impacts to these assets through changes to their wider settings. The operation of the flood alleviation scheme would provide additional flood protection to these Listed Buildings which is considered to provide a moderate beneficial impact.

319. The proposed development would be entirely screened from the Old Whitehouse Public House by intervening residential buildings and vegetation. Consequently, it is considered there would be no direct impact to this asset through changes to its wider setting. The operation of the Scheme would provide additional flood protection to the Listed Buildings within Grandpont providing a moderate beneficial impact.

320. The proposed development would alter the wider landscape settings of 44 Manor Road, 32 Manor Road and the Church of St Lawrence in South Hinksey. There would be a slight visual alteration to the wider settings of these through the introduction of permanent flood defences, these would be clad sympathetically to reduce the visual impact of the new structures, and the introduction of a new channel feature within views to/from these assets. The magnitude of impact is considered to be minor. Any resultant harm to the significance of these assets is considered to be less than substantial at the lower end. There would be a temporary impact on the designated heritage assets within South Hinksey due to the presence of a proposed compound to the north-west of the village. This could result in visual, audible and vibratory impacts to the wider settings of these assets during the construction phase of the scheme. The magnitude of impact is considered to be minor. The proposed development would be screened from the remainder of the Listed Buildings within South Hinksey by intervening buildings and vegetation. Consequently, it is considered there would be no direct impacts to these assets through changes to their wider settings. The operation of the flood alleviation scheme would provide additional flood protection to the Listed Buildings within this South Hinksey which is considered to provide a moderate beneficial impact.

321. The proposed development would alter the wider landscape settings of 22 North Hinksey Village, 26 North Hinksey Village and 27 North Hinksey Village. The Scheme would result in a slight visual alteration to the wider settings of these assets through the introduction of a new channel feature within views from these assets to the north-east. The magnitude of impact would be negligible and any resultant harm to the significance of these assets would be less than substantial at the lower level. The Scheme would be screened from the remainder of the Listed Buildings within North Hinksey by intervening buildings and vegetation and it is considered there would be no direct impacts to these assets through changes to their wider settings.

322. The proposed development would alter the wider landscape setting of Hinksey Hill Farmhouse and the associated Hinksey Hill Farm Barn. The magnitude of impact would be minor, and any resultant harm is considered to be less than substantial at the lower end.

323. Part of the North Hinksey Conservation Area falls within the application boundary. The works within the conservation area would comprise a new weir. There would be a change to the floodplain setting of this conservation area through the introduction of the new channel. The ES states the magnitude of impact will be minor adverse, and the significance of effect will be slight adverse. This is considered to give rise to less than substantial harm at the lower end.

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. 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.

325. A small portion of the Iffley Conservation Area overlaps with the eastern limit of the wider study area. The ES states that given the distance from the scheme and conservation area, there will be no impact on the asset. No significant harm would be caused to the setting of the conservation area.

326. The channel would be a new addition to the landscape, however the setting would remain as open floodplain and the channel would be incorporated into the landscape over time, as set out in the landscape section of this report.

327. As set out above there are significant public benefits that must be weighed in the planning balance against any harms. It is considered that the harm to the listed buildings and conservation areas identified would be outweighed by these public benefits.

328. A moderate level of harm is considered to be caused to the historic landscape through the impact of the proposed development on the historic landscape setting of Oxford. The highest level of harm to listed buildings, conservation areas and their respective settings is considered to be less than substantial at the lower end, having taken into account the requirement to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses and also the requirement to have special regard to the desirability of preserving or enhancing the character and appearance of the conservation areas. When weighed in the planning balance against the significant public benefits of the proposed development, it is considered that the proposal is acceptable in terms of impacts on the historic landscape, listed buildings and conservation areas and their settings, in accordance with NPPF paragraphs 206, 208 and 213 OMWCS policy C9, OLP policy DH3, VLP1 core policy 39, and VLP2 policies 36 and 38.

Biodiversity and natural environment

329. NPPF paragraph 180 states that the planning system should contribute to and enhance the natural and local environment by minimising impacts on biodiversity and providing net gains in biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures.

330. NPPF paragraph 186 states if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused. Development resulting in the loss or deterioration in irreplaceable habitats should be refused unless there are

wholly exceptional reasons and a suitable strategy for compensation. Opportunities to incorporate biodiversity improvements in and around developments should be encouraged, especially where this can secure measurable net gains for biodiversity.

331. OMWCS policy C7 states that minerals development shall, where possible, lead to a net gain in biodiversity. The highest level of protection will be given to sites and species of international nature conservation importance (such as SACs and European Protected Species) and development likely to adversely affect them will not be permitted. Development shall ensure that no significant harm would be caused to:
    - Local Nature Reserves;
    - Local Wildlife Sites;
    - Local Geology Sites;
    - Sites of Local Importance for Nature Conservation;
    - Protected, priority or notable species and habitats,

    except where the need for and benefits of the development in that location clearly outweigh the harm.

332. It also states that all minerals development shall make an appropriate contribution to the maintenance and enhancement of local habitats, biodiversity or geodiversity and satisfactory long-term management for the restored site shall be included in proposals.

333. OLP policy G2 does not permit development that would result in a net loss of site and species of ecological value. On sites of local importance for wildlife, development will only be permitted in exceptional circumstances, the mitigation hierarchy approach is applied, and compensation and mitigation measures must achieve an overall net gain for biodiversity (5% net gain or more).

334. VLP1 core policy 45 states that a net gain in green infrastructure, including biodiversity, will be sought. VLP1 core policy 46 states that development which will conserve, restore and enhance biodiversity in the district will be permitted, opportunities for biodiversity gain will be sought and a net loss of biodiversity avoided.

335. DOLP policy G1 states that planning permission will not be granted for development that would result in a loss or deterioration of ancient woodland, or ancient or veteran trees and important hedgerows except in wholly exceptional circumstances or there is suitable compensation strategy in place.

336. DOLP policy G4 states that planning permission will only be granted for development where it delivers a minimum of 10% biodiversity net gain, as measured by the latest version of the DEFRA Biodiversity Metric, unless exempted by national legislation or guidance. Delivery that exceeds 10% net gain is strongly encouraged wherever possible. Applications are expected to prioritise the delivery of net gain on site and where this is not feasible, off-site delivery will be expected to accord with the following hierarchy of preference: Land in Oxford identified for its ecological potential within the Oxfordshire Nature Recovery Network or the future Local Nature Recovery Strategy;

elsewhere within the Oxford boundary; elsewhere within the Nature Recovery Network in wider Oxfordshire.

337. DOLP policy G6 states development proposals must seek to conserve and enhance biodiversity including safeguarding the key sites of Oxford's ecological network.

338. After the first round of consultation, further information was requested to cover matters including details of the biodiversity net gain (BNG) calculation, MG4 mitigation, clarification on loss of ancient boundary hedgerows, Strawberry clover mitigation.

Biodiversity Net Gain

339. Initially the OCC Ecology Specialist queried the condition assessments used in calculation of the biodiversity baseline and the timing of habitat creation used in the metric calculations. Following updates to the baseline data after the Regulation 25 request, the development would produce a net loss of -1.04% loss of area-based habitats, rising to 11.24% gain when off-site habitat creation is included, -14.11% loss of hedgerows, rising to 11.66% gain when off-site habitat creation is included and 13.83% gain in river habitat, rising to 15.22% gain when off-site habitat creation is included. Without the delivery of off-site BNG, the scheme would result in a net loss in area habitats and hedgerows, as well as failing to meet the trading rules for wet woodland, hedgerows and ditches. The provision of off-site net gains is therefore required to ensure that the application is compliant with national and local planning policy.

340. The applicant's BNG Calculator (Jan 2023) Report identified a number of suitable sites for off-site habitat and hedgerow creation and enhancements. Further information was requested with regard to the location of the sites proposed to deliver off-site BNG, in-principal agreement from the landowners to enter into a management agreement, a UK Habitats survey and proposals for habitat creation for each site and an updated biodiversity metric.

341. The applicant has submitted a letter of comfort on 11th April 2024, with supporting letters from landowners they are engaged with regarding off-site BNG provision. These landowners are Blenheim Estate, Earth Trust and Oxford City Council. The letter of comfort also gives a list of off-site BNG units broken down into habitat types. The applicant has confirmed that baseline surveys of the sites and assessments of suitability have been completed. The City Council's land would result in a freehold transfer to the EA if planning permission were successfully obtained.

342. The OCC Ecology Specialist advises that the applicant's letter of comfort and supporting letters from the landowners have provided a greater certainty about deliverability of off-site BNG. Updated surveys, biodiversity metric calculations and plans for off-site BNG would need to be secured. On-site BNG can be secured by planning condition along with the on-site 30 years Habitat Management and Monitoring Plan and any requirements for updates to the baseline position and post-development BNG. Off-site BNG provision, 30 years

Habitat Management and Monitoring Plan and the payment of a monitoring fee would all need to be secured through a section 106 Agreement.

343. Objections have been received from third parties in regard to the BNG survey data. This included a qualified ecologist who has sent several responses objecting to habitat surveys produced. They did not agree with the findings produced by the applicant. Advice was sought from OCC Ecology Specialist on the objection to the data. The County's specialist is of the view that applicant's methodology in producing the survey data was acceptable, which included applying updated BNG condition assessments, ensuring grasslands were surveyed prior to hay cutting, and the time of year the data was collected.

344. Although net gain on-site cannot be achieved, the applicant has stated in their letters of comfort they will commit to provide a minimum of 10% BNG through additional off-site provision. This additional provision will need to be secured via Section 106 agreement, and any planning permission granted will not be issued until all parties have entered into the agreement. Therefore, an overall net gain would be achieved in accordance with the above policies including Oxford City Council's OLP policy G2 of a 5% net gain. Therefore, it is considered that the proposals are in accordance with policies relating to BNG which include OMWCS policy C7, VLP1 core policies 45 & 46 and OLP policy G2.

345. A key principle of biodiversity net gain is that it does not change the protection afforded to biodiversity, therefore the legislation and policy considerations with regard to irreplaceable habitats, local wildlife sites and protected species still apply.

Loss of Irreplaceable Habitat

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), eliminate 62% of the Kennington Pool LWS, and result in the loss of both wet woodland and 3km of hedgerows prioritized for conservation.

347. Concern was received from Berkshire Buckinghamshire and Oxfordshire Wildlife Trust (BBOWT). This includes the loss of MG4 meadow grassland habitat, direct and potentially indirect impacts on other priority habitats, large loss of trees and direct and indirect impacts on several LWS, and several sites of Local Importance for Nature Conservation which includes Seacourt Nature Park.

348. The OCC Ecology Specialist states in light of these impacts, the scheme should be reviewed against the test set out in NPPF paragraph 186(a) to consider whether these significant biodiversity impacts can be avoided (through locating on an alternative site with less harmful impacts) and, in relation to the loss of irreplaceable habitat, the test set out in NPPF para 186 (c) needs to be applied to demonstrate whether there are wholly exceptional reasons. The City Council's Ecologist also had similar comments in regard to the loss of

irreplaceable habitat, stating the scheme should be refused unless there are wholly exceptional reasons and a suitable compensation strategy in place.

349. The VoWH District Council requested in both first and second consultation an assessment of effects on any ancient or veteran trees on or adjacent to the site. They further state OCC needs to weigh the public benefits of the scheme against the effects for any ancient or veteran trees as required by paragraph 186(b) of the NPPF. Ancient woodland, ancient and veteran trees are classed as 'irreplaceable habitat'. The Arboricultural Impact Assessment indicates that there are no areas of ancient woodland which will be affected by the proposed works. The ES concludes that there would be no loss of ancient or veteran trees.

350. The scheme looks to compensate for the loss of lowland meadow habitat at Hinksey Meadows, through the creation of 17.8ha of MG4 grassland at fields in North and South Hinksey. The OCC Ecology Specialist states that translocation and habitat creation are not a substitute for in-situ conservation of this type of habitat. If the translocation of turfs does not work, the applicant proposes sowing seeds from the existing MG4 meadows.

351. Objections were received from OFEG in regard to the loss of MG4 meadows, stating that there is only a 25% success rate in creating floodplain meadows in the UK according to the Floodplain Meadows Partnership. OPT and OFEG stated that Hinksey Meadows have a better ecological value than nearby SSSIs.

352. The OCC Ecology Specialist is satisfied that the mitigation and compensation measures that have been incorporated in the scheme are adequate.

353. A large number of third-party responses have been received objecting to the requirement for a secondary channel due to the impact on the lowland meadows. Many local residents are concerned on the potential loss of habitat.

354. The applicant addresses the loss of MG4 in section 2.3 of the ES and a Technical memorandum on Alternative Options. The applicant looked to minimise the impact on MG4a grassland by moving the channel from the centre of the meadow to the western side bordering Seacourt Stream, the alignment of the second stage channel was dictated by the need to avoid the electricity pylon and was re-routed to avoid the felling of a row of tall poplars, which help to screen the pylon and retail park. The dimensions of the second stage channel width and depths have been designed as narrow as possible to reduce the amount of MG4a meadow loss, without impacting flood modelling. The alignment of the channel also needed to consider other elements such as visual intrusion, access points, public amenity and private land.

355. The alternatives on the alignment of the scheme to avoid the loss of irreplaceable habitat have been fully considered and the proposed scheme has been designed to minimise the impact. Considering the nature of the issue, and its part urban setting, there are limited options to completely avoid all ecological impacts. The need for the scheme in terms of the provision of the need for flood protection to many local residents and businesses is considered to be a significant public benefit which in the planning balance out-weighs the potential

impacts on irreplaceable habitats and so harm. Potentially if nothing is done to manage flood risk, over 1,600 properties would remain at risk in a flood that has a 1% AEP event risk of occurring. Therefore, the significant public benefits of the proposed flood alleviation scheme is considered to be a 'wholly exceptional reason' for the loss of irreplaceable habitat as stated in paragraph 186 (c) of the NPPF.

356. Subject to appropriate controls through planning conditions and Section 106 Agreement as set out above, therefore, it is considered that the proposals are in accordance with policies relating to loss of irreplaceable habitat which include OMWCS policy C7, VLP1 core policies 45 & 46 and OLP policy G2.

Species surveys

357. As part of the application, a number of species surveys were undertaken to inform the assessment of ecological impacts from the scheme. The OCC Ecology Specialist noted key species including creeping marshwort, whorled water-milfoil, bats, otters, water voles and badgers. She has stated that pre-commencement checks for Kingfisher burrows and Red Kite nests will be needed.

358. Although many of the species' surveys are now out of date due to the period of time taken to process the planning application the information provided is still relevant. Most surveys for protected animal species were last undertaken in 2020. She recommends these surveys will need to be updated prior to commencement, therefore conditions will be required covering this aspect should planning permission be granted.

359. Creeping Marshwort and Whorled Water-milfoil are two plant species of importance. The applicant has submitted mitigation plans to protect populations of the two species. Receptor sites for the temporary translocation have not been identified. The OCC Ecology Specialist and the City Council's ecologist would like to see pre-commencement conditions to provide updates of the applicant's strategies for this attached to any planning permission granted.

360. A population of Strawberry Clover at Oatlands Road Recreation ground is reported as being of County importance and would likely be lost under the footprint of the raised embankment. The submitted Environmental Action Plan includes measures for compensation. This would include moving turves supporting the plant along the informal footpath at the Willow Walk side of Oatlands Recreation Ground. Neither the OCC Ecology Specialist nor the City Council's Ecologist object to this strategy which could be provided for through a planning condition should planning permission be granted.

361. The applicant has confirmed that there are three ponds within the scheme which are yet to be surveyed for Great Crested Newts (GCNs), as the ponds were dry, when they were surveyed. Therefore, the OCC Ecology Specialist had advised that pre-construction checks will need to be completed, which would need to be secured by condition to include any necessary mitigation if found, should planning permission be granted.

362. Surveys found 71 trees with medium- high roost potential which would be removed during the scheme, as well as roosts in one building and five bridges. A licence will be required to move up to six bat boxes, and trees with bat potential will be removed under an ecological watching brief. 117 new bat boxes will be erected as mitigation for loss of roosting habitat.

363. Low levels of otter activity were recorded throughout the scheme, but no holts or resting places were identified. No water voles were recorded, although it is assumed they are present in low numbers. Pre-commencement surveys will be required for both these species.

364. There are at least three badger setts which will need to be closed, and three to six which are likely to be disturbed by construction activity. Therefore, a replacement main sett will be constructed north of Botley Road. The OCC Ecology Specialist states that pre-commencement surveys, including a bait-marking study of setts directly impacted and surveys to confirm the extent of setts subject to disturbance will be needed. As mentioned above badger surveys will be required prior to commencement of the development, to be secured via a condition should planning permission be granted.

365. Therefore, subject to conditions as set out above, it is considered that the proposals are in accordance with policies relating to species surveys which include OMWCS policy C7, VLP1 core policies 45 & 46 and OLP policy G2.

Loss of Trees

366. The County Arboricultural Specialist initially requested further information in relation to the submitted Arboricultural Impact Assessment (AIA) and Arboricultural Method Statement (AMS). The further information was provided, and they have no objection subject to conditions.

367. In total approximately 2000 trees are proposed for removal as part of the scheme. A total of nine individual trees requires removal and one tree group requiring partial removal which were assessed as being of a high value (Category A retention value). The Arboricultural Specialist advised the number of high value trees exist as scattered features across the landscape within out any visual prominence, so as such, their loss should not be considered as a significant constraint to the scheme. The significance of tree removals is largely low value (Category C).

368. The Arboricultural Specialist states a number of trees in the AIA shown for retention are missing a Root Protection Area (RPA). Therefore, this information should be provided prior to commencement by condition in an updated AIA.

369. The Arboricultural Specialist also raised that the AMS refers to the main site compound but there is no reference to further smaller site compounds which will impact on a number of trees. The applicant needs to provide clarify on mitigation measures and how the trees will be protected and retained should the site

compound areas in the RPAs of these trees. This should be provided by a pre-commencement condition.

370. Therefore, subject to conditions, it is considered that the proposals are in accordance with policies relating to arboriculture which include OMWCS policies C7, & C8, VLP1 core policies 44, & 45 and OLP policy G2.

Habitat Management

371. As set out above, the OCC Ecology Specialist advises that a Habitat Management and Monitoring Plan should be secured for a period of 30 years, and this is proposed by the applicant. This is in accordance with OMWCS policy M10 which states that planning permission will not be granted for mineral working unless satisfactory proposals have been made for the restoration, aftercare and after-use of the site, including where necessary the means of securing them in the longer term.

372. BBOWT raised concerns on the length of long-term management. They would like to see mitigation and compensation to be provided in perpetuity and managed in perpetuity. Therefore, long term management would be for a minimum of 100 years. This has also been raised by a number of third-party representatives, that the applicant has not offered a longer period of long term management.

373. A 30-year management period would allow the meadows time to recover, provide for remediation where necessary and provide time for a sustainable management system for and in perpetuity to become established.

374. As set out above, this management can be secured by planning condition for the land within the application area with off-site management and the provision of a monitoring fee provided for through a Section 106 legal agreement.

375. The channel itself would be maintained by the Environment Agency as part of its responsibility for watercourses designated as main rivers.

Conclusion

376. In conclusion, the proposed development has undergone extensive consultation and review, particularly concerning the BNG elements and the loss of irreplaceable habitats. The applicant has provided sufficient comfort through letters and agreements with landowners to ensure the deliverability of off-site BNG. The commitment to a minimum of 10% BNG, secured via conditions and a Section 106 agreement, broadly aligns with national and local planning policies.

377. The loss of irreplaceable habitats, such as MG4a lowland meadow and Kennington Pool LWS, is significant. However, the applicant has proposed compensatory measures, including the creation of new habitats and the potential translocation of turfs. While there are concerns about the success rate

of such measures, the OCC Ecology Specialist is satisfied with the mitigation and compensation strategies proposed.

378. My assessment is that the scheme's significant public benefits in terms of flood protection for local residents and businesses outweigh the ecological impacts and so harms. The thorough consideration of alternative alignments to minimize habitat loss and the detailed planning to avoid additional environmental damage demonstrate a commitment to ecological conservation within the constraints of the project's objectives.

379. Pre-commencement conditions should be attached to any planning permission granted to include the submission for approval of a Construction Environmental Management Plan and its implementation; up-to-date protected species surveys.(including bats, badger, otter, water vole, great crested newt, kingfisher and red kite); updated mitigation strategies in relation to MG4 grassland, whorled water milfoil and creeping marshwort and their implementation; and an updated Environmental Action Plan, taking into account the outcomes of pre-commencement protected species surveys and updated mitigation strategies for MG4, whorled water milfoil and creeping marshwort.

380. Overall, whilst there would clearly be adverse impacts from the development on biodiversity, the significant public benefits of the proposed flood alleviation scheme are considered to outweigh these in the planning balance. A framework exists for achieving a net gain in biodiversity and subject to conditions and the Section 106 agreement as set out above the development is considered to be acceptable.

Green and Blue Infrastructure

381. OMWCS policy 10 seeks enhanced green infrastructure provision as part of the restoration of mineral workings. OMWCS policy C11 seeks the provision of public access to restored mineral workings, especially if this can be linked to the wider provision of green infrastructure.

382. OLP policy G1 states that permission will not be granted for development that would result in harm to the Green and Blue Infrastructure network, unless the loss would be replaced by equivalent provision elsewhere and there would be no loss in biodiversity. DOLP policy G1 also makes similar provision.

383. OLP policy G7 states that planning permission will not be granted for development that results in the loss of green infrastructure features such as hedgerows, trees or woodland where this would have a significant adverse impact upon public amenity or ecological interest. It must be demonstrated that their retention is not feasible and that their loss will be mitigated. Planning permission will not be granted for development resulting in the loss of other trees, except where it can be demonstrated that retention of the trees is not feasible, and the loss is mitigated by the planting of new trees. Loss of ancient or veteran trees will not be permitted except in wholly exceptional circumstances.

384. OLP policy G8 requires new and enhanced Green and Blue Infrastructure Network features to be incorporated into the scheme. Proposals affecting existing Green Infrastructure features, such as hedgerows, trees and small public green spaces, should demonstrate how these have been incorporated within the design of the new development where appropriate. Permission will only be granted for developments which affect public rights of way where they safeguard or improve the public rights of way network.

385. VLP1 Core Policy 45 seeks a net gain in green infrastructure.

386. The LTCP supports the provision and access to green infrastructure in policies 7 and 30.

387. As set out in sections above on biodiversity, open space and rights of way, the proposals would have impacts on hedgerows, trees, public green spaces and public rights of way. However, mitigation is proposed for these impacts. The proposals include planting more trees than would be lost and it is predicted that in the long term with off-site BNG mitigation there would be a net gain in biodiversity. The creation of a new channel would increase the length of blue infrastructure in the area. Public access via new permissive path provision is proposed. As set out above, the significant public benefits of the flood alleviation provided by the proposed development are considered to outweigh any harm to green or blue infrastructure in the planning balance.

388. Overall, it is considered that the proposals are in accordance with policies relating to green and blue infrastructure, including OMWCS policies M10 and C11, OLP policies G1, G7 and G8 and VLP1 Core Policy 45 along with the support provided by LTCP policies 7 and 30.

Soils and agriculture

389. OMWCS policy C6 states that proposals for mineral development shall take into account the presence of any best and most versatile agricultural land. Proposals should make provision for the management and use of soils in order to maintain agricultural land quality (where appropriate) and soil quality.

390. The site is located in the floodplain and is currently poorly drained. The ES states that all agricultural land within the site is classified as grade 3b. Best and most versatile agricultural land is defined as grades 1, 2 and 3a. Therefore, the site is not best and most versatile agricultural land.

391. The development would though lead to the loss of lower quality agricultural land. There will be a temporary disturbance of up to 100ha of grade 3b agricultural land, unavailable due to construction. This temporary impact would be for up to 3 years. The grade 3b agricultural land within the channel will become wetter, changing it to grade 4. Farming practices would therefore be restricted in parts of the second stage channel area due to severance and changes to the water regime leading to boggy soils in some areas. However, much of the second

stage channel area would be managed as floodplain grazing marsh following construction.

392. 19.7ha of the agricultural land would be used for mitigation planting upon completion of the scheme. In addition, 7.8ha of agricultural land would form the first stage stream, so would therefore be removed from agricultural use.

393. There has been no objection to the proposals from Natural England with regards to soils. They have provided standard advice recommending that the development is carried out in accordance with Defra guidance on the sustainable use of soils on construction sites.

394. There would be a temporary impact on local farm businesses and associated tenancies from temporary land-take during the construction works and impacts that would prevent the continuation of current farming practices in some areas up to three years. The impacts would impact on incomes of local farms.
Such impacts have been assessed in the ES as moderate adverse in nature.

395. The development is considered to be in accordance with OMWCS policy C6 as the agricultural land within the site is not classified as best and most versatile. The loss in quality of some land from grade 3b to 4 and any impacts on the farms affected is considered to be outweighed in the planning balance by the significant public benefits through flood protection that the development proposed would provide.

Socio-economic Impacts

396. OLP policy G1 states green and open spaces and waterways of the Green and Blue Infrastructure Network are protected for their social, environmental and economic functions.

397. OFEG objected to the planning application on the basis that the scheme is contrary to chapter 6 of NPPF- Building a strong, competitive economy. They stated in their objection the proposed development was not a good use of public money and would not be fit for use in order to protect Oxford from flooding.

398. A number of objections have been received from landowners, although some of the comments related to CPO Inquiry and were not planning matters. One objection was received from a third party involved in the 4th Oxford Scout Group. They stated they were in the process of agreeing a 99-year lease to lease land between Oxford Rugby Club and Hinksey Stream covering an 8-acre field and wanted to the land to build a new scout hut, camping for up to 60 days a year and access 150m of Hinksey Stream for variety of activities. The application proposes a stream and a lowered area of floodplain in the area, the land could be used for grazing of cattle. The case officer asked the applicant to discuss the objection with the third party. The applicant had a conversation with the third party and supports the idea of access to the area in general and for young people to have access. They would be happy to have further discussions but did not want to raise expectations and have not amended the planning application. The applicant has agreed to add the third party to the mailing list for

newsletter and updates. The case officer has had no further communication with the third-party representative at the time of writing this report.

399. The financial implications are not a material consideration when considering the planning application. The need for the proposed scheme has been addressed in the 'Principle of the Development' section above. No objections have been raised in regards whether it is 'fit for purpose' by the LLFA, nor the EA as consultees. There is a need for a flood alleviation scheme, in order to protect Oxford for the next 100 years. As set out above, this is considered to be a significant public benefit to be weighed in the planning balance.

400. The scheme is located close to a number of strategic employment sites and close to the A420 Botley Road. The reduction in flood risk that the scheme would bring is considered to contribute towards protecting necessary infrastructure and maintaining a sustainable economy.

Contaminated Land

401. VLP2 policy 27 states that proposals for the development of land known or suspected to be contaminated will require a Contaminated Land Preliminary Risk Consultant Report. OLP policy RE9 states that applications where proposals would be affected by contamination or where contamination may present a risk to the surrounding environment, must be accompanied by a report which details the investigations that have been carried out and sets out detailed mitigation.

402. As the application area includes land that was part of historic areas of landfilling, a Contaminated Land Assessment and Outline Remediation Strategy has been submitted with the application. The Oxford City Council Contaminated Land Officer has confirmed that the submission covers all the potentially contaminated sites, the investigations are sufficient, and the outline remediation strategy is acceptable. They have recommended a pre-commencement condition requiring a comprehensive remediation strategy and monitoring plan is submitted and approved and two additional conditions relating to remediation completion and a watching brief to identify any unexpected contamination. Therefore, subject to these conditions, it is considered that the proposal is acceptable in terms of contaminated land and in accordance with VLP2 policy 27, and OLP policy RE9.

Climate Change, Carbon Emissions, Natural Resources and Waste

403. The planning system has an important role to play in meeting the challenge of climate change. Paragraph 159 of the NPPF makes this explicit, and states that development should be planned for in ways that:

(a) Avoid increased vulnerability to the range of impacts arising from climate change. When new development is brought forward in areas which are vulnerable, care should be taken to ensure that risks can be managed

through suitable adaptation measures, including through the planning of green infrastructure; and

(b) Can help to reduce greenhouse gas emissions, such as through its location, orientation and design. Any local requirements for the sustainability of buildings should reflect the government's policy for national technical standards.

404. VLP1 core policy 43 states that developers should make effective use of natural resources, including by minimising waste, efficient use of water, improvements to water quality, taking account of air quality management plans, remediating contaminated land where necessary, avoiding development of the best and most versatile agricultural land and use of previously developed land where possible.

405. OLP policy RE1 encourages sustainable construction principles in the design and construction of development, where appropriate to reduce emissions, conserve water, enhance biodiversity. minimise waste and flood risk.

406. OMWCS policy C2 states that all developments should seek to minimise their carbon emissions.

407. The OCC Acting Environment and Heritage Group Manager provided commented on the application during the first consultation. He requested the climate chapter of the ES was supported by emissions calculations and also questioned why operation emissions had been scoped out but not construction emissions. Following this, the applicant stated that they included the outputs from the tool used to calculate the whole life carbon emissions associated with the scheme in Appendix T of the ES Addendum. This was an internal tool used on all the EA's projects and breaks down capital carbon for construction and operational carbon.

408. NHPC commented that the ES refers to the proposed scheme generating almost 20,000 tonnes of carbon over its lifetime, which goes against a net-zero carbon Oxfordshire by 2050. Concerns and objections have also been raised with regard to the release of sequestrated carbon from the existing soils and underlying materials and the removal of existing trees and other vegetation.

409. The ES states that a carbon calculator tool was used to select and design the scheme. Information on this is set out in the Details of the Proposed Development section of this report along with the applicant's consideration of how it could and would seek to reduce carbon emissions from the proposed construction. In order to reduce carbon emissions associated with removing excavated materials from the site, the soil requirement for new flood embankments is proposed to be met by reuse of excavated materials. Other methods to reduce carbon include use of low emission vehicles and use of a site waste management plan. This can be provided for through conditions including requiring the submission for approval of a Construction Environmental Management Plan and Site Waste Management Plan. The predicted amount of

carbon emissions once the site is operational is 909 tonnes over the designed period. This is considered to be minimal.

410. It is considered that the application takes account of climate change, in accordance with OMWCS policy C2. As set out above, the applicant has given proper consideration to alternatives and the conclusion reached is that the flood alleviation scheme proposed is that which is necessary to deliver the required level of flood relief over the designed period. The loss of trees, other vegetation and habitat and release of sequestered carbon is therefore a necessary impact if the proposed development and so flood protection is to be delivered. The proposed development would significantly reduce the risk of flooding which is otherwise forecast to rise due to the effects of climate change, increasing Oxford's adaptability to climate change. Climate change has been taken into account in the technical assessment work, including the Flood Risk Assessment and the landscape proposals which use tree species considered resilient to climate change.

411. The OCC Climate, agriculture and soils consultant commented on the second round of consultation. They had no objection subject to a pre-commencement condition being applied requiring a Carbon Management Plan being submitted and approved. This document should be a live document and updated throughout the project lifecycle. Therefore, it is recommended that a condition is attached to any planning permission that may be granted for this including that it be updated and submitted for review by every 6 months once development commences.

412. As set out elsewhere in the report, the proposals are considered acceptable in these regards. it is considered that the development will generate carbon emissions, chiefly during the construction period but that the applicant has set out how the scheme has been designed to reduce these and that it will continue to review and seek to minimise the emissions further. Taking into account that the development proposed has been designed to deal with flooding including the higher levels of predicted flooding due to climate change and the significant public benefit from so doing, and subject to these conditions, it is considered that the development is in accordance with the aims of the above policies.

Overall Conclusion and Planning Balance

413. The application that is the subject of this report seeks planning permission for a flood alleviation scheme to west and south of Oxford which has support from the Vale of White Horse and the City Council subject to conditions. The scheme aims to manage flood risk to Oxford over the next 100 years by creating more space for water in the western floodplain of the city. The construction of the scheme would reduce the impacts of flooding on homes, businesses, major roads and the railway.

414. Without a flood scheme, it's very likely flooding in western and southern Oxford would become more frequent and intense over the coming years. The scheme involves the construction of a two-stage channel that would convey flood water away from the built-up areas.

415. However, the proposed development is highly controversial and divisive locally and would cause localised harms and impacts that are of deep concern to affected residents and communities, in particular loss of MG4a grassland habitat, impacts on Willow Walk and the amenity impacts during the construction phase.

416. The scheme would cause localised harmful effects on the landscape character, biodiversity, archaeology and heritage assets within and around Oxford and neighbouring rural parishes. The scheme includes mitigation measures such as habitat creation, translocation of species, planting of trees, archaeological investigation and recording, and design of structures to minimise visual intrusion. Although there will be a slight reduction in biodiversity on-site and a loss of MG4a grassland habitat, approximately 2000 trees, and a number of established hedgerows, amongst other important habitats. Mitigation would be provided on and off-site, to provide a net 10% BNG, and look to meet important biodiversity trading rules, secured via conditions and Section 106 Agreement.

417. The scheme would use HGVs to transport the excavated materials off-site and would have minor to moderate adverse impacts during the construction phase. The County's Highways Team and National Highways have no objections subject to conditions. One of the conditions requires the submission and approval of a Construction Traffic Management Plan to minimise the impacts on the road network. The scheme would require temporary closures and diversions of some roads and public rights of way during construction, as well as the temporary and permanent loss of some parking spaces at Redbridge Park and Ride. However, the scheme would also provide a new permissive access for pedestrians and cyclists along the maintenance track beside the second stage channel and would reduce the disruption and damage to transport infrastructure during flood events.

418. The scheme is generally in accordance with the relevant planning policies relating to flood risk, water environment, landscape, heritage, biodiversity, transport, and sustainable development. The scheme has undergone extensive consultation and review, and applicant has looked to address the concerns and objections raised by various interested parties, including local residents, interest groups, statutory consultees and local authorities.

419. The proposed development would cause harm to the Green Belt by way of its inappropriateness and impact on openness. This harm should only be allowed in very special circumstances and where the harm to the Green Belt and all other harms is outweighed by the benefits of the scheme. It is the advice of officers that very special circumstances are present in this instance and therefore that the development is in accordance with national and local policies that seek to protect the Green Belt. The scheme would also need to be referred to the Secretary of State for determination, as it involves inappropriate development in the Green Belt.

420. A scheme of this scale would have wide ranging and some considerable adverse impacts on the existing biodiversity including the loss of irreplaceable

habitat at Hinksey Meadow. There would be less than substantial harm at the higher end to the heritage asset at Old Abingdon Road. There would be a loss in agricultural quality of some agricultural land from grade 3b to 4. There would be adverse impacts including from traffic on local amenity during construction.

421. Appropriate mitigation is proposed in relation to significant adverse impacts and so harm however, these harms cannot be entirely mitigated. There are some development plan policies which do not fully support elements of the proposal. However, the completed scheme would bring significant public benefits through reduced flood risk to Oxford, and this must be balanced against the significant adverse impacts and so harm. Overall, the scheme is considered to be generally in accordance with the development plan and subject to conditions and provisions made through a Section 106 Agreement to mitigate the impacts, the harms identified are outweighed in the planning balance by the benefits.

Financial Implications

421. Not applicable as the financial interests of the County Council are not relevant to the determination of planning applications.

Legal Implications

422. Legal comments and advice have been incorporated into the report.

Equality & Inclusion Implications

423. In accordance with Section 149 of the Equality Act 2010, in considering this proposal, due regard has been had to the need to:

- Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act.
- Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it.
- Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

424. It is not however considered that any issues with regard thereto are raised in relation to consideration of this application.

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, signing of a Section 106 Agreement to secure the 30 years Habitat Management and Monitoring Plan for offsite BNG and a monitoring fee 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.

Nicholas Perrins
Head of Strategic Planning

Annex:	Annex 1: Conditions Annex 2: Environmental Statement Annex 3: Consultation Responses Summary Annex 4: Representations Summary Annex 5: Habitats Regulations Assessment Annex 6: European Protected Species
Background papers:	Nil
Other Documents:	Oxfordshire Minerals and Waste Local Plan Part 1: Core Strategy (OMWCS) Oxfordshire Minerals and Waste Local Plan 1996 saved policies (OMWLP) Oxford Local Plan 2016 -2036 (OLP) Vale of White Horse District Local Plan Part 1 Vale of White Horse District Local Plan Part 2 North Hinksey Neighbourhood Plan National Planning Policy Framework National Planning Policy for Waste National Planning Practice Guidance Local Transport and Connectivity Plan 2022-2050 Noise Policy Statement for England 2010 National Design Guide SODC and VoWHDC Joint Design Guide (2022) Draft Oxford Local Plan 2040

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 bleepers 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.

Compliance with National Planning Policy Framework

In accordance with paragraph 38 of the NPPF Oxfordshire County Council takes a positive and creative approach and to this end seeks to work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. We seek to approve applications for sustainable development where possible. We work with applicants in a positive and creative manner by;

- offering a pre-application advice service, as was the case with this application, and
- updating applicants and agents of issues that have arisen in the processing of their application, for example in this case further information was sought on a range of topics to address the concerns and objections raised by consultees during the first consultation.

Annex 2 - Environmental Statement

An Environmental Statement was submitted with the planning application.

1. Chapter 1 covers the background to the project, this includes a location and site description, what the project objectives are and how the ES is structured.

2. Chapter 2 addresses the project development. It sets out the information how the scheme was developed through the preliminary stages. In particular Chapter 2.3 sets out the alternative options considered, why options were discounted and why the chosen option was selected. It also addresses some key alternatives proposed by third parties and why they were not taken up.

3. Chapter 3 describes the scheme in detail, covering both construction and operational phases of the development.

4. Chapter 4 sets out the EIA methodology. The chapter provides the approach the EIA methods during the assessment.

5. Chapter 5 covers impacts on the local community, including noise, health and socio-economic impacts. This identifies a range of businesses and organisations within and adjacent to the scheme boundary that have the potential to be affected. Potential impacts during construction are considered. A number of properties are identified at which there would be a minor to moderate adverse impact. Overall, the temporary impacts on noise sensitive receptors are assessed as minor to moderate adverse. Temporary minor adverse impacts are recorded for local businesses, utility services, road users during temporary road closures. It also notes the longer term major beneficial effects of the reduced flooding risk.

6. Chapter 6 addresses recreation and public access. It identifies a number of formal and informal rights of way and other routes as paths. It sets out the proposed temporary and permanent changes to routes within the application site. Most routes assessed would experience minor to moderate adverse impacts. The impacts on public open space, recreation and allotments are assessed as minor adverse. Effects during the operational phase are assessed and include the permanent loss of public open space and an increase in obstructions on rights of ways including ramps and floodgates. Mitigation includes careful phasing of works and informative signage. Residual impacts identified include minor adverse impacts include temporary and permanent re-routing and closure of footpaths, loss of public open space, restricted access to small boats and canoes on watercourses and additional noise and dust in Hinksey Park.

7. Landscape and visual amenity are covered in chapter 7. This assesses the impacts of the scheme on a number of viewpoints and on visual amenity and landscape character. Mitigation measures are set out for the construction phase including screening bunds, sensitive positioning of structures and tree protection. Mitigation is also set out for the operational phase including

woodland and freshwater habitat creation. The only residual adverse effects identified relate to Kendall Copse.

8. Chapter 8 relates to flora and fauna. This considers the relevant international and national designated sites within 2km of the scheme, along with local designated sites within and adjacent to the scheme boundary. A range of habitat types and protected and notable species within the scheme area are described including loss of lowland meadow at Hinksey Meadows (which supports nationally rare MG4a grassland communities). Impacts are then assessed for both construction and operational phases and mitigation set out. This includes creation of new meadow, specific mitigation strategies for individual species including translocation of plants and checking of the site by an ecologist prior to works commencing. The residual impacts include minor adverse impacts including on bats and the loss of woodland. Potential moderate adverse impacts are identified should mitigation fail, including the loss of lowland meadow should translocated plants not thrive and on creeping marshwort. A number of minor beneficial impacts are identified including on fish, rivers and eutrophic standing waters.

9. Water and hydromorphology is covered in chapter 9. This considers surface water, ground water, flooding, water dependant ecosystems and water quality. Potential significant effects during construction include discharge of silty water, leaching from soil stockpiles and changes in groundwater levels due to It considers changes to groundwater levels beneath water dependant ecosystems. Mitigation has been incorporated into the scheme design to reduce these impacts. There would be a reduction in flooding which would impact ecological habitats. Mitigation is set out for the new channel which cuts into old landfill material around Redbridge and Kennington. This would reduce potential for water pollution from leachate seepage. Residual effects are assessed as minor.

10. Chapter 10 addresses cultural heritage, including archaeology, historic buildings and historic landscape. It identifies a total of 210 cultural heritage assets within the study area. These comprise 143 assets in the category of Archaeological remains, 45 assets in the category of Historic Buildings and 22 assets in category of Historic Landscape. These include two high value archaeological remains and five high value historic buildings, including the 13th century church at South Hinksey, the scheduled monument comprising Norman and medieval culverts on Old Abingdon Road. The significance of the effects on assets is assessed with large adverse effects recorded for some assets including a cremation burial, undated trackway and enclosure, Old Abingdon Road culverts and a prehistoric occupation. Impacts would be less significant during the operational phase, although there would still be a moderate adverse impact on the Old Abingdon Road culverts due to the change to the setting. In terms of the historic landscape, the most significant effects would be on the Hinksey Stream and Bulstake Stream. Mitigation is proposed including archaeological evaluation. Residual effects are considered to be moderate, slight or neutral.

11. Traffic and transport impacts are assessed in chapter 11. The scope of the study includes highways, junctions and the Park and Ride facilities at Redbridge and Seacourt. It states that during construction the main impacts would be from delivery and removal of construction equipment and materials and movements of construction staff. To prevent the need to close Old Abingdon Road, the ES proposes the construction of a temporary carriageway linking Old Abingdon Road and Kennington Road, this would include a small compound to the west side of Kendall Copse to service these works. There would be several main accesses to the major highway network, at Seacourt Park and Ride, an upgraded path off Abingdon Road opposite Hinksey Park and a field access on the eastern side of Parker Road near the A34 roundabout. Impacts are found to be minor adverse, except in relation to Old Abingdon Road and adjacent roads, which would be moderate adverse. It states that during the operational phase the scheme would bring benefits to the resilience of the transport network. A Construction Traffic Management Plan would provide mitigation, although this would not change the significance of the assessed impacts.

12. Chapter 12 covers the sustainable use of land, including soils, agricultural land and contamination. This states that 87% of the site area is agricultural land, the majority of which is grade 3b. The soil resource is therefore considered to be medium value. The site is underlain by floodplain alluvium over sands and gravels. Areas of higher contamination potential are identified and comprise a number of historic landfills. Contamination is present in these areas but that is not considered to present a risk to the environment. Potential impacts from the construction works include compaction of soils, disruption to farming practices, exposure to soil contamination. These are considered to be manageable, and the scheme design incorporates mitigation measures. The residual effects are moderate or less.

13. Chapter 13 covers air quality in relation to construction traffic and considers human health and ecology. Six sensitive areas for air quality, which are within or close to Air Quality Management Areas (AQMAs). Mitigation is proposed including low emission vehicles, off-peak movements and air quality monitoring. Residual effects are assessed as negligible.

14. Chapter 14 covers carbon, sustainability and climatic factors. This states that a carbon calculator was used to design the scheme and that environmentally sustainable techniques and materials have been incorporated where possible. An Environmental Action Plan is provided, along with a Post-Construction Monitoring Plan. A long-term management plan for landscape and habitats is set out.

15. Chapter 15 looks at cumulative effects and inter relationships. This considers potential cumulative effects between the different impacts and also with other development, such as the expansion of Seacourt Park and Ride. It concludes that the scheme would not have significant impact on other schemes. Potentially the worst affected in terms of cumulative impact being the Oxford Corridor Scheme which would be avoided or minor adverse. The cumulative impact on A423 Kennington Bridge replacement would be negligible.

16. Chapter 16 covers Potential changes to impacts if the rail sidings are used': presents the differences in the predicted environmental effects if both planning consents are granted and the rail sidings are used for transport of a proportion of the spoil material.

17. Chapter 17 addresses management and monitoring of the site once operational. This includes how monitoring will be carried out to check that mitigation measures have been effective.

18. In the final chapter (18), it summarises the key findings of the assessment. The Environmental Statement concludes that there would be a number of significant adverse impacts remaining following mitigation, however the scheme would result in significant socio-economic benefits through the reduction of flood risk.

19. The significant adverse impacts remaining following mitigation are:

- Temporary disruption to residents, visitors and businesses due to localised noise and access disturbance during construction.
- Temporary reduction in visual amenity and adverse impacts on landscape character during construction.
- Loss of lowland meadow at Hinksey Meadows (which supports nationally rare MG4a grassland communities), wet woodland and eutrophic standing waters at Kennington Pit during construction.
- Loss of other grassland areas, notably a field south of North Hinksey and an area near the railway south of Osney Mead.
- Loss of wet woodland during construction. These losses will be offset by creating approximately 8.9ha of wet woodland and further wet woodland in offsite locations to ensure an overall net gain in habitat.
- Potential direct damage to parts of a medieval causeway at Old Abingdon Road, which are considered of national importance, from partial removal of buried remains of Norman and medieval culverts, road surfaces and structures, which will lead to the reduced significance of the structure during construction of channel culverts. Further archaeological excavation will be undertaken to record appropriately any features lost.
- Loss of buried archaeology in some areas of known value, offset by a strip, map and sample programme to record all finds.
- Temporary disturbance to Grade 3b agricultural land during construction and permanent loss to agriculture of up to 100ha of agricultural land in the permanent footprint of the Scheme.
- Permanent impact on the land available to some farm businesses.

<u>Further Information</u>

20. Further environmental information was submitted in late February 2023 to supplement the original Environmental Statement included. These changes are picked up in the Environmental Statement Addendum. There are additional technical notes providing further details on the changes.

21. Summary of the key changes after Regulation 25 request was sent to the applicant:

    a. An updated biodiversity net gain calculator score to reflect the changes to the methodology in the DEFRA Biodiversity Metric 3.1. The applicant also completed a review and update on the existing condition scores and associated additional survey, the inclusion of 'delay in year' condition resulting from a delay in planting future habitats and information on off-site biodiversity net gain delivery.
    b. Additional Arboricultural information
    c. An updated Agricultural Holdings impact assessment
    d. An updated Environmental Action Plan to address queries.
    e. Updated information on Air Quality
    f. Updated landscape and planting plans
    g. A minor update to the No-channel Modelling Report
    h. Inclusion of the Carbon Calculator detailing the calculation used to estimate the carbon emissions figures quoted in the ES.
    i. Additional Information on the options assessed for the proposed 2 stage channel route alignment. This includes providing a document titled 'Alternative Options Note' dated February 2023. It supplements the original ES, acknowledges Hinksey Meadow is an irreplaceable habitat and identifies the public benefits of the scheme to weigh against the fact that there will be a loss of some of the irreplaceable habitat.
    j. An updated Landscape and Habitat Creation – Delivery and Management Plan

22. The figures listed below in the ES have been superseded by the ES Addendum:

- 1.1 Scheme overview (Updated)
- 1.3 Study area and Scheme boundary (Updated)
- 1.4 Flood Extents (Updated)
- 3.1 Scheme overview (Updated)
- 5.1 Local community and socio-economic assets (Updated)
- 6.1 Recreation and public access (Updated)
- 6.3 Informal paths and permissive access routes: closures and diversions (Updated)
- 7.1 Study Area for Landscape and Visual Impact Assessment (Updated)
- 7.2 Zone of Theoretical Visibility (Updated)
- 7.3 Oxfordshire Historic Landscape Characterisation (Updated)
- 7.4 National character areas (Updated)
- 7.5 Regional character areas (Updated)
- 7.6 Local landscape character areas (Updated)
- 7.7 Viewpoint location plan (Updated)
- 8.1 Nature conservation designations (Updated)
- 8.2 UK Habitat Classification (UKHab) Plan (Updated)
- 8.3 Priority habitats prior to Scheme (Updated)
- 8.5 Priority habitats after Scheme construction and mitigation (Updated)
- 9.1 Hydrological and wetland features (Updated)
- 10.1 Archaeological remains (Updated)
- 10.2 Historic buildings (Updated)

- 11.1 Study area for traffic and transport assessment (Updated)
- 12.1 Made ground and potential sources of contamination (Updated)
- 12.2 Agricultural Land Holdings (New Figure)
- 13.1 Affected Road network, key sensitive human and ecological receptors (Updated)
- 13.2 Air Quality Management areas and Local Authority Air Quality Monitoring (Updated)

23. The ES addendum concludes that none of the above changes or additional information changes the conclusion of the originally submitted ES.

Annex 3 – Consultation Responses Summary

Oxford City Council - Planning

First Response

1. Support the application for the Oxford Flood Relief Scheme. Every opportunity should be taken to improve public access along areas opened up by the scheme, including a new safe cycle route north to south through the city. Primary concern is the functioning of the Park and Ride (P&R) sites. It is vital that impacts on the P&R sites during construction is minimised, works are phased so only one P&R is affected at a time, that the implementation of this scheme at Seacourt P&R reflects the permission granted for the extension of this site and enables that to process as soon as practicable. Also, the County Council should ensure that suitable access is retained to all currently publicly accessible sites.

Oxford City – Air Quality

First Response

2. The air quality air modelling was carried out in 2017, at the time of sending the first response was 6 years old. The data provided therefore predates Covid-19 period, and the data collected regarding traffic was obtained in 2016 and monitoring data obtained in 2016. Therefore, the Oxford City Council ‘s air quality officer recommends that air quality modelling exercise should be re-done for this scheme, using 2019 as the model baseline year for traffic and air quality date, as 2020 and 2021 data should not be used as it is not representative of a ‘business as usual’ scenario.

Second Response

3. The latest figures show that the new OFAS scheme is not expected to significantly impact on air quality more than the previous version did. It would be useful to have a new AQ assessment updated taking into account the latest air quality levels measured, but also aware that this would at point delay the project even more, as the end result of that updated assessment and its conclusions can be predicted with a reasonable level of certainty.

Oxford City Council – Archaeology

First Response

4. City Council Archaeologist recommends a two-stage condition comprising firstly trial and trenching and secondly mitigation phases s recommended. They refer to County Archaeological service on the wording of the condition.
5. They would like if minded to approve, a condition requiring archaeological outreach programme to accompany the fieldwork. Which includes detailed programme covering open days, archaeological leaflets, news and social media strategy and information boards and posters. They would also like a scheme covering a programme of schools outreach work and public talks.

6. Additional pre-commencement condition is also recommended which would require a detailed design and method statement for the protection and or reinstatement of impacted historic earthworks.

7. Recommended a condition requiring method statement prior to the completion of landscape works regarding the installation of archaeological interpretation boards and storage and redisplay of any substantial medieval masonry in the event that an in situ medieval culvert arch is encountered during archaeological excavations.

Second Response

8. No Further Changes to original comments

Oxford City Council – Contaminated Land

First Response

9. The site investigations are considered sufficient. Recommend conditions to secure the remediation strategy, remediation works as necessary and watching brief for unexpected contamination.

Oxford City Council – Flood Mitigation

First Response

10. Satisfied that the model has been through rigorous assessment and verification. A condition should be added to require flood management plans and for the temporary works as details have not been provided. There should also be a condition requiring that temporary structures, roads and compounds are either permeable or appropriately drained.

Second Response

11. No Further comments

Oxford City Council – Green Belt and Policy

First Response

12. There is policy support for flood mitigation in Oxford. Oxford City Local Plan recognises the potential benefits of the OFAS Scheme, with para 4.18.

13. The proposal involves some temporary and some permanent impacts/loss of various types of green infrastructure including protected ecological sites (G2), protected open space (G5) and allotments (G4) as well as green belt (G5).

14. Impacts upon protected ecological sites, which includes local wildlife sites, Oxford city wildlife site and other areas of high ecological value would only be permitted in exceptional circumstances as set out in policy G2. The proposal includes details for how these have been assessed and mitigated for as part of the design and sets out that the Defra Metric 3.0 has been used to demonstrate net gains in biodiversity above the 5% required by Oxford City Council Local Plan policy overall as part of the project.

15. Whilst some losses of open space under G5 can be permissible in some circumstances, where they meet the allowances under a) to c) of the policy, loss of allotments is not permitted under the Oxford City Council Local Plan, policy G4.

16. The Council is particularly aware of the confluence of flood risks that are present in the city and of the likely trends towards increasing occurrence and duration of flooding events in the future in the face of climate change. Oxford Local Plan policies RE3 and RE4 highlight the importance of ensuring that new development takes account of and addresses the current and future risks and requires that proposals within flood zones 2 and 3 must be accompanied by a Site-Specific Flood Risk Assessment (FRA) to align with National Policy. The FRA must be undertaken in accordance with up-to-date flood data, national and local guidance on flooding and consider flooding from all sources. The development is located in an area of flood zone 3 and the statement sets out that an FRA has been completed for the project, that it takes into account the requirements as set out in policy RE3 and demonstrates that the scheme does not result in increased flood risk elsewhere.

17. As identified in the planning statement, the site is located in the Green Belt. Oxford City Local Plan 2036 policy G3 sets out Green Belt policy. Proposals for the development in Green Belt will be determined in accordance with national policy.

18. The applicant has set out their understanding of how the proposal aligns with what would be considered 'appropriate development' under national policy, whilst also citing case law where similar proposals have been accepted in the green belt elsewhere. They have also highlighted concerns received through pre-application discussion from various stakeholders regarding appropriateness of the specifics of their proposed development and put forward details of how the design has been rectified to accommodate these concerns since. Out of abundance of caution, they go on to set out an argument for Very Special Circumstances, should the proposals be considered as inappropriate development, including benefits for flood risk reduction across the city, that the proposal would continue to prevent urban sprawl and that it would retain openness.

Oxford City Council – Heritage and Urban Design

<u>First Response</u>

19. The development has potential for harm to Oxford's heritage. The heritage assets potentially affected are: the setting of nearby historic settlements including the conservation area of South Hinksey, surviving field patterns, ancient hedgerow and crop markings which inform and enable the observer to understand the historic development of the landscape.

20. The design of bridges within the scheme, in particular the bridge guarding needs to be carefully designed rather that the standard railings that are proposed. They had concerns about some of the bridges being too urbanised, would like to see them less formalised. The landscape strategy should be given more consideration to respect the existing landscape character and historic setting of the city. Consideration should be given to the long-term management plan of these structures and paths.

21. Further work to be done on development to increase design quality of the bridges, footpaths, concrete bunds and walls.

22. More information is required about the impact on the City Council's view cones. The City Council recommends fully assessed CGI imaging for these to understand the impact on the setting of the city. Recommend wireframes are used for the assessments. A view from St Mary's Tower should also be considered as this vantage point is higher than other selected and a critical vantage point from which toy can appreciate the landscape setting.

Oxford City Council – Tree and Landscape

First Response

23. If carefully planned and controlled the resulting scheme should generate its own positive landscape visual qualities. The scheme has the potential to combine biodiversity/habitat improvements with enhancement of a semi-natural riparian visual landscape character.

24. Landscape mitigation proposals set out in the scheme are appropriately broken down into habitat typologies.

Oxford City Council – Ecology and Biodiversity

First Response

25. There are some discrepancies in how the grassland is classified across the submitted documents. The ES Chapter 7 refers to the removal of MG4a grassland (the most species rich sub-community of MG4 grassland). The Hinksey Meadow NVC Survey 2020 indicates it is actually MG4b grassland that will be lost. This is not critical to the assessment, but consistent classifications should be used across the submitted documents to avoid confusion.

26. The channel alignment has been revised to minimise the extent of this habitat lost, which is welcome. The County Council should be satisfied that all possible options for avoiding and minimising this habitat loss have been fully explored.

27. The MG4 Grassland: Mitigation Strategy identifies fertility and hydrological requirements for land being used to create species-rich flood plain meadow. Its unclear what is known about the hydrological regime of the land. Details should be provided to give confidence the proposed meadow creation will be successful.

28. Its unclear that the funding for maintenance has been secured, other than the first 10 years of management. There should be a commitment to maintain a certain level of management for a fixed period time. This is the only way to have confidence the proposed enhancements will be delivered and maintained as envisaged. The City Council requires management of off-site enhancements for a minimum of 30 years. This should be established prior to determination as it is necessary to determine whether the proposed compensation strategy is suitable.

29. The ES Chapter 8 identifies a number of notable plant species, including Creeping Marshwort. The application outlines a number of potential approaches. A condition is required to finalise a strategy, which the City Council's ecologist would like to be produced in co-ordination with Dr Judy Webb.

30. It is stated in the assessment that there would be moderate adverse effects on Strawberry Clover but does not propose any mitigation or compensation measures.

31. The Great Crested Newt (GCN) Survey Report identifies five ponds that require further survey work to determine the presence or likely absence of GCN. These surveys should ideally be undertaken, and the results submitted during the determination period, with an appropriate mitigation strategy if required (and/or a report from NatureSpace if District Licensing were to be used).

32. Two Annex II bat species – Barbastelle and Lesser Horseshoe – were recorded during surveys undertaken within the application site and the ecological assessment should explicitly consider potential impacts on these species.

33. Several updated protected species surveys are recommended prior to commencement, including in relation to bats, Otter, Water Vole and Schedule 1 birds. These should be secured by planning condition.

34. The City Council require additional information regarding the Habitats Regulations Assessment (sHRA). The assessment states that no likely significant effects on the Oxford Meadows SAC. They require greater clarity regarding the changes in groundwater levels in the SAC during flood events and potential for this to affect the qualifying features of the SAC.

35. With regard to air quality, confirmation should be provided that no increase in traffic flows is anticipated on the sections of the A40 and A34 that run adjacent to the SAC. If an increase is anticipated, this should be assessed for the potential to affect the SAC.

36. The ES Chapter 8 identifies potential indirect impacts on the Iffley Meadows SSSI during the construction phase from run-off, silt and pollutants. It proposes a sediment management plan to avoid these impacts, which should be secured via planning condition.

37. There are a number of designated wildlife sites, in addition there is the non-designated Seacourt Nature Park. The proposed mitigation and compensation measures should be assessed against Policy G2 of the Oxford Local Plan 2016-2036. The submitted ES Chapter considers the impacts arising during the construction and operational states of the proposals. However, the information is hard to follow and would benefit from clearer summaries of impact, mitigation and compensation for each of the designated sites assessed. Greater clarity is needed to enable a robust assessment and ensure appropriate mitigation and compensation measures are secured and delivered.

38. If permitted, management plans produced at a later date of the scheme should be explicit about what remedial measures will be undertaken to preserve the Hinksey

Meadows in the event the proposed groundwater monitoring finds the scheme is impacting on the vegetation community.

39. The applicant is looking to secure the delivery of certain off-site habitats which include creating wet woodland, reedbed and native species-rich hedgerow and enhancing ditches.

40. The City Council has strong preference that these habitats are delivered close to the area of loss, in keeping with Policy G2 of the Oxford City Local Plan. The City Council is working with the applicant to identify potential areas withing the City boundaries that could contribute to the offsetting requirements, in particular hedgerow provision and ditch enhancement.

41. The City Council requires applicants to demonstrate how they will deliver offsetting prior to determination. The City Council's current approach is that, as a minimum, we require confirmation from a third-party provider that they would be capable of providing the offsetting required and that the provider and Council are in agreement over how the offsetting would be secured.

42. The submitted metric references figures showing the habitat types, habitat quality and strategic significance – only the first of these (Figure 8.2) has been provided, which makes reviewing. Justification should be provided for the choices made in the metric, with reference to the specific condition assessment criteria passed/failed in line with the 'Good Practice Principles for Development' and British Standard 8683:2021.

43. Particular attention should be paid to the following habitats in the baseline, as the condition assessment has a large impact on the overall net gain scores generated in the metric:
    - Assessing approximately 50ha of modified grassland as being in poor condition; and
    - Assessing approximately 27ha of other neutral grassland as being in poor condition.

    Only when this information has been provided can a full review of the submitted biodiversity metric be undertaken.

Second Response

44. The proposal would see the loss of 1.33ha of lowland meadows from Hinksey Meadows, within the Osney Mead Local Wildlife Site (LWS). This is of particular significance. The meadows are described as irreplaceable habitat in the ES. The proposals have discrepancies in how the grassland is classified. With the ES chapter 7 referring to as the removal of MG4a grassland, and Hinksey Meadows NVC Survey 2020 indicates it is actually MG4n grassland that will be lost.

45. NPPF states that development resulting in the loss or deterioration of irreplaceable habitats should be refused, unless there are wholly exceptional reasons and suitable compensation strategy exists. This is therefore the threshold for consideration.

46. The ES states that the channel alignment has been revised to minimise the extent of this habitat loss, which is welcome. Therefore, Oxfordshire County Council must be satisfied that all possible options for avoiding and minimising this habitat loss have been fully explored.

47. The land proposed to create 17.8ha of lowland meadow as compensation for the loss of MG4 grassland appears to be suitable, which include groundwater levels and fertility. Full management and monitoring regimes for the proposed lowland meadows and all other habitats to be delivered should be secured via planning condition, which include remedial measures in event they are required.

48. The six notable plant species are identified in the ES chapter 8, with targeted mitigation strategies for two of these species. A finalised strategy should be required by planning condition and produced in co-ordination with Dr Judy Webb.

49. A third species, Strawberry Clover is also mentioned in the ES. A finalised strategy including suitable management should be secured by planning condition.

50. Would like to see several protected species surveys updated prior to commencement, which include bats, otter, water vole and schedule 1 birds. This should be secured by planning condition.

51. The City Council is happy with the shadow Habitats Regulations Assessment, which concluded that there would be no likely significant effects on the Oxford Meadows SAC.

52. The ES chapter 8 identifies potential indirect effects on the SSSI during the construction phase from run-off, silt and pollutants. The ES proposes a sediment management plan to avoid these impacts, this would need to be secured by planning condition.

53. There are a number of locally designated wildlife sites in and around Oxford. Policy G2 of the Oxford Local Plan 2016-2036 states:

    "On sites of local importance for wildlife, including Local Wildlife Sites, Local Geological Sites and Oxford City Wildlife Sites, on sites that have a biodiversity network function, and where there are species and habitats of importance for biodiversity that do not meet criteria for individual protection, development will only be permitted in exceptional circumstances whereby:

    a) there is an exceptional need for the new development and the need cannot be met by development on an alternative site with less biodiversity interest; and

    b) adequate onsite mitigation measures to achieve a net gain of biodiversity are proposed; and

    c) where this is shown not to be feasible then compensation measures will be required, secured by a planning obligation."

54. The impact on Willow Walk Meadow would be over a relatively small area and would be addressed through wider plans to deliver compensatory wet woodland habitat. Impacts on Seacourt Nature Park are more widespread, the officer states that not a matter of outright loss, rather it is change in character of the site. Overall, the officer is satisfied with the compensation for the impacts. If granted, the

management plans produced at a later date of the scheme should be very detailed about which remedial measures would be taken to preserve the Hinksey Meadows in the event the proposed groundwater monitoring finds the scheme is impacting on the vegetation community in the LWS.

55. Following extensive reassessment of part of the site using the revised biodiversity metric 3.0 this shows a number of results in both habitat loss and new gain due to additional river units.

56. Justification should be provided for choices made in the metric, with reference to the specific condition assessment criteria passed/failed in line with the 'Good Practice Principles for Development' and British Standard 8683:2021. This justification has only been made for the parcels of land reassessed in 2022, rather than the whole site. The additional information and revisions made appear to be robust. However, the County Council must be satisfied that all of the assessments within the metric are accurate.

57. The applicant proposes to enhance and create sufficient offsite habitats to deliver a minimum of 10% net gain in all elements of the metric. Oxford City Council has a strong preference for these habitats to be delivered close to the area of loss, in keeping with Policy G2 of the Oxford Local Plan 2016-2036. Policy G2 states:

"Offsetting measures are likely to include identification of appropriate off- site locations/projects for improvement, which should be within the relevant Conservation Target Area if appropriate, or within the locality of the site. When assessing whether a site is suitable for compensation, consideration will be given to the access, enjoyment and connection to nature that the biodiversity site to be lost has brought to a locality."

Cumnor Parish Council

First Response

58. The Parish Council would like to see a direct, off-road pedestrian and cycling route between Botley and Cumnor and the centre of Oxford.

North Hinksey Parish Council

First Response

59. The Parish Council objects to the proposal. They recognise the need for flood alleviation measures and supports some aspects of the scheme. But does not agree with the large secondary channel.

60. The Parish also has concerns about the independence of the planning process for this application and the economic case for the scheme.

Kennington Parish Council

61. No response received to consultation.

South Hinksey Parish Council

First Response

62. The Parish Council's comments relate only to elements of the application haven with the parish and issues it raises during delivery and moving forward.

63. The Parish does not agree with the language that the development is only temporary. As it under plays the real and tangible issues it would have on the community in the long term. They are better described as semi-permanent.

64. The Parish Council supports the EA Flood Alleviation scheme. However, the Parish Council has serious reservations about the implementation and execution of the scheme as detailed in the documentation.

65. The Parish has reservations about the movement of spoil from the excavations and positioning of the work compound close to the village. The movements of spoil on the A34 and around the site (haul route) raises significant safety concerns for any nearby communities. The slip roads are not designed for large vehicles, and cars normally join from a standing start. The large heavily laden lorries would need to join from a standing start. It is proposed for an HGV every 3 minutes so hard to understand how this would work.

66. The Parish Council welcomes the continuous flood bund/wall which protects all houses from rising water in the floodplain.

67. Lorry movements from the compound in the village would produce noise, pollution and disruption, and local cars are likely to be stuck behind lorries on the slip road during operating hours. The road into the village is the only route, the likelihood of unacceptable delays over a long period of time is unreasonable and, in their view, unworkable. The chance that the community like South Hinksey to be able influence the traffic plan is vanishingly small.

68. The Parish Council would like to see the spoil exported by rail.

69. The Parish Council believes that the proposal to move spoil by road as detailed is unworkable and raises safety concerns at the only entrance to the village. It will cause significant traffic issues around this section of the Oxford Ring Road. The Parish Council asks that the application is not approved until the expected application for movement by rail is submitted.

70. In the interests of certainty for the community and the reasonable and essential need to maintain a busy and necessary commuter route we ask the Planning Authority to require the inclusion of a design for the diversion of the Devil's Backbone within the planning application to put the standard and design beyond doubt and furthermore to require the route to remain open continuously. Similarly, the maintaining of the Electric Road being open should be a condition of the planning application.

71. The Parish Council asks the Planning Authority to require the EA to provide for screening and a 100m exclusion zone around the village to protect residents from the noise and disruption caused by these working areas over a long period of time.

72. The Parish Council requests the Planning Authority to consider within this planning application the effects of this scheme on sewer flooding and solutions to problems identified.

73. The Parish Council requests the Planning Authority to require a funded maintenance strategy for at least 30 years so that the authority and residents can be confident that this or any scheme continues to deliver benefits over time and that biodiversity gains can be publicly demonstrated.

74. Consequently, in closing this submission, The Parish Council asks the Planning Authority to invite one further report (preferably independent in nature) to check if there is any way in which more of the meadows and fields in the Western floodplain might possibly be saved without significant detriment to the EA's scheme. The meadow is an important part of the heritage of the area, a valuable resource for the storage of carbon and a large and varied natural asset for communities, and it would be a great pity to start digging soil before one final look at the need had been taken.

<u>Second Response</u>

75. The parish council do not like the wording from the applicant describing elements of the application as temporary or minor. This is incorrect in their opinion. Significant disruptions will affect South Hinksey for at least 4 ½ years.

76. The Parish Council on balance supported this particular scheme in first round, with some serious reservations that we wished to see addressed. These concerns above have not been and will not be addressed.

77. The Parish council wants a flood alleviation scheme but now objects to this particular application. The secondary channel within it provides for significant harm within our Parish without benefit in terms of flood protection.

78. The Parish Council requests the Planning Authority to refuse the unstated but obvious request from the applicant for a change of use from agricultural to industrial for large swathes of the Green Belt around and butting up to South Hinksey for a period of five years and longer in some cases. In any circumstances, it is unacceptable. If this scheme, as stated by the applicant, is the only and best way forward then the industrial elements of it must be accommodated elsewhere.

79. The Parish Council requests that the Planning Authority seek answers to all the questions proposed in the regulation 25 notice and particularly for the Parish Council, the direct question on effects on South Hinksey, before the requirements of the regulation 25 notice are considered met and the application is allowed to progress.

80. The Parish Council asks the Planning Authority to consider critically if a biodiversity loss in these ancient meadows fits within the NPPF. It is not good enough in our

view for the applicant to say it wishes to reduce biodiversity in such important ancient meadows with promises of increases elsewhere. Once it is lost it is lost.

81. The Parish Council asks the Planning Authority to consider critically the important setting of South Hinksey and Oxford in both the medium and long term and agree with SHPC that the industrialisation of South Hinksey for four to five years and then the greater urbanisation of the Green Belt going forward is not a price worth paying and not within the spirit of the NPPF.

82. The Parish Council requests the Planning Authority to consider critically if re-providing elsewhere the lost open access to green spaces in these important and ancient areas is adequate to deliver on the NNPF requirements.

83. The Parish Council asks the Planning Authority to be clear that the loss of habitat below tree canopies whilst trees reach maturity is reflected in the biodiversity loss/gains calculations.

84. They ask the Planning Authority in consultation with the Vale of White Horse District Council to consider critically if CP33: Promoting sustainable transport, has been met or could ever be met within the plans for the movement of spoil.

Vale of White Horse District Council

First Response

85. No objection in principle. The landscaping and tree removal should not either preclude views to Oxford's skyline or expose existing development to the detriment of the setting of Oxford's skyline.

86. A minimum 10% net gain in biodiversity needs to be secured.

87. Request the submission of an assessment of effects on any ancient or veteran trees on or adjacent to the site and subsequently the County Council needs to weigh the public benefits of the scheme against the effects for any ancient or veteran trees as required by paragraph 180 of the NPPF.

88. Currently the Tree Constraints and Removal Plans only identify the trees proposed for removal and not measures required to protect retained trees. A condition will be required to secure detailed tree protection measures, in the form of an arboricultural method statement and tree protection plans, to ensure the satisfactory protection of retained trees and hedges and help minimise arboricultural impacts.

89. The input data of the air quality model used to assess the air quality impacts of the scheme is considered out of date. The traffic data that was used in the modelling was obtained from the 2016 Oxfordshire County Council traffic survey, and the monitoring data was obtained from the air quality annual status report of 2016. The modelling should be undertaken again using up to date traffic counts and air quality monitoring data. The new modelling should use 2019 as the base year, as this is the last year of robust and reliable monitoring data, prior to the behavioural changes brought about by Covid restrictions. In addition, there have been changes

to the air quality monitoring sites along the A34 since the original modelling was undertaken and the model accuracy should also be validated against the monitoring from these sites.

90. Revised bridge designs should be sought for the Willow Walk and Devil's Backbone bridges. The bridges should have a maximum width of 5.5m and the finished surface treatments should be first approved by Oxfordshire County Council.

91. As most of the permanent scheme passes through publicly accessible open space, and some sections are adjacent to residential/commercial areas, a more detailed method statement should be provided explaining clearly how:
    a. All excavated Made Ground and any contaminated natural materials will be removed and disposed of to an offsite licensed waste management facility;
    b. An appropriate sampling regime to test suspected contaminated materials along with safety measures for storing potentially contaminative material are proposed; and,
    c. Risks to residents from excavations in areas of potential land contamination are managed.

<u>Second Response</u>

92. This council supports this project and has no objection in principle to the proposal.

93. Oxfordshire County Council needs to ensure approved landscaping and tree removal does not either preclude views to Oxford's skyline or expose existing development to the detriment of the setting of Oxford's skyline.

94. A minimum 10% net gain in biodiversity needs to be secured, with a priority for onsite net gain where possible to do so.

95. The Environment Agency is requested to submit an assessment of effects on any ancient or veteran trees on or adjacent to the site and subsequently the County Council needs to weigh the public benefits of the scheme against the effects for any ancient or veteran trees as required by paragraph 180(b) of the NPPF.

96. A condition should be imposed to secure detailed tree protection measures, in the form of an arboricultural method statement and tree protection plans, to ensure the satisfactory protection of retained trees and hedges and help minimise arboricultural impacts. These measures should comply with BS 5837:2012 and be agreed in writing by the County Council prior to the commencement of works. All tree protection measures must also be in place prior to the commencement of works that may affect the retained trees and hedges and remain in place for the duration of the development.

97. A condition should be imposed requiring a Construction Environment Management Plan (CEMP), to include dust management, to be approved by the County Council prior to development commencing and thereafter the approved details implemented during construction.

98. Revised bridge designs should be sought for the Willow Walk and Devil's Backbone bridges. The bridges should have a maximum width of 5.5m and the finished surface treatments should be first approved by Oxfordshire County Council.

99. As most of the permanent scheme passes through publicly accessible open space, and some sections are adjacent to residential/commercial areas, a more detailed method statement should be provided explaining clearly how:
    a. Access will be maintained during construction.
    b. Active travel enhancements are incorporated into the scheme post construction.
    c. All excavated Made Ground and any contaminated natural materials will be removed and disposed of to an offsite licensed waste management facility, with removal and disposal of waste material by rail and where this is not possible, justification why.
    d. An appropriate sampling regime to test suspected contaminated materials along with safety measures for storing potentially contaminative material are proposed.
    e. Risks to residents from excavations in areas of potential land contamination are managed.

Environmental Protection Team (Vale of White Horse)

<u>First Response</u>

100. The officer has reviewed an application concerning air quality impacts in the Vale of White Horse District Council area. The scheme involves excavation, removal of a large amount of spoil, and construction of hard defences, which could lead to dust impacts and increased vehicle emissions. The officer is particularly concerned about impacts along the A34, at South Hinksey, and through the Botley AQMA.

101. The officer has considered several documents, including an Environmental Statement, a non-technical Environmental Statement, and a Transport Statement, all produced by Jacobs.

102. The officer identifies two main elements of air quality impacts:

- Dust emission impacts from demolition, excavation, earthworks, construction, haulage, and track out during construction phase activities.

- Emissions to air from increased use of site access roads by HGVs and other vehicles, and increased traffic levels and emissions to air on the existing road network during construction.

103. The officer criticizes the air quality model used in the scheme's Environmental Statement for being outdated, as it relies on data from 2016 and 2017. The officer suggests that the modelling should be redone using up-to-date traffic counts and air quality monitoring data.

104. The officer places a holding objection pending receipt of a revised air quality assessment based on robust modelling using the most current and relevant model inputs. The officer also notes that it is unclear where the spoil will be transported to, and that there is a possibility that spoil may be removed directly from the site by train.

Berkshire, Buckinghamshire and Oxfordshire Wildlife Trust (BBOWT)

First response

105. Further information required. Every possible effort should be made to be taken to avoid impacts on the valuable habitats, features and species. Vegetation clearance of mature trees could result in adverse short-term impacts on protected species such as bats and appropriate mitigation strategies must be in place to minimise impacts.

106. The need for mitigation and compensation to be provided in perpetuity and managed in perpetuity.

107. The creation of the channel will significantly impact on habitats and species. BBOWT are particularly concerned with the following:
   a. Direct and potential indirects on rare lowland floodplain meadow grassland (MG4)
   b. Direct and potential indirect impacts on priority habitats like lowland fen, wet woodland, ponds and hedgerows;
   c. Very significant loss of trees;
   d. Direct and/or indirect impacts on designated sites;
   e. Numerous impacts on priority, protected and notable species.

108. The application does set out measures that will help towards mitigating and compensating for the losses, it's not clear to BBOWT what timescales these will be provided for and for how long they will be managed. The application does not contain sufficient detailed information regarding how habitat creation and management will take place.

109. BBOWT made reference to the following quote in OFAS application 2018 (page 17 of the planning statement) - *"We are committed to securing maintenance for the scheme for the lifetime of the development (100 years)."*

110. BBOWT have not found the equivalent statement above in the planning statement of latest application. They point out reference in the latest planning statement in section 3.5: *"Oxfordshire County Council request a 25 year Landscape Management plan for development of restoration sites. Although this is not set down in policy we understand the need to demonstrate that the restoration of the development is secured beyond the initial 5 year period. With our commitment to long term stewardship of the land in partnership with our future land management partner we are happy for a more detailed Landscape and Habitat Management Plan to be required by a Condition imposed on any planning permission granted."* And *"The project has secured the funding to build and maintain the scheme for the first ten years. To ensure sustainability of long term*

maintenance beyond the first ten years we have explored a range of models and funding scenarios."

111. BBOWT are concerned with the step back since the 2018 commitment. Concerning the very significant loss of habitat, it is essential that the mitigation and compensation for such losses is provided in perpetuity. Otherwise, the result is to potentially just defer a significant loss of biodiversity into the future. In perpetuity is widely considered to be at least 125 years in accordance with legislation which defines the 'in perpetuity' period (Perpetuities and Accumulations Act 2009).

112. Would like the applicant to provide a guarantee of the habitats would be secured in perpetuity (for at least 125 years). And for in perpetuity funded management for the habitats provided in mitigation and compensation.

113. BBOWT are greatly concerned by the loss of 1.33 ha of MG4 grassland. The MG4 grassland could reasonably be considered an irreplaceable habitat. In addition, the MG4 habitat is within a Local Wildlife Site (Osney Mead). There are also concerns of indirect impact on the remaining substantial area of MG4 grassland, through hydrological impact. Every possible effort must be sought to re-design the scheme to avoid the impact on MG4a habitat.

114. If, despite our considerable concerns, the scheme continues to be designed so as to result in these impacts, then if the Council is to approve it, it would in our opinion have to be satisfied that a) wholly exceptional reasons exist and b) a suitable compensation strategy exists - see NPPF paragraph 180.

115. BBOWT are not convinced that the current strategy represents such *"a suitable compensation strategy"*. They have reviewed the document MG4 Grassland: Mitigation Strategy.

116. In addition to what is already being offered, the scheme would need at the very least to provide:
   a. appropriate wildlife management of the retained MG4, and the newly created MG4,
   b. long-term monitoring for at least the entire duration of the scheme (e.g. for at least 100 years) of both the retained and created MG4 to ensure that the created MG4 is achieving its intended habitat type and condition, and the retained MG4 is maintaining its condition, with planning conditions in place to ensure that amendments to management can be enforced if the above is not taking place;
   c. a guarantee of continued water level management, and appropriate amendments to the management provided if the monitoring indicates this is needed, for at least the entire duration of the scheme (e.g. for at least 100 years);
   d. amendments to some details of the management scheme, as set out in the below section.

117. BBOWT could not find the Landscape and habitat Creation- Delivery and Management Plan quoted in page 17 of the planning statement. Could only find 7

Landscape and Habitat Plans maps and Landscape Maintenance Operations Schedule. Have concerns on the level of detail provided.

118. The Landscape and Habitat Management Plan also needs to set out detail on any partnership with a land management body which would ensure high-quality habitats are maintained in perpetuity.

119. BBOWT also believe that it would be better to use green hay from a nearby source rather than a bought in seed mix for the new MG4 grassland. They support the statement at Appendix D-23 to the ES that spreading of green hay is preferred method to sow the meadow. But the Maintenance Operations Schedule just mentions “sowing” and is not clearly indicating green hay as the correct method.

120. BBOWT welcome the commitment to provide a BNG. Management of the habitats in perpetuity are required to provide mitigation and compensation. Further details are need in the form of a detailed landscape and habitat management plan.

Second Response

121. BBOWT are particularly concerned about the following:
- the direct and potential indirect impacts on rare lowland floodplain meadow grassland (MG4);
- direct and potential indirect impacts on other priority habitats including lowland fen, wet woodland, ponds, and hedgerows;
- the very significant loss of trees;
- direct and/or indirect impacts on designated sites, including several Local Wildlife Sites (LWSs), several Sites of Local Importance for Nature Conservation (SLINCs), and on Seacourt Nature Park;
- numerous impacts on priority, protected and notable species (including the rare creeping marshwort), which are outside the scope of this response.

122. If the County Council is to approve, then consider the conditions in the original response, in order to ensure that all the mitigation and compensation measures and monitoring measures.

Natural England

First Response

123. No objection with regards to designated sites.

124. No objection subject to conditions regarding priority habitats/species.

125. A condition to secure certain aspects of the mitigation measures for loss of MG4 grassland.

126. If the Council is minded to approve the proposed development, we recommend that a finalised ’Creeping Marshwort Mitigation Strategy’ is submitted for consideration in advance of the development commencing, and that this be made a condition of any consent.

Second Response

127. No further comments

Ministry of Defence - Defence Infrastructure Organisation

128. No response received.

Health and Safety Executive (HSE)

129. No response received.

Historic England

First Response

130. Historic England have concerns on heritage grounds as they believe the harm is being underestimated.

131. Since the 2018 application, the impact on the scheduled monument Old Abingdon Road Culverts, HA 1408790, and the impact on unscheduled remains of probable national importance, has mainly remained the same but there is more clarity on the nearby temporary road diversion and on the locations of haul roads and working compounds.

132. The scheme would cause a high level of harm to an undesignated section of the historic causeway at Old Abingdon Road. The archaeological deposits are assessed as being of national significance.

133. The scheme would also cause harm to the scheduled culverts which are part of the same causeway. Historic England state the effect would be less than substantial harm, within the moderate to minor range of such harm. The change to the alignment of the channel since 2018 has not altered their advice.

134. Historic England understand the importance of the scheme and channel would pass through a very constricted Redbridge area. Balancing exercise of harm against public benefit (NPPF paras 134 &139) to identify the correct level of harm.

135. Historic England support the advice provided by Oxford City Archaeological Officer and OCC Archaeological service. Draws attention to the advice on the scope of archaeological mitigation work. This should be secured by an appropriately worded planning condition. The scope should include arrangements for appropriate level of palaeo-environmental and geoarchaeological investigation and analysis carried out during the archaeological mitigation programme.

136. Mitigation excavations at Old Abingdon Road where the archaeological remains are considered to be of national significance.

137. Historic England state the development will have a negative impact. Stating that the effect as being some less than substantial harm, within minor to moderate range. The slight alteration to the channel proposed in 2018 is insufficient to change their assessment of harm.

138. It can be seen that the evaluated remains meet most of these criteria, with the exception that the survival is not as good. Overall, our advice is that despite this difference the scheduled remains are still of national importance, and the causeway along Old Abingdon Road (and Grandpont) should be regarded as a single nationally important heritage asset, of which some parts are designated, and others undesignated.

139. The scheme would cause a high level of harm, but less than substantial harm, to a non-designated part of a nationally important heritage asset. The impact is characterised in the Environmental Statement as 'Large Adverse' and they agree with this assessment. Despite the high level of harm, they understand the reasoning behind this route for the flood channel, as the only alternative viable route would have passed between the scheduled culverts and would, as we advised in pre-application advice to the applicant, have caused substantial harm.

Second Response

140. Points to the advice from the first response. Historic England has concerns regarding the application on heritage grounds.

141. The authority should take these representations into account and seek amendments, safeguards or further information as set out in the advice.

Network Rail

First Response

142. Network Rail wish to submit a holding objection to the above application until the necessary agreement has been completed regarding the mitigation measures that need to be put in place to protect railway operations.

143. Network Rail is currently working with the EA to ensure that all legal agreements are in place to facilitate this scheme.

Second Response

144. Network Rail has various land interests affected by the Order and therefore objects to the above Order for reasons set out below.

145. The extent of land interest sought by the Environment Agency pursuant to the Order affects Network Rail's operational land which has the ability to compromise our assets and systems. We therefore need to ensure Network Rail have full control over the land on which the railway sits and any related assets in order to carry out ongoing safety and maintenance requirements. The proposed order in its current form does not take access into consideration.

146. Network Rail has been engaging with the Environment Agency to put in place appropriate agreements to de-risk the concerns raised above and will continue to do so. We therefore continue to object to the application until the necessary agreements are in place to facilitate the scheme and agreement has been completed regarding access requirements to protect railway operations.

Environment Agency

First Response

Flood Risk

147. The consultation feedback is generally positive regarding the Oxford Flood Alleviation Scheme's Flood Risk Assessment (FRA) by Jacobs, acknowledging the inclusion of previous comments and the scheme's principles to reduce flood risk along the River Thames and nearby streams. The significant change noted is the A423 Kennington Rail Bridge area adjustment to accommodate bridge changes.

148. For groundwater protection and contaminated land, the planning application and supporting documents, including the Environmental Statement and various assessments and plans by CH2M and Jacobs, have been considered. While not all documents were reviewed in depth, the conclusions presented are satisfactory, and no objections are raised from a groundwater protection standpoint. However, several detailed considerations for project stages are suggested, such as risk-based targets for material reuse, water quality monitoring, pollution prevention for underground structures, piling and lining options, treatment of contaminated groundwater, and permitting for dewatering activities.

149. The Environment Agency recommends additional conditions and informative comments for any granted planning permission, focusing on controlled waters protection, piling methods consent, inert nature of reused materials, and a water quality monitoring strategy. These measures align with the National Planning Policy Framework and the Water Framework Directive to prevent deterioration of water quality and ensure ecological status.

150. The updated modelling reflects changes and new climate change allowance guidance, with independent reviews confirming the appropriateness of the Cotswolds Management Catchment for predicted peak river flows and defence levels. The flood risk assessment is deemed to consider climate change allowances suitably.

151. The Environment Agency stipulates that the development must comply with the FRA and its mitigation measures, fully implemented before occupation and maintained throughout the development's lifetime, to meet the National Planning Policy Framework's flood risk requirements.

Ground Water Protection

152. The summary of the comments on groundwater protection and contaminated land is as follows:

- The planning application and supporting documents, including the Environmental Statement and various assessments and plans by CH2M and Jacobs, have been reviewed.
- No significant objections are raised regarding groundwater protection and contaminated land, as risks to controlled waters are manageable.
- Several detailed considerations for future stages of the project are highlighted:

- Establishing risk-based targets for material reuse to protect controlled waters.
- Monitoring water quality before, during, and after construction.
- Addressing pollution prevention for below-ground structures.
- Assessing piling and lining options, including risks.
- Ensuring the reuse of materials follows the Claire Code of Practice.
- Treating contaminated groundwater.
- Obtaining permits for dewatering activities.

153. The Environment Agency suggests additional conditions and informative comments for the decision notice if planning permission is granted:

- Condition: Penetrative piling methods require written consent from the Local Planning Authority to protect controlled waters.
- Informative: Penetrative piling poses risks to controlled waters due to potential pollution and contamination mobilization.
- Condition: Reused on-site materials must be inert to protect controlled waters.
- Condition: A water quality monitoring strategy must be approved before commencement to manage contamination risks and comply with the National Planning Policy Framework.
- Informative: The Water Framework Directive requires that development does not worsen water classification or hinder achieving good ecological status. The proposed scheme should avoid introducing substances that could affect achieving good chemical status by 2027.

Fisheries and Biodiversity

154. The summary of the comment on fisheries and biodiversity is as follows:

- The information provided is well-presented, with clear explanations of the options considered for the project.
- Efforts have been made to protect sensitive MG4 grassland by altering the project's design, such as rerouting channels and reducing their width.
- There is an acknowledgment that translocation efforts may not succeed, but monitoring will inform future projects.
- The project's scale and socio-economic benefits, along with habitat and infrastructure improvements, suggest that the council may accept the risk of adverse impacts.
- A discrepancy in the River Condition Assessment metrics used (Metric 2.0 vs. Metric 3.0) needs clarification to ensure accurate habitat net gain figures.
- The Construction Environment Management Plan (CEMP), Surface Water Management Plan (SWMP), and Landscape and Habitat Management Plan (LHMP) should include mitigation and enhancement measures to deliver environmental benefits.
- Pre-construction ecological surveys and post-construction hydrological monitoring are essential.
- Long-term habitat management involving partner organizations like the Earth Trust is recommended.
- The Environment Agency is confident that the project will limit adverse impacts and provide environmental benefits.

- Adherence to the mitigation and enhancement methods in the CEMP, LHMP, SWMP, etc., is necessary to protect Oxford from increased flood risk while conserving important habitats.
- The Environment Agency advises the imposition of two Planning Conditions:

    - **Condition**: A landscape management plan must be approved before development, focusing on native species planting, maintenance regimes, site boundary treatments, and management responsibilities.
    - **Condition**: A method statement in line with the Environmental Action Plan must be approved before development, detailing pre-construction and construction works, mitigation measures, habitat protection, and aftercare.
- The local authority must ensure that proposed conditions meet the National Planning Policy Framework's requirements and notify the Environment Agency if unable to apply the suggested conditions.

Other Matters

155. Environmental Permitting: Under the Environmental Permitting (England and Wales) Regulations 2016, permission must be obtained from the Environment Agency for any proposed activities which will take place in, over, under or within certain distances of a main river, flood defence structure, culvert, sea defence, or in a flood plain.

156. Removal of controlled waste from site: If any controlled waste is to be removed off site, the site operator must ensure a registered waste carrier is used. Waste will need to be classified in accordance with EA Technical Guidance WM3.

157. Environment Agency consent required (herbicides): Environment Agency agreement is required for the use of herbicides within eight metres of a watercourse.

158. Natural England Licence requirements and related matters: A licence will be required from Natural England for works that impact badgers, bats and water voles.

159. Water management: An impoundment licence will be required to remove any weirs. Only clean, uncontaminated water should be discharged to inland freshwaters.

160. Artificial light: Artificial light can harm the ecology of an area through the disruption of the natural nocturnal activity of wildlife such as bats.

Second Response

Flood Risk

161. The Planning Statement Addendum from February 2023 indicates no changes to the previously submitted Flood Risk Assessment.

162. Three documents related to flooding have been updated as listed in the consultation letter:

- GA Of Floodwall at The Existing Access Track to The Boathouse
- GA Of Flood Embankment At New Hinksey Sheet 1 of 3
- 1.4 Flood Extents (Updated)

163. The applicant needs to consider the details of the flood wall and embankment drawings when applying for Flood Risk Activity permits.

164. The Environment Agency has previously accepted the Flood Risk Assessment and states that the proposed development will meet the National Planning Policy Framework's requirements in relation to flood risk only if a specific Planning Condition is included in any Planning Permission.

165. The Planning Condition requires the development to be carried out in accordance with the submitted Flood Risk Assessment (FRA) prepared by Jacobs, Ref: RP-HY-0145 dated January 2022 and the mitigation measures detailed within the FRA. These measures must be fully implemented prior to occupation and maintained throughout the lifetime of the development.

166. The reason for this condition is to reduce the risk of flooding to the proposed development and future occupants.

Ground Water

167. The Environment Agency recommends that if planning permission is granted, additional Planning Conditions and informative comments should be included in the decision notice.

168. Condition 1: Piling using penetrative methods should only be carried out with the written consent of the Local Planning Authority. This is to ensure the protection of controlled waters.

169. Condition 2: Any on-site materials that are reused within the scheme should be inert in nature. This is also to ensure the protection of controlled waters.

170. Condition 3: The development may not commence until a water quality monitoring strategy has been submitted to, and approved by, the Local Planning Authority. This is to ensure that the site does not pose any further risk to human health or the water environment by managing any ongoing contamination issues and completing all necessary long-term remediation measures.

171. The key water quality related requirements for the Water Framework Directive (WFD) through the River Basin Management Plan are that the development should not result in a deterioration in WFD class and should not prevent the receiving water from achieving future good ecological Status.

172. A WFD assessment has been submitted with the application which details the potential impact on biological, physio-chemical and hydromorphological elements. The proposed new channel will at points travel near/through contaminated land with the potential to impact the Chemical status. This proposed scheme should not

input new substances which could prevent the Chemical status element achieving Good by 2027.

Fisheries and biodiversity

173. The comment indicates that the issues raised by the Local Planning Authority and minor points from a previous response have been addressed through significant reworking and clarification of the submitted documents. The scheme is considered well-thought-out and the proposed mitigation measures are deemed reasonable.

174. The Environment Agency is confident that efforts have been made to limit adverse impacts and bring significant environmental benefits. Adherence to the methods for mitigation and enhancement in the Construction Environment Management Plan (CEMP), Surface Water Management Plan (SWMP), and the Landscape and Habitat Management Plan (LHMP) is necessary to protect Oxford against future increased flood risk and safeguard important habitats.

175. Two Planning Conditions are advised to be imposed or incorporated into others:

- Condition 1: A landscape management plan must be submitted and approved by the Local Planning Authority before any development takes place. This plan should include long-term design objectives, management responsibilities, and maintenance schedules for all landscaped areas.
- Condition 2: A method statement in accordance with the approach outlined in the Environmental Action Plan must be submitted and approved by the Local Planning Authority before any development takes place. This statement should demonstrate how the environment will be protected during the works.

Other Matters

176. Environmental Permitting: Under the Environmental Permitting (England and Wales) Regulations 2016, permission must be obtained from the Environment Agency for any proposed activities which will take place in, over, under or within certain distances of a main river, flood defence structure, culvert, or sea defence.

177. Removal of controlled waste from site: If any controlled waste is to be removed off site, the site operator must ensure a registered waste carrier is used. Waste will need to be classified in accordance with EA Technical Guidance WM3.

178. Environment Agency consent required (herbicides): Environment Agency agreement is required for the use of herbicides within eight metres of a watercourse.

179. Natural England Licence requirements and related matters: A licence will be required from Natural England for works that impact badgers, bats and water voles.

180. Water management: An impoundment licence will be required to remove any weirs. Only clean, uncontaminated water should be discharged to inland freshwaters.

181. Artificial light: Artificial light can harm the ecology of an area through the disruption of the natural nocturnal activity of wildlife such as bats.

Thames Water

First Response
182. Reviewed the application and have no comments at this time.

National Grid

First Response
183. No comment

National Highways

First Response
184. Recommend that conditions should be attached to any planning permission that may be granted:

Condition 1

185. Pre-commencement condition requiring the submission and approval in writing by mineral planning authority of a Construction Environmental Management Plan (CEMP).

186. National Highways also included a Informative what the CEMP should cover. This includes the following:
   a. The CEMP should include details (text, maps, and drawings) related to various construction aspects.
   b. Proposed construction traffic routes to the site.
   c. Construction traffic management (coordinating deliveries, waste disposal, etc.) to avoid undue interference with public highway operation during peak hours.
   d. Daily movement estimates for each construction phase.
   e. Traffic management proposals along the A34 (including temporary speed restrictions).
   f. Hours of construction work and deliveries.
   g. Parking areas for site operatives and visitors.
   h. Loading/unloading areas for plant and materials.
   i. Storage areas for materials used in construction.
   j. Wheel washing facilities.
   k. Mitigation measures for noise, disturbance, vibration, and dust emissions.
   l. Waste management arrangements.
   m. Storage and dispensing of fuels, chemicals, oils, and hazardous materials.
   n. Risk assessments and method statements.
   o. Commitment to the construction working group.

Condition 2

187. Temporary Carriageway for Oxford Flood Alleviation Scheme:

a. Before closing either Old Abingdon Road or Kennington Road during construction for the Oxford Flood Alleviation Scheme, the temporary carriageway on the local road network between these roads must be fully operational as per drawing MSE500177-CH2-BAR-A4D-DR-C-0001.

Second Response

188. No further comments

Woodland Trust

189. No Comments Received

Campaign to Protect Rural England (CPRE)

190. No Comments Received

Hinksey and Osney Environmental Group (HOEG)

First Response

191. HOEG has stated there is record of the applicant offering to complete a 'separate run' of the numerical flood modelling. No planning decision should be made on the present application until the applicant has honoured transparently a commitment to a separate model run to the satisfaction of our engineering advisors.

Second Response

192. They have concerns on the scale of disturbance stated in the application. HOEG stated that the responses to the Regulation 25 request are minimal and lack detail. They have the following concerns (See original response for details).

193. Issues relating to even-handedness of comparison between meadowlands alternatives
   a. Model Nodes 2-6: Channel improvements on Seacourt Stream please provide confirmation these have been applied to Scenario A2
   b. Willow Walk New Bridge #N/A values please provide the missing water levels or full explanation
   c. Please provide the reason for not applying locally-lowered beds in modelling proposed bridges
   d. Application of roughness values /variants across the meadowland

194. Need for single-bridge design at Old Abingdon Road

195. Need for protection of the railway at Kendall Copse East

Oxford Preservation Trust

First Response

196. The Oxford Preservation Trust (OPT), a local charity dedicated to conserving and enhancing Oxford and its surroundings, has expressed significant concerns regarding the Oxford Flood Alleviation Scheme (OFAS). Their primary objective is

to safeguard Hinksey Meadow, an ecologically vital flood meadow comprising rare MG4 / MG4a grassland. This cherished open space has been enjoyed by generations of visitors seeking relaxation and connection with nature's magic.

197. OPT, along with other experts, has raised critical points related to the Environmental Statement (ES) submitted for the scheme. Here are the key issues:

a. Adequacy of Environmental Statement:

- The ES falls short of providing sufficient information for the Local Planning Authority (LPA) to assess the potential environmental effects of the entire scheme.
- Doubts exist regarding the assessment of alternatives, the reliability of proposed mitigation measures, monitoring, compensatory provisions, and the analysis of indirect effects.
- The LPA must have evidence of potential adverse environmental impacts and the effectiveness of proposed remedial measures to make informed decisions.
- Missing Environmental Information:

    - The missing information is not peripheral; it relates to the main effects and likely significant effects of the scheme.
    - The LPA's ability to make a lawful decision is hampered without this crucial information.
    - Any missing information provided must come from suitably qualified experts.

b. Mitigation of Environmental Impacts:
    - Bioscan highlights vague commitments, incomplete compensation proposals, and reluctance to commit to long-term maintenance for the MG4 grassland.
    - The LPA should seek further information rather than relying solely on imposing conditions.
    - Effective mitigation is essential, as demonstrated by legal precedents.

c. Impact on Biodiversity:
    - Both Bioscan and Carter Jonas identify deficiencies in the EA's assessment of biodiversity impact.
    - Carter Jonas predicts a net loss in biodiversity due to the scheme.
    - Bioscan questions the EA's Biodiversity Net Gain assessments and notes reliance on outdated assessment methodology.

d. Environmental Goals and EA2025 Report:
    - The Environment Agency (EA) aims to protect biodiversity and enhance the environment.
    - The recent EA Corporate Report, "EA2025 creating a better place," emphasizes these goals.
    - The scheme must deliver significant biodiversity enhancements, exceeding minimum requirements.

e. Metric Assessment and Biodiversity Impact:
    - The EA's reliance on the superseded Metric 2.0 condition assessment methodology is flawed.

- Metric 3.1, endorsed by Natural England, is the industry standard for assessing biodiversity impacts.
- The possibility of the scheme having a negative impact on biodiversity is concerning.

f. Lack of Necessary Information:
- Despite a voluminous application, the LPA lacks essential environmental information.
- A determination without this requisite information would be premature.

g. Translocation and Irretrievable Loss:
- Proposed translocation of MG4a habitat is risky and likely to fail.
- The MG4 / MG4a areas are exceptionally rare and have existed for centuries.

h. Alternative Options and 'New' Meadow:
- The LPA should transparently consider alternative options.
- The proposed 'new' meadow won't fully replace the unique characteristics of the existing lost areas.

i. Request for Refusal:
- Unless the application's defects are addressed, OPT respectfully requests that the application be refused.
- Hinksey Meadow's unique biodiversity should be preserved for future generation.

<u>Second Response</u>

198. Context and Concerns:
- OPT owns fields in North Hinksey, Hinksey Meadow, and the North Hinksey Fields.
- These fields are directly affected by a scheme.
- Some of these fields have restrictive covenants, are rare meadow habitats, and house rare plants—all of which will be adversely affected.

199. Previous Representations and Current Concerns:
- OPT previously raised objections to this planning application (in a letter dated 23 May 2022).
- Despite additional information submitted, significant shortcomings in the application remain.
- OPT emphasizes that its objections have not been fully resolved.
- OPT recognizes the need to manage flood risk due to climate change but insists on finding an alternative that excludes Hinksey Meadow.

200. Specific Objections:
- OPT strongly objects to details within the scheme.
- Key areas of concern include:
    - The substantial loss of MG4a grassland.
    - Consideration of alternatives to the presented scheme.
    - Consequences related to allowing development in the Green Belt.

201. Firm View and Recommendations:
- OPT believes that the harmful effects of the proposed scheme on biodiversity and the Green Belt warrant refusal.
- OPT recommends considering alternatives that do not require a new channel across Hinksey Meadow.

202. Additional Points:
- OPT remains concerned about tree loss, bridge design, potential impacts on archaeology, and ongoing maintenance.
- If consent is given to the current scheme or a future version without Hinksey Meadow, OPT suggests specific conditions related to tree protection, bridge materials, archaeological investigations, and maintenance.

203. Importance of Hinksey Meadow:
- Hinksey Meadow is a traditional floodplain meadow that has been managed in the same way for centuries.
- It is classified as MG4a grassland, specifically the Dactylis (Cocksfoot) subcommunity, which is the richest and most revered subcommunity of MG4.
- These meadows are increasingly rare, with only 192 hectares remaining nationally.

204. Deficiencies in the Proposed Scheme:
- OPT commissioned experts from Bioscan to evaluate the planning application.
- Bioscan identified several fundamental deficiencies:
    - Inadequate consideration of alternatives to mitigate impacts on critical natural capital, especially the irreplaceable MG4 grassland.
    - Problems with habitat classifications and value judgments in the applicant's Environmental Statement (ES).
    - Poor performance of the scheme against relevant national and local policies.
    - Despite concerns shared by other parties, many of these deficiencies remain unaddressed.

205. Contradiction with Development Plan and Policies:
- The proposed scheme fails to protect Hinksey Meadow, which is identified as Green Infrastructure on the Oxford City Local Plan Policies Map.
- It also inadequately protects or mitigates the loss of MG4a grassland, contrary to local plan policies.
- The scheme's impact on biodiversity does not align with national planning policy, which emphasizes minimizing impacts and providing net gains for biodiversity.

206. Lack of Consideration of Alternatives:
- OPT criticizes the Environment Agency (EA) for not fully considering alternatives.
- The EA focused on schemes that cut through Hinksey Meadow rather than exploring options that avoid it.
- The Alternative Options Note (AON) lacks meaningful detail and fails to justify its approach.
- A 'no new channel' option through Hinksey Meadow was not adequately tested, despite its ecological significance.

207. Agreed Position and Inappropriate Development:

- All parties acknowledge that the proposed scheme contradicts the purpose of the Green Belt, as outlined in paragraph 138 of the National Planning Policy Framework (NPPF).
- The development is considered inappropriate. However, there's a provision for allowing such development in "very special circumstances."
- According to paragraph 144 of the NPPF, decision-makers must weigh the potential harm to the Green Belt due to inappropriateness against other considerations.

208. Balancing Considerations:
    - The harms related to inappropriateness, urbanization effects, and impact on character could potentially be outweighed by other factors.
    - Conditions related to tree retention on Willow Walk and bridge materials may play a role in this balancing exercise.

209. Harms to Biodiversity and Refusal of Consent:
    - Despite the above considerations, the substantial harms to biodiversity would tip the Green Belt balance against the proposals.
    - As a result, the scheme should be refused planning consent.
    - The newly submitted information (Reg. 25) doesn't address these serious concerns.
210. Policy Contraventions:
    - The application fails to meet the NPPF requirements for development within the Green Belt.
    - Consequently, it also contravenes Policy G3: Green Belt of the Oxford City Local Plan, which prohibits inappropriate development within the Green Belt.
211. Conclusion:
    - The Oxford Preservation Trust supports the Flood Alleviation Scheme in principle but objects to the loss of irreplaceable MG4a grassland.
    - The applicant's response to raised issues has been inadequate.
    - Alternative options, especially those avoiding Hinksey Meadow, need thorough assessment through Environmental Impact Assessment work.
    - The loss of MG4a, when avoidable, goes against the Development Plan for Oxford and the NPPF

Oxford Badger Group (OBG)

212. OBG strongly opposes the 200-metre channel element of the OFAS because of irreversible and damaging impact on the environment.

213. Loss of protected species including 14 badger setts in period of national crisis for nature, and contrary to NPPF.

214. Vital habitat would be loss, and impact on users using meadows.

215. Destruction of rare grassland is ecological vandalism. Loss of 2000 trees, shows a disregard for the benefits they offer.

216. The whole of Kendall Copse Community Woodland will be loss. Displacement of soil and loss of trees and hedges will result in a huge carbon cost.

217. Call for a public enquiry as the environmental cost for this channel is far too great. Its too costly and environmentally destructive and has unproven benefit.

Oxford Flood and Environment Group

First Response

218. The proposed application by the applicant, has drawn objections from the Oxford Flood and Environment Group. Their concerns revolve around both procedural and substantive aspects.

219. The key points raised:

a. Legal and Professional Obligations:
- The EA has not fulfilled its legal and professional responsibilities in designing an adequate flood alleviation scheme.
- Protection of the nationally rare biodiversity within the proposed scheme area has been insufficient.
- The substantial public investment in the scheme does not align with the claimed benefits.

b. Scheme Design Issues:
- The heart of the scheme's problems lies in the EA's decision to excavate approximately 450,000 cubic tonnes of soil and gravel from the ancient floodplain meadows of West Oxford.
- This excavation is intended to create a 5 km long channel, which, surprisingly, contributes only 5.4% - 5.7% of the calculated flood alleviation achievable by the scheme, and this margin is uncertain.

c. Scheme Benefits:
- The majority of benefits (around 85%) come from bunds and earthworks within the scheme area, along with the retention of existing flood management techniques.
- However, there are significant issues related to economics, hydrology, environment, and management that potentially violate National Planning Policy Framework (NPPF) policies.

d. A Call for Adaptability:
- The group advocates for a more flexible and adaptable scheme that incorporates twenty-first-century whole-catchment and regenerative farming methods for flood alleviation.
- Such an approach would be better suited to address the challenges posed by the current era of extreme climate crisis.

e. Whole-Catchment Solution:
- The EA acknowledges the need for a whole-catchment solution.
- Rather than proceeding with the costly and ecologically damaging channel, the group suggests implementing the uncontroversial aspects of the scheme.
- Simultaneously, they propose rethinking the problematic channel and investing resources in a more sustainable whole-catchment approach.

220. Appropriateness of decision making

- They believe that the scheme should be considered at a higher level by the Secretary of State.

221. Substantive objections to the scheme itself.

- Economic terms the cost is prohibitive.
- No or shorter channel option are more cost effective.
- No in accordance with NPPF in terms of achieving sustainable development.
- Not effective enough to protect Oxford from the challenges of climate change.
- Construction of the channel would reduce local residents access to green infrastructure.
- Reduced speed limit on A34 during construction will impact on the national transport system.
- Poorly designed bridge on the historic Willow Walk

<u>Second Response</u>

222. Continue to object on environmental grounds due to the following:

a. Biodiversity Loss:
   - The scheme would result in a 1% biodiversity loss, impacting over 2,000 trees and miles of hedgerow.
   - Despite claims of increased wetland habitats, the net biodiversity gain on-site is negative.
   - Achieving the required 10% biodiversity net gain would necessitate off-site planting at undisclosed locations.

b. Hinksey Meadow and Kennington Pit Local Wildlife:
   - The loss of these irreplaceable habitats is a significant concern.
   - Attempts to recreate the rare biodiverse habitat are misguided and unlikely to succeed.

c. Hedgerows and Willow Trees:
   - Claims that willows are fast-growing are misleading; they take at least 45 years to mature.
   - Ancient hedgerows cannot be replaced quickly, impacting insect and species diversity.
   - Offsite mitigation may collapse the West Oxford wildlife corridor.

d. Maintenance and Funding:
   - Funding for habitat maintenance remains uncertain.
   - Private landowners' compliance with flood defence maintenance cannot be enforced.
   - Long-term maintenance relies on existing budgets, which are not guaranteed due to defunding.

e. Comparisons and Omissions:
   - Lack of economic analysis and refusal to consider alternatives.
   - The new OFAS channel's silting risks are similar to the current stream.
   - Soil loss due to excavation and embodied carbon release are unaccounted for.

f. Exceptional Reasons and Public Inquiry:
   - Disagreement with the claim that OFAS has exceptional reasons outweighing Hinksey Meadow's value.
   - Advocacy for a public inquiry due to the seriousness of habitat loss.

g. Other Objections:
- Loss of access, greenbelt assault, lack of climate resilience, health impacts, and inadequate consultation.
- Better alternatives (e.g., pump and whole catchment solution) should be considered.
- Concerns about traffic impact and the effectiveness of a temporary bridge at Kennington.

223. In conclusion, supporting Option A2 (OFAS minus channel) is recommended, but strong opposition to the channel component remains due to unsatisfactory replies to the Regulation 25 letter.

Oxfordshire County Council (OCC) Archaeology

First Comment:

224. The proposed development is situated in an area of significant archaeological interest, as highlighted by the submitted cultural heritage chapter of the Environmental Impact Assessment (EIA) and the archaeological evaluation conducted along the proposed route. Part of the proposed area falls within Oxford City, and the advice of the City Archaeologist should be considered for this scheme.

225. The scheme will impact a site of national importance, specifically along the route of a medieval causeway. Since parts of this causeway are designated as a scheduled monument, the advice of Historic England should also be taken into account for this section of the proposed scheme. The recommendations provided by these two consultees are strongly supported.

226. The archaeological evaluation revealed a range of deposits along the proposed route:
- Prehistoric settlements dating from the Bronze Age to the Roman period.
- Stone causeways from the Late Saxon to Medieval periods within the scheme boundary.

227. The proposed scheme will also affect the line of the Norman causeway into Oxford along Old Abingdon Road. Some of the identified culverts are part of a scheduled monument, and additional unidentified culverts may exist within the proposed scheme. This causeway holds national importance, and the evaluation demonstrated that the scheme will impact surviving aspects of this monument, including the remains of a collapsed culvert.

228. The evaluation further recorded Late Mesolithic to Early Neolithic hunter-gatherer activity along the valley floor and the western slope of the adjacent hill. These in-situ deposits are rare within the county and hold high archaeological significance.

229. Beyond archaeological deposits, the evaluation highlighted the geoarchaeological interest of the site. It documented an evolving floodplain landscape from the Mesolithic period to the present day.

230. Waterlogged deposits, including a series of Bronze Age posts, were found within the low-lying areas of the proposed site. It is highly likely that additional preserved organic deposits exist within the scheme area. Such deposits are extremely rare in the county and are of considerable importance.

231. The proposed scheme will impact these archaeological deposits, necessitating a comprehensive archaeological mitigation and recording program before any development takes place.

232. While the Cultural Heritage chapter of the submitted environmental statement includes suggested mitigation for these archaeological features, there is disagreement regarding the adequacy of this level of mitigation. A meeting with the Environment Agency and their archaeological consultants did not accurately reflect the results of the discussion.

233. The conclusion that there will be no further requirement for recording of the geoarchaeological deposits on the site is also contested.

234. Therefore, it is recommended that, if planning permission is granted, the applicant should ensure the implementation of a staged program of archaeological investigation throughout the construction period. This can be achieved by attaching a suitable negative condition, including the following provisions:

- Prior to demolition and development, a professional archaeological organization approved by the Local Planning Authority shall prepare an Archaeological Written Scheme of Investigation for the application site area.
- Following approval of the Written Scheme of Investigation, a staged program of archaeological evaluation and mitigation shall be carried out by the commissioned archaeological organisation. This work will include processing, research, analysis, and the production of an accessible archive and a full report for publication within two years of completing the archaeological fieldwork.

235. These measures aim to safeguard the identification, recording, analysis, and archiving of heritage assets in accordance with the National Planning Policy Framework (NPPF) guidelines.

<u>Second Response</u>
236. The officers comments are largely unchanged.

OCC Climate Change and Carbon

<u>First Response</u>
237. Recommendation – Request for further information

238. The Climate chapter is not supported by emissions calculations to validate the assessment. Officer requests that the applicant provide these data.

239. Officer would like the applicant to clarify why the operation emissions have been scoped out but construction emissions are not.

Second Response

240. The officer states that the emissions expected to be generated by the development are expected to be negligible when put in context locally and nationally. Carbon savings should be made throughout the development, for example considerations should be made for an option to remove waste via rail instead of road has been considered at chapter 16 of the ES. This has concluded that the effect would not change, however, data to support this judgement should be provided for information.

241. They recommend that further detail on emissions, including the assumptions made and options to reduce carbon are provided as part of a carbon management plan to be in place prior to construction of the development, which should include the approach to reducing whole life carbon emissions.

OCC Soils

First Response

242. Para 12.2 Effects on individual agricultural holdings are to be included in this ES (see 4.3.8). However, although farms are stated to be affected there is no supporting appendix identifying the individual farms and likely scheme impacts. Please provide further information to address this.

243. Para 12.3 Mitigation proposals for the operation of farm holdings are missing. For example, it is not clear whether for temporarily acquired land be restored, will access be provided to temporarily severed land etc?

244. Table 12.1 Financial compensation is not an environmental mitigation. It is a matter for the district valuer. The references to liaison are not clear and more mitigation detail is requested regarding severance impacts.

245. The 103ha of grade 3b land include 43.6ha that were not surveyed (Appendix O Soils and Agricultural Quality of Land Affected by Oxford Flood Attenuation Scheme, Land Research Associates, 2018). For clarity, please confirm that the grade of the additional 43.6ha is based on the mapping of adjacent land quality.

246. The mapping of topsoils in Map 2 of the soil resources report does not extend into the larger of the two areas currently proposed for MG4 grassland ‘creation’ – Figure 3 in MG4 Grassland: Mitigation Strategy. The soil resource report Map 1 does show one unit-based soil sample point 10B, and two point-based samples 11* and 18* which are relevant to the proposed MG4 areas. Soil phosphorous measures in mg/l are 18, 11.2 and 8.6 respectively. The soil resource report notes that point 18* falls within the MAFF low phosphate index range of 0 – 1. Please provide further detail.

247. Please provide further information to clarify the evidence in terms of soil quality on which the proposed area has been selected as a location for MG4 grassland and how this relates to the target soil phosphorous levels identified by the Floodplain Meadows Partnership in MG4 Grassland: Mitigation Strategy.

Second Response

248. The officer states the agricultural sections of Chapters 12 are compliant with national and local legislation and guidelines and correctly follow the assessment guidelines of the chosen methodologies.

249. The assessments are accurate and sufficiently detailed to support this planning application. No best and most versatile agricultural land is affected by the Scheme and the residual effects of the affected holdings are not significant.

OCC Public Health

First Response

250. Public Rights of Way (PRoW):
- During both construction and after the flood alleviation scheme is delivered, all affected PRoW must remain open and accessible to users.
- Although the scheme's site boundary lies outside areas of deprivation, it will impact the Thames National Path Trail and National Cycle Network routes.
- These routes are crucial for active travel, especially for residents in the Rose Hill & Iffley and Carfax wards, which are among the top 10 most deprived wards in the county.

251. Air Quality:
- The applicant has considered and modelled potential impacts of the scheme on human health through an Air Quality Assessment.
- However, the assessment treats all receptors equally and does not specifically address vulnerable groups (such as children, older individuals, and those in higher deprivation levels).
- Given the scheme's proximity to primary schools and the known effects of poor air quality on children's health, this issue is a concern.

252. Overall Support:
- The Public Health team generally supports the Oxford Flood Alleviation Scheme due to its potential positive impact on the local area and climate change mitigation.
- However, they seek further reassurance regarding the scheme's air quality impacts

Second Response

OCC Transport Development Control

First Response

253. Recommendation:
- No objection, subject to specified conditions.

254. Key Issues:
- The operational phase impact of the proposed scheme is expected to be negligible.
- During the construction phase, the scheme's impact needs mitigation through a Construction Traffic Management Plan (CTMP).

- Since the contractor hasn't been appointed yet, CTMP details must be submitted before scheme commencement.
- Given the four-year construction phase, the CTMP will require regular monitoring by stakeholders to manage any impact on local and strategic highway networks.
- Regular meetings with the county council's Network Management team and National Highways are necessary to agree on traffic management measures.

255. Condition
- CTMP to be submitted to the mineral planning authority and agreed prior to commencement of works. The document to be updated for each phase of the scheme at least every 6 months and submitted to mineral planning authority.

Second Response

256. All previous conditions requested are still required.

OCC Rights of Way and Countryside access

First Response

257. Correct Route of Public Rights of Way:
- Developers must consider the legally recorded route and width of any public rights of way (PRoW) as documented in the definitive map and statement.
- The actual route on the ground may differ from the legally recorded route, potentially resulting in two routes with public access.
- The Definitive Map and Statement can be accessed online at Oxfordshire's Definitive Map.

258. Protection from Breaks in PRoW and Vehicle Crossings:
- PRoWs serve as valuable access corridors and continuous wildlife and landscape pathways.
- PRoWs should remain unbroken and continuous to maintain their natural value.
- Road crossings of PRoWs should be exceptions, with provisions for wildlife access and safe crossing facilities for walkers, cyclists, and equestrians.
- Vehicle access along PRoWs requires assessment and controls (e.g., speed, noise, dust) agreed with OCC Countryside Access.

259. Mitigation and Improvements of Routes:
- PRoWs within the development site should be integrated and improved to address pressures caused by the development.
- Upgrades may include enabling cycling or horse riding and enhancing access for commuters or those with lower agility.
- Measures must be agreed upon in advance with OCC Countryside Access to ensure public amenity is maintained.

260. Protection of PRoWs and Users During Construction:
- Routes must remain usable throughout the development's construction lifecycle.

- Temporary or permanent surfacing, fencing, structures, and signage must be agreed with OCC Countryside Access.
- Access for walkers, cyclists, and horse riders (vulnerable road users) should be maintained, minimizing noise, dust, and vehicle impacts.

261. Temporary Obstructions and Damage:
- No materials, vehicles, or structures should obstruct PRoWs during development.
- Avoidable damage to PRoWs must be prevented.
- Repairs to original or better standards should occur within 24 hours unless authorized otherwise by OCC Countryside.

262. Route Alterations:
- The development should align with the existing PRoW network.
- Changes to the legally recorded direction or width of PRoWs require appropriate temporary or permanent diversion through a separate legal process.
- Proposals for temporary closure/diversion must provide accessible, safe, and reasonably direct alternative routes.

263. Gates and Right of Way:
- Gates associated with the development should be set back from PRoWs or not open outwards across them.

Second Response

264. No Further comments to add.

OCC Drainage Team and Lead Local Flood Authority

First Response

265. Model Resolution:
- The 2D model resolution of 10 metres is considered quite coarse.
- While it's acknowledged that running higher resolution models may be challenging due to stability issues, the Local Lead Flood Authority (LLFA) requests further information.
- Specifically, they recommend simulating a higher resolution or multi-domain setup to ensure correct routing and extents for the entire modelled area.
- A higher resolution test run for the 1% Annual Exceedance Probability (AEP) would provide more confidence.

266. Hydrogeomorphology Assessment:
- The LLFA notes that there is no evidence of hydrogeomorphology assessment pre- or post-scheme.
- Given that the scheme includes in-channel and on-channel works, they request clarity on how the scheme affects hydrogeomorphological changes, especially flood velocities.

267. Groundwater Monitoring Plan:
- The documentation lacks a clear groundwater monitoring plan for post-construction.

- The LLFA recommends additional information on this monitoring plan based on study recommendations.

268. Potential Backing Up of Water Behind Defences:
- The assumption is that any water backing up from groundwater or surface water relies on existing drainage infrastructure and permeable ground infiltration.
- However, no modelling results have been observed to assess the surface water risk post-scheme.
- The LLFA suggests reviewing the assessment of potential water backing up behind defences.
- They also recommend reporting on surface water flows and groundwater levels modelling results.
- The Operation and Maintenance Plan should specify areas for pumping and interventions during exceedance events, including Munday's Bridge.

269. Review of Pump Requirements:
- The LLFA recommends reviewing the requirement for pumps and including them in the Operation and Maintenance Plan.

270. Overall, the LLFA seeks additional information and clarity to validate the proposal's fitness for purpose.

Second Response

271. The Local Lead Flood Authority (LLFA) acknowledges the validations presented by the Environment Agency (EA) in their report, specifically addressing the concerns raised during the LLFA-commissioned peer review. Consequently, the LLFA does not object to the proposed project. The works should align with the Flood Risk Assessment (FRA) and relevant Technical Notes.

272. At this stage, the LLFA has no additional comments regarding the application.

OCC Ecology

First Response

273. Recommendation - Holding objection - further information required with regard to:
- MG4 mitigation (botanical value of sites for habitat creation)
- Clarification as to whether any ancient boundary hedgerows will be lost.
- The approach to survey and licencing great crested newts
- Strawberry clover mitigation.
- Review of baseline condition of biodiversity metric calculations and arrangements for off-site delivery of biodiversity net gain

Second Response

274. Recommendation - The application will result in significant biodiversity impacts; consideration of the requirements of NPPF 180 (a) (avoidance through locating on an alternative site with less harmful impacts) and (c) (wholly exceptional reasons) must be demonstrated.

275. Further information is required with regards details of proposals for off-site biodiversity net gain. Should planning permission be granted, conditions and obligations are needed to secure biodiversity mitigation, compensation, and net gain.

Hinksey Meadows Local Wildlife Site (LWS)

276. Habitat Designation:
- Hinksey Meadows LWS is designated for its lowland meadow habitat, including areas classified as MG4 in the National Vegetation Classification (NVC).
- The NPPF paragraph 180 c) emphasizes that development resulting in the loss or deterioration of irreplaceable habitats should be refused unless there are wholly exceptional reasons and a suitable compensation strategy exists.

277. Policy Considerations:
- Oxfordshire Minerals and Waste Plan policy C7 (ii) and (iii) also apply to irreplaceable habitat and Local Wildlife Sites.
- To meet the requirement of avoiding impacts (NPPF para 180 a), alternative schemes must be fully considered and demonstrated unsuitable.
- Wholly exceptional reasons for the scheme (NPPF para 180 c) need to be evaluated.

278. Mitigation Efforts:
- The applicant proposes creating 17.8 hectares of MG4 grassland by sowing seeds from existing MG4 meadows.
- While translocation of turfs may not be successful, using seed from Clattinger Meadow or a closer MG4 meadow source would be preferable.

279. Biodiversity Net Gain (BNG):
- Irreplaceable habitats are excluded from BNG calculations.
- Application of the Defra Biodiversity Metric shows an uplift of 130 Biodiversity Units through the creation of lowland hay meadow from existing 'other neutral grassland'.
- Additional botanical survey and condition assessment inform this calculation.

280. Conclusion:
- Efforts to minimize impacts on MG4 grassland have been significant.
- The proposed 17.8ha lowland meadow habitat creation aims to meaningfully increase biodiversity value.
- Adequate avoidance, mitigation, and compensation measures are designed into the scheme.
- If planning permission is granted, conditions and obligations will ensure MG4 mitigation strategy implementation and funded monitoring and management.

Kennington Pool Local Wildlife Site (LWS)

281. Firstly, the construction of the scheme will lead to a 62% reduction in the size of Kennington Pit, which is part of the LWS. Additionally, there will be a loss of wet woodland habitat around the pond. Notably, the scheme may negatively impact

the whorled water-milfoil, a plant species found within the pit. While the policy requirements related to LWS status and priority habitats fall outside the ecological matters, the comments focus on avoidance, mitigation, and compensation measures incorporated into the scheme. Specifically, a mitigation strategy for the whorled water-milfoil has been submitted, aiming to improve water quality by separating from the Hinksey Drain and enhancing light conditions. Although these efforts alone may not fully compensate for the pond area loss, the scheme also includes creating smaller ponds and a larger pond elsewhere. While Kennington Pit's pond habitats are not irreplaceable, their long-established value contrasts with the time needed for new ponds to mature ecologically.

282. In conclusion, the scheme results in significant loss within the LWS, but compensation measures aim to enhance the remaining part of the LWS and create compensatory habitats.

Other Habitats

283. Wet Woodland Loss:
- The Environmental Statement identifies moderate adverse impacts due to the loss of wet woodland, which is a habitat of principal importance.
- Although woodland planting will replace what is lost, newly planted areas will take years to establish the ecological value of the original habitat.

284. Hedgerow Impact and Compensation:
- Approximately 3 km of priority hedgerow will be lost to the scheme.
- In compensation, 3.5 km of species-rich hedgerow will be planted.
- Off-site hedgerow creation is also planned to deliver biodiversity net gain.

285. Species Surveys:
- Key species include creeping marshwort, whorled water-milfoil, bats, and badgers.
- Surveys for great crested newts were inconclusive.
- Otter and water vole are likely present in low numbers.
- Pre-commencement checks for Kingfisher burrows and Red Kite nests are needed.

286. Protected Species Licenses:
- Surveys for protected animal species need updating before commencement.
- Licenses will be required for bats, badgers, and creeping marshwort.
- Additional licenses may be needed for great crested newt, otter, and water vole.

287. Mitigation Plans:
- Creeping marshwort and whorled water-milfoil conservation plans are submitted.
- Some aspects of these plans are yet to be finalized.
- Strategies should be updated before starting the project.

288. Strawberry Clover:
- The population at Oatlands Road Recreation ground is County important.

- It will be lost due to a raised embankment.
- Compensation measures involve reinstating it along an informal footpath.

289. Great Crested Newts:
    - Three ponds not surveyed due to dry conditions.
    - Pre-construction checks will be done, and mitigation put in place if needed.

290. Bats:
    - 71 trees with roost potential will be removed.
    - Bat transect and activity surveys will be repeated.
    - 117 new bat boxes will mitigate roosting habitat loss.

291. Badgers:
    - 3 setts will close, and others disturbed by construction.
    - Replacement main sett to be constructed.
    - Pre-commencement surveys and updates required.

292. Otter and Water Vole:
    - Low otter activity recorded, but no holts or resting places found.
    - Water voles assumed present in low numbers.
    - Pre-commencement surveys needed.

293. Conclusion:
    - If permission granted, updated surveys and mitigation requirements are necessary.
    - Conditions for Marshwort and Water-milfoil Mitigation Strategies should be secured.

Biodiversity Net Gain

294. The DEFRA Biodiversity Metric 3.0 was employed to assess biodiversity gains and losses in this scheme.

295. Net Gains and Losses:
    - Area-Based Habitats: Initially, there's a 1.04% loss of area-based habitats. However, when considering off-site habitat creation, this translates to an 11.24% gain.
    - Hedgerows: The scheme experiences a 14.11% loss of hedgerows, which becomes an 11.66% gain when off-site habitat creation is factored in.
    - River Habitat: There's a 13.83% gain in river habitat, rising to 15.22% with off-site habitat creation.

296. Priority Habitats: The scheme aims to enhance priority habitats within its boundary, including wetland habitats like ponds, scrapes, backwaters, and floodplain grazing marsh.

297. Trading Rules and Off-Site Creation:
    - To comply with trading rules, high distinctiveness habitats must be replaced like-for-like.

- Wet woodland, hedgerows, and ditches cannot be fully replaced within the scheme, necessitating off-site creation.

298. Baseline Adjustment:
- Survey work clarified the habitat type and condition of existing grassland habitats within the scheme boundary.
- Some grassland parcels were reclassified as other neutral grassland, raising the baseline biodiversity level.

299. Protection and Exclusions:
- Biodiversity net gain doesn't alter existing protection for irreplaceable habitats, local wildlife sites, and protected species.
- Irreplaceable MG4 lowland meadows and proposed compensatory habitats are excluded from metric calculations.

300. Further Information Required:
- Off-site net gains are essential to avoid net losses in area habitats and hedgerows.
- Detailed information on proposed off-site BNG sites, landowner agreements, surveys, and habitat creation plans is needed.

301. Environmental Action Plan (EAP):
- Suggest including haul routes within the channel to minimize impact on MG4 grassland.
- This could be secured through an updated EAP or the Construction Environmental Management Plan.

302. Long-Term Management and Monitoring:
- A detailed monitoring plan covering at least 30 years should be secured.
- The Landscape and Habitat Creation: Delivery and Management Plan outlines long-term management through a lease with an environmental organization.
- A more detailed Landscape and Environmental Management Plan (LEMP) will be produced

<u>Third Response</u>

303. After the applicant sent Letters of Comfort in regard to Off-Site BNG. A third response was produced.

304. Recommendation: The application will result in significant biodiversity impacts; consideration of the requirements of NPPF 180 (a) (avoidance through locating on an alternative site with less harmful impacts) and (c) (wholly exceptional reasons) must be demonstrated.

305. Should planning permission be granted, conditions and obligations are needed to secure biodiversity mitigation, compensation, and net gain.

306. <u>Oxford Meadows SAC</u> Habitat Regulations Assessment – The officer is satisfied there are no likely significant effects on Oxford Meadows SAC.

307. Iffley Meadows SSSI – The officer is satisfied that there are no likely adverse effects on Iffley Meadows SSSI.

308. Local Wildlife Sites (LWS):

Hinksey Meadows LWS

- The officer expresses satisfaction with the design of a scheme aimed at minimizing impacts on the MG4 grassland. Despite some residual impacts, compensation is proposed. The creation of a 17.8ha lowland meadow habitat is expected to enhance biodiversity and compensate for the lost habitat. The avoidance, mitigation, and compensation measures are deemed adequate. If planning permission is granted, conditions and obligations will be established to implement the MG4 mitigation strategy and secure a funded monitoring and management plan.

Kennington Pool LWS

- The scheme would lead to a substantial loss to Kennington Pool LWS. However, compensation is planned through enhancements to the remaining LWS and the creation of ponds in other parts of the scheme. If planning permission is approved, conditions and obligations must be established to guarantee a funded habitat management and monitoring plan for both Kennington Pools LWS and the compensatory habitats.

Other Habitats

309. Adverse Impacts and Wet Woodland Loss:

- The Environmental Statement identifies moderate adverse impacts due to the loss of wet woodland, which is a habitat of principal importance.
- While woodland planting will occur to replace what's lost, it's important to note that newly planted woodland areas will take many years to establish the same ecological value as the original habitat.

310. Hedgerow Impact and Compensation:

- Approximately 3 km of priority hedgerow will be lost due to the scheme.
- To compensate for this loss, 3.5 km of species-rich hedgerow will be planted.
- Additionally, off-site hedgerow creation has been identified as a measure to achieve biodiversity net gain.

311. Irreplaceable Habitats:

- It's important to recognize that irreplaceable habitats, such as ancient woodland, cannot achieve net gain in biodiversity.
- However, in this case, none of the hedgerow habitats are considered irreplaceable

Species

312. A series of species surveys have been conducted to evaluate the ecological impacts of a proposed scheme. Notable species identified include creeping marshwort, whorled water-milfoil, bats, and badgers.

313. The presence of great crested newt is uncertain based on the surveys. Otters and water voles are expected to be present in low numbers. Checks

for Kingfisher burrows and Red Kite nests will be necessary before the project begins.

314. The last comprehensive survey for protected species was done in 2020 and needs to be updated before the project starts. Licences for protected species, specifically for bats, badgers, and creeping marshwort, will be required. Additional licences may be needed for great crested newt, otter, and water vole, depending on the results of pre-construction surveys.

315. The officer states if MPA are minded to approve permission for the scheme, a pre-commencement condition requiring updated surveys for protected species and any necessary resulting mitigation requirements should be attached. Conditions will also be needed to secure updates to, and implementation of, the Creeping Marshwort Mitigation Strategy and Whorled Water-milfoil Mitigation Strategy.

Biodiversity Net Gain

316. Without the delivery of off-site biodiversity net gains, the scheme will result in a net loss in area habitats and hedgerows, as well as failing to meet the trading rules for wet woodland, hedgerows, and ditches. The provision of off-site net gains is therefore required to ensure that the application is compliant with national and local planning policy.

317. The applicant reports in the Biodiversity Net Gain Calculator (Jan 2023) Report that they have identified a number of suitable sites for off-site habitat and hedgerow creation and enhancements. The location of these sites is not provided due to commercial confidentiality, but they are all within Oxfordshire and range in location from adjacent to the scheme to 15km.

318. Detailed proposals for habitat creation have yet to be drawn up; the Biodiversity Metric Calculator submitted indicates that wet woodland, reedbeds, and other neutral grassland habitats will be created. However, this is pending more detailed assessment and landowner agreements, which will influence the habitat types and condition scores of the habitats to be created, again this will alter the calculation of the uplift in biodiversity from habitat creation at these sites.

319. To address concerns around uncertainties relating to the availability and deliverability of appropriate offsite BNG, the applicant has submitted a letter of comfort and supporting letters from landowners they are engaged with regarding offsite BNG provision. These landowners are the Blenheim Estate, Earth Trust and Oxford City Council.

320. The letter from the applicant (11th April 2024) confirms that they are in discussions with landowners to secure offsite delivery of the following:

- Hedgerows (33 units)
- Wet woodland (22 units)
- Ditches (1.8 units)
- Reedbeds (12 units)
- Other Habitats (40 units)

321. The applicant has conducted initial surveys of the sites and their biodiversity expert has deemed them appropriate for creating the required habitats.

322. The Oxford City Council has identified parcels of land that will contribute to offsite Biodiversity Net Gain (BNG) habitats. They are in talks with the Environment Agency to grant an option over this land, which could lead to a freehold transfer if planning permission is granted. Both the Blenheim Estate and Earth Trust have committed to working with the Environment Agency to provide offsite BNG and understand the need for ongoing habitat management.

323. The officer is satisfied with the sets taken. The applicants' letter of comfort and supporting letters from landowners have increased confidence in the deliverability of offsite Biodiversity Net Gain (BNG). However, updated surveys, biodiversity metric calculations, and plans for offsite BNG will need to be secured through appropriate conditions or obligations. Furthermore, the establishment of onsite and offsite BNG habitats, along with their management and monitoring for 30 years, will need to be ensured through planning obligations.

Environmental Action Plan

324. The Environmental Action Plan (EAP) should consider incorporating haul routes across Hinksey Meadows LWS within the channel's route. This provision could be enforced through a condition that necessitates an updated EAP or as part of the Construction Environmental Management Plan.

Long Term Management and Monitoring

325. Submission and subsequent implementation of a detailed monitoring plan covering a period of at least 30 years should be secured by condition/obligations. A more detailed LEMP is required. The provision and implementation of the LEMP should be secured through a planning obligation.

Conditions

- Prior to the commencement of any development, a Construction Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the County Planning Authority.
- Pre-commencement requirement to produce up-to-date surveys for protected species to be submitted and approved in writing by MPA.
- Pre-commencement requirement for updated mitigation strategies shall be submitted to the MPA in relation to MG4 grassland, whorled water milfoil and creeping marshwort
- Pre-commencement condition requiring the submission of a updated Environmental Action Plan and approved by MPA.

OCC Arboricultural Consultant

<u>First Response</u>

326. Recommendation – Further Information requested.

327. The application includes an Arboricultural Impact Assessment (AIA) and Arboricultural Method Statement (AMS). The AIA draws upon survey work

undertaken in 2017/18 and presented in the previous withdrawn application. Additional survey work was carried out to inform the current proposal in 2020/21. The survey work is summarised in a tabular form but does not include all the information expected. The overview table should be compliant with 'BS5837:2012 Trees in relation to design, demolition and constructions- Recommendations'. Please provide the information in BS5837:2012 format.

328. Root protection areas (RPA) would have increased in diameter since 2017/18. In some cases, trees may have lost condition as a result of damage or deterioration. Please advise whether you have taken into account potential changes that might have a material effect?

329. The drawings in the AIA show a scheme of working area hatched in grey. Within this area trees are shown as both requiring removal and retention. Whilst tree removal within the working area is understandable it is not clear from the AIA why tree retention is possible within the scheme working area e.g. Around G49 as just one example. It would be helpful for the applicant to confirm that these trees are indeed to be retained and provide a general comment as to why this is the case.

330. Amongst the proposed tree removals, the trees alongside the proposed channel east of North Hinksey (Trees 1011 – 1042) form a notable feature. Many are categorised as Cat C or U indicating lower value or poor condition. As many are old willows, they are also amenable to regular management. Further information is required to explain whether realignment of the proposed channel with appropriate long-term regenerative management of the trees was considered as a way of retaining these trees and the feature and, if not possible why this was the case?

331. The Environmental Statement refers to 8.9ha of new native woodland being planted using 3632 trees. At an average of 408 trees per hectare, this is a relatively low stocking density for woodland creation. Confirmation is required that this figure is correct and further information on how this might influence the longer-term development and management of the new woodland areas.

332. A small number of trees on the drawings do not have a removal / retention status showing e.g. T1201 as one example, or RPAs not included on trees to be retained e.g. T1156 as one example. These should be updated on the drawing so that they are consistent with the data tables and across the drawing series.

333. In Appendix F - IMSE500177-CH2-XX-00-DR-EN-0740 Revision A – Overall Plan is not included in the drawings. Please update.

334. In addition, in Appendix F, the very pale colour of the base mapping in both the AIA and AMS makes it harder than needs to be to interpret drawings. The drawings don't show the scheme proposals in grey hatch, which makes it hard to interpret impacts on the trees. Please can you amend the plans to make it easier to interpret.

<u>Additional comments to the first response</u>

335. IMSE500177-CH2-XX-00-DR-EN-0740 Revision A – Overall Plan is not included in the drawings.

336. The very pale colour of the base mapping in both the AIA and AMS makes it harder than need be to interpret the drawings. To clarify a point in my previous response, the drawings don't show the scheme proposals just the working area as grey hatch. This makes it hard to interpret and check impacts upon trees from the development.

Second Response

337. No objection subject to conditions:

- AIA and AMS, Tree Constraints, and Tree Removal Plans need to be revised to capture missing trees/tree groups. (Pre-commencement Condition)
- Prior to the commencement of any works on site, a revised Arboricultural Method Statement (AMS) should be submitted, with a detailed Tree Protection Plan.
- Taking into account any changes in design and required alterations to the TPP, the AMS should also give details on each construction phase in terms of tree removals and make provisions for the retention and protection of additional trees throughout the course of development including a detailed working methodology of construction works within the Root Protection Areas (RPA's) of retained trees and ground protection measures were proposed in the RPA.
- Prior to the commencement of any works on site, a scheme of arboricultural site monitoring will be submitted to and agreed in writing by the Local Planning Authority.
- Arboricultural works shall be supervised by a professionally qualified arboriculturist for the duration of the project, and any aftercare period, including any arboricultural risk management process. The supervising arboriculturist will submit a monthly report to the LPA.
- No works or development shall commence until full details of all proposed tree planting have been submitted to and approved in writing by the Local Planning Authority.
- Prior to the commencement of any works on site, a Landscape and Ecological Management Plan (LEMP) shall be submitted to and agreed in writing by the Local Planning Authority.

OCC Landscape Specialist

First Response

338. Recommendation – Further Information/clarification sought.

339. Clarification is required on the location and extent of off-site compensatory tree and hedgerow planting.

340. Further information/clarification is required that allows a more informed judgement on how proposed mitigation compares to the vegetation lost. A tree canopy assessment should be provided, which provides information on existing tree cover to be lost, tree cover to be retained and coverage envisaged by year 15. It is recommended that this information is presented in percentages by area, e.g. stage 1 channel, stage 2 channel, compound and construction access areas.

341. More information is required with regard to the consideration given to the design of bridges including a review of the proposed bridge designs. Consideration should be given to further improvements, which not only ensures functionality and integration in the surrounding area, but also creates interest, e.g. through the integration of bespoke design elements and/or public art. Therefore, clarification on the design process and alternative designs is requested.

342. Further clarification is sought on the impacts on South Hinksey village and its setting caused by the compound (including HGV movements), potential flood walls/embankments and potential new haul road.

343. The scheme will result in the permanent loss of some public access land at the existing open spaces. This is proposed to be compensated by the scheme delivering long-term public access and recreational benefits in the form of a new permissive path along the second stage channel between Willow Walk and South Hinksey, improved bridges and paths and by reducing flooding at the existing open spaces, the latter of which increase the usability of the open spaces. The Landscape Specialist believes that these measures will assist in compensating adverse effects on the open space resource, but she wonders whether more could be done to improve the recreational provision e.g. by improving nearby open spaces or improving links between the city and the surrounding countryside in line with the Green Infrastructure Strategy. Therefore, clarification is sought on what other alternative measures have been considered within the scheme area or beyond.

344. Conditions: Notwithstanding the comments above, a number of conditions covering the following aspects will be required should the development be approved:

- Arboricultural Method Statement and tree protection
- Detailed Landscaping Scheme
- Detailed design and materials of structures (bridges and other structures)
- Detailed Landscape and Ecological Management Plan
- Phased Vegetation removal.

345. In addition, the long-term management (25+ years minimum) of all habitats and planting should be secured via a legal agreement.

<u>Second Response</u>

346. Recommendation- No Objection subject to conditions.

347. The development will cause substantial loss of mature vegetation across the scheme, which together with the construction impacts will cause significant landscape and visual effects at a local level during construction and at year 1.

348. The scheme will result in a localised change in the landscape pattern through the creation of a wider, less-vegetated channel, but I consider the restoration scheme of characteristic floodplain habitats, trees and woodlands to be in keeping with the local landscape character of the area.

349. Whilst I am concerned about the vegetation loss and the related impact on the local landscape character, views, biodiversity and local historic settlements during construction and year 1, I believe that the scheme can be successfully embedded into the local landscape in the long-term subject to appropriate long-term (30+ years) management.

350. As such I consider the scheme on balance acceptable in landscape and visual terms, and to meet the requirements of para 174b of the NPPF, policy G7 and G8 of the Oxford City LP and policies 44 and 45 of the VoWHLP.

Conditions:

351. A number of conditions covering the following aspects will be required should the development be approved:

- Arboricultural Method Statement and tree protection (also required as part of the arboricultural response
- Detailed Landscaping Scheme (also to take account of the arboricultural comments to increase species diversity and stocking densities)
- Detailed design and materials of structures (bridges and other structures)
- Detailed Landscape and Ecological Management Plan (LEMP)
- Phased Vegetation removal.
- Lighting
- Construction Environment Management Plan (CEMP)

352. In addition, the long-term management (30+ years) of all habitats and planting should be secured via a legal agreement.

Annex 4 – Representations Summary

You can find the redacted third-party representations in the following documents on the e-planning website, using the reference MW.0027/22 titled:

- First round of consultation - 'OFAS Third Party Comments (Redacted) 01Jun22 v1'
- Second round of consultation – 'OFAS Third Party Comments (redacted) V5 12mar24'

Below is a summary of the third-party representations received.

First round of consultation

Objections

1. Poor value for money and lack of cost effectiveness including requirements for ongoing maintenance.
2. The models used are insufficiently sophisticated.
3. The proposal is over-engineered and there are lesser effective solutions available.
4. The County Council has a conflict of interest as Local Planning Authority given it is part of the OFAS Partnership.
5. The calculation of existing biodiversity is flawed, and the existing biodiversity value of the land affected is much higher.
6. Adverse impacts on health from dust and air pollution, noise and vibration during the construction period.
7. It is not the solution to the problem including increased rainfall and the more prevalent frequency of rain falling in heavy dumps.
8. Lack of public engagement by the applicant.
9. The proposal is contrary to the policies and aims of the National Planning Policy Framework.
10. Adverse impacts on climate change through carbon emissions and loss of carbon sequestration through construction works.
11. Loss of existing public space for recreation.
12. The no-channel alternative would reduce the impact on biodiversity in particular MG4 and MG4a grassland.
13. Adverse impacts on Local Wildlife sites.
14. Would like the no-channel alternative properly considered as alternative or the buried pumped and piped option.
15. Extra railway drainage capacity should be provided upstream.
16. Impact of floodwater from the scheme on settlements downstream.
17. The channel between Botley Road and Old Abingdon Road is environmentally destructive.
18. Look at alternatives including works upstream like dredging, clearing existing streams, culverts, riverbank maintenance and maintain the current flood meadow.
19. Independent hydrologists and planners do not accept that the channel would bring certainty to the end of flooding in the area.

20. Disruption to local residents and the environment for a period of three to five years during construction.
21. Destruction of MG4 and MG4a grassland, only 3% of this habitat is left.
22. Mitigation of the MG4a may not work, there is no record of successful translocation, therefore the habitat maybe lost.
23. Loss of 2000 trees as part of the proposal will be destructive.
24. Adverse impact of removal of trees to north bank of stream running along North Hinksey Lane.
25. Adverse impacts on protected species and habitats and all wildlife including fish and species which use the existing river and streams.
26. Constructed landscapes and habitats are no substitute for the loss of existing ones.
27. The channel during construction will cause congestion on Kennington end of city, South Hinksey, Botley Road and the A34.
28. Reduced speed limits on A34 will impact on traffic, leading to tailbacks.
29. Pollution rates will increase during construction period.
30. Dust, noise and smell make it unpleasant during construction.
31. The development will impact on access to green spaces, therefore impact on wellbeing.
32. Green Belt impacted, development will cause urban sprawl and destroy the historic setting of Oxford. Scheme will result in the destruction of 133 acres of Green Belt.
33. Concerns on the loss of rural character.
34. Impacts on Willow Walk, including the loss of the route during construction. Lose connections to other parts of the city. The loss of the route will encourage bad transport habits.
35. Loss of mature willows on Willow Walk and South Hinksey stream.
36. Concerned for woodland known as Kendal Copse planted as a community project in the 1990s. These will be impacted will not be good for climate change.
37. Climate impact of digging up soils and mineral releases carbon.
38. Don't believe the EA will have the financial support to maintain the scheme once completed.
39. Provides very little gain in improving flooding considering the impacts.
40. Experts not directly connected to the EA think that the channel is ineffective, grossly expensive and destructive.
41. Location of main compound is too close to homes in South Hinksey with associated adverse impacts during the construction period.
42. Fundamentally alter the nature of South Hinksey village and its surrounding environment.
43. The road bridge over A34 not in suitable condition to take additional HGV traffic.
44. Concerns on the temporary re-routing of the Devil's Backbone path, and whether it will remain passable in bad weather.
45. Local environment will take several years to recover from the works.
46. Concerns with the design of the Willow Walk bridge. The design in not in keeping with the surroundings and it would be over-engineered. Its too wide and modest timber structure would be more in keeping.
47. Concerns over the impact on nesting birds, bats and insects, and other creatures that depend on the trees.
48. Inadequate infrastructure to cope with the scheme.

49. Concerns with the technical expertise involved in the scheme. Very little technical information provided with the application. The flood channel is too small to carry the flood water. The flood benefit is small considering the impacts.
50. Walls and banking will not work entirely as water can flow underneath in gravel areas.
51. Results of the sensitivity tests recommended in the FRA Appendix D are not attached.
52. Model calibration report is based on an out-of-date hydraulic model.
53. Adopting the scheme without the channel would save on cost, carbon footprint, disruption and ecocide.
54. Re-establishing wildflower meadows can take up to 150 years.
55. The scheme should be considered by inspector or minister of state at a public inquiry and not by Oxfordshire County Council.
56. Hinksey Meadows and routes like Electric Avenue, plus fields south of Willow Walk are important open spaces, during construction use of these areas will be reduced.
57. Object due to lack of information on child safety in the vicinity of proposed flood channel which will be permanently wet.
58. Large number of HGV movements will cause congestion on local roads.
59. Concerns the scheme will take longer than planned to complete.
60. Most of the proposed measures are not dependent on the channel, incremental approach to managing the flooding.
61. Destroying Hinksey Meadows is as bad as destroying Port Meadow.
62. No precautions put in place to prevent the spread of invasive species such as Himalayan Balsam via works machinery down from Botley.
63. Destruction of wet woodland at Kennington Pools is unacceptable.
64. Some permissive routes will undoubtedly be lost.
65. The 2-stage channel option does not enjoy public support.
66. Adverse impacts on the historic environment heritage assets including Eastwyke Farmhouse, Old Abingdon Road scheduled monument and the Willow Walk and North Hinksey (Monks) causeways.
67. Loss of Ancient Woodland, ancient and veteran trees.
68. Lack of commitment to long term maintenance and job creation.
69. Adverse impact on agriculture.
70. Adverse impacts on the existing landscape.
71. Unacceptable impacts on Eastwyke Farm area including commercial interests including hotel in ownership of University College.

<u>Support of development</u>

1. The proposals will significantly reduce flood risk for thousands of properties including in South Hinksey, West Oxford and Grandpont and the temporary disruption during construction is outweighed by the long-term benefit.
2. Plans are well thought through and sympathetic to environmental and wildlife issues.
3. Disruption is inevitable in order to reduce flooding.
4. Support but would like to see better cycle and pushchair access along the route.
5. The scheme is vital to fight against climate change, biodiversity decline and food security.

6. Support biodiversity and ecological enhancements including the planting of native woodland and removal of Towles Mill weir to facilitate fish passage.
7. Support but tight restrictions will be required on contractor staff parking and use of local residential roads.
8. Support but would advocate alternative means of transport for removal of spoil including use of non-fossil fuel vehicles.
9. Support but the Devil's Backbone should be kept open as it is an important route used by local people daily.
10. Support but concerned by loss of trees at Kennington.
11. Support but believe tree planting should be maximised.
12. Experience of past flooding to residential properties is something that nobody should have to go through, and the scheme is therefore supported.

Second round of consultation

Objections

1. Poor value for money and lack of cost effectiveness including requirements for ongoing maintenance.
2. The site cannot deliver biodiversity net gain on site and there is uncertainty about where off-site biodiversity net gain can be delivered.
3. The MG4a grassland at Hinksey Meadow is an irreplaceable habitat and its loss is not justified by the proposed development.
4. Impact of HGV traffic during construction on local residents and the highway network leading to congestion and additional slowdown of traffic on the A34.
5. The adverse impacts on highway safety particularly from the additional HGVs joining the A34 at South Hinksey.
6. Loss of open space used as recreational land.
7. The development has not followed the mitigation hierarchy of reducing impacts – a lesser scheme e.g. a no-channel option would avoid many impacts of the proposed development.
8. Adverse impacts on air quality and so public health.
9. Impacts on local residents of closure and diversion of rights of way and Electric Road.
10. Adverse impacts on rare and protected species and habitats and all wildlife.
11. Impact of carbon emissions from the construction works.
12. Potential adverse impacts both upstream and downstream of works in the flood plain.
13. Adverse impacts to local residents of works at Tumbling Bay car park.
14. Adverse impacts of loss of amenity on physical and mental health.
15. Look at alternatives including works upstream like dredging, clearing existing streams, culverts, riverbank maintenance and maintain the current flood meadow.
16. Adverse impacts of eutrophication in pools I the summer months along the second-stage channel.
17. There are major errors with the hydrological modelling and data.
18. The scheme will increase, not decrease flooding.
19. There is a lack of information about the ongoing maintenance of the scheme.
20. Loss of miles of hedgerows.
21. Loss of Green Belt land and contrary to purposes of designation.

22. Oxford University has three separate locations affected by the scheme and objects to each of these areas, notably Egrove Park where the land is not required, Buxton Court due to the loss of car parking and Tilbury Farm due to the loss of usable agricultural land.
23. Adverse impacts of extracting around 450,000 m3/tonne of soils and sand and gravel.
24. Location of main compound is too close to homes in South Hinksey with associated adverse impacts during the construction period.
25. Poor design and so ugly proposed infrastructure e.g. Devils Backbone and Willow Walk bridges.
26. Conflict of interest for Oxfordshire County Council as determining Local Planning Authority when it is also a partner in the scheme.
27. Adverse impacts on existing local businesses e.g. tree removal removing existing screening and additional congestion on the A34.
28. Loss of 4000 trees as part of the proposal will be destructive and replacement planting of immature trees is not a replacement.
29. Over engineered, compared with the costed solution to pump the water through a pipeline, without the need for digging a channel through the ancient, and scientifically rare flood meadows.
30. There should be a proper Inquiry into all the alternatives for flood alleviation.
31. No precautions put in place to prevent the spread of invasive species such as Himalayan Balsam seeds during construction works.
32. Adverse impacts on residents of North Hinksey.
33. The overall flood alleviation is relatively low (20% of total flow on a large flood flow event) compared to other similar schemes elsewhere e.g. the Jubilee River at Maidenhead (40%).
34. The benefits will be to relatively low number of properties at massive costs to the rest of the community and the environment.
35. The floodplain is on gravel and so water does and will still flow under embankments etc in times of flood.
36. Higher flood walls and embankments could mitigate the need for the channel.
37. The scheme is constrained by the need to avoid any additional flows downstream i.e. the floodwaters need to be held in the Oxford floodplain. Consideration could be given for designing in some controlled release of water downstream.
38. Adverse impacts on scouts and other young persons groups of reduced access to open space with riverside access and need to consider equalities requirements.
39. Adverse impacts on climate change through carbon emissions and loss of carbon sequestration through construction works.
40. Reforestation of the upper and middle Thames Basin and wider catchment area to stop run-off is a better solution.
41. Reverse engineering of existing drainage patterns including damming should be considered.
42. Adverse impact on local residents of bunds proposed at Oatlands Recreation ground.

Support of development

1. Support provided implementation is mandatory.
2. The scheme will greatly improve the amenity of the local area and reduce the anxiety of local residents.
3. The scheme will significantly reduce flood risk for thousands of properties including in South Hinksey, West Oxford and Grandpont and the temporary disruption during construction is outweighed by the long-term benefit.
4. The scheme will reduce flood risk for businesses and associated disruption and damage.
5. The scheme will benefit biodiversity interests overall.
6. Improved public safety, people have lost their lives in previous floods in Oxford.
7. The scheme addresses the impacts of climate change taking into account increased rainfall which is already happening.
8. Not only is flood risk alleviation proposed welcomed, but it will also address issues with the contamination in the water to properties and residents when flooding has occurred and so have public health benefit.
9. The scheme is well researched, sensible and important. It not only addresses the immediate concerns but also provides a long-term strategy for flood prevention, ensuring the resilience and sustainability of our community for years to come.
10. The scheme will offer clear economic benefits in terms of reduced civic damage.
11. The scheme would protect a significant part of Oxford, ensuring minimal disruption to the city, its citizens, heritage, buildings and significant contribution to culture and tourism alike, thus enabling resources to be concentrated elsewhere as required.
12. The scheme is not perfect and will clearly have adverse impacts including to Hinksey Meadows but in the overall balance the need for it is in its favour.
13. There has been a proper exercise carried out into the assessment of alternatives and the scheme proposed is the correct solution to the problem of flooding.

Annex 5 - Habitat Regulations Assessment Record for Oxford Flood Alleviation Scheme MW.0027/22

Introduction to Habitats Regulations Assessment

The requirement for Habitats Regulations Assessment (HRA) is described within Council Directive 92/43/EEC on the Conservation of Natural Habitats and of Wild Fauna and Flora (otherwise known as the Habitats Directive), which is transposed into English law through the Conservation of Habitats and Species Regulations 2017 (as amended) (hereafter referred to as the Habitats Regulations).

In accordance with Regulation 63(1) of the Habitats Regulations, a competent authority, before deciding to undertake, or give any consent, permission or other authorisation for, a plan or project which is likely to have a significant effect on a European site or a European offshore marine site (either alone or in combination with other plans or projects), and is not directly connected with or necessary to the management of that site, must make an appropriate assessment of the implications of the plan or project for that site in view of that site's conservation objectives.

In accordance with Regulation 64(1) of the Habitats Regulations, if the competent authority is satisfied that, there being no alternative solutions, the plan or project must be carried out for imperative reasons of overriding public interest (which, may be of a social or economic nature), it may agree to the plan or project notwithstanding a negative assessment of the implications for the European site or the European offshore marine site (as the case may be).

A European site or European offshore marine site is defined within Regulation 8 of the Habitats Regulations as:

1. a Special Area of Conservation (SAC);
2. a Special Protection Area (SPA); and
3. a European site so far as consisting of marine areas.

National Planning Policy Framework (NPPF) and ODPM Circular 06/2005 states that potential SPAs (pSPAs), possible SACs (pSACs) and candidate SACs (cSACs), listed or proposed Ramsar sites, and sites identified, or required, as compensatory measures for adverse effects on habitats sites, pSPAs, cSACs, and listed or proposed Ramsar sites, on which the Government has initiated public consultation on the scientific case for their designation, should also be considered European sites. Hereafter all of the above designated nature conservation sites are referred to as 'European sites'.

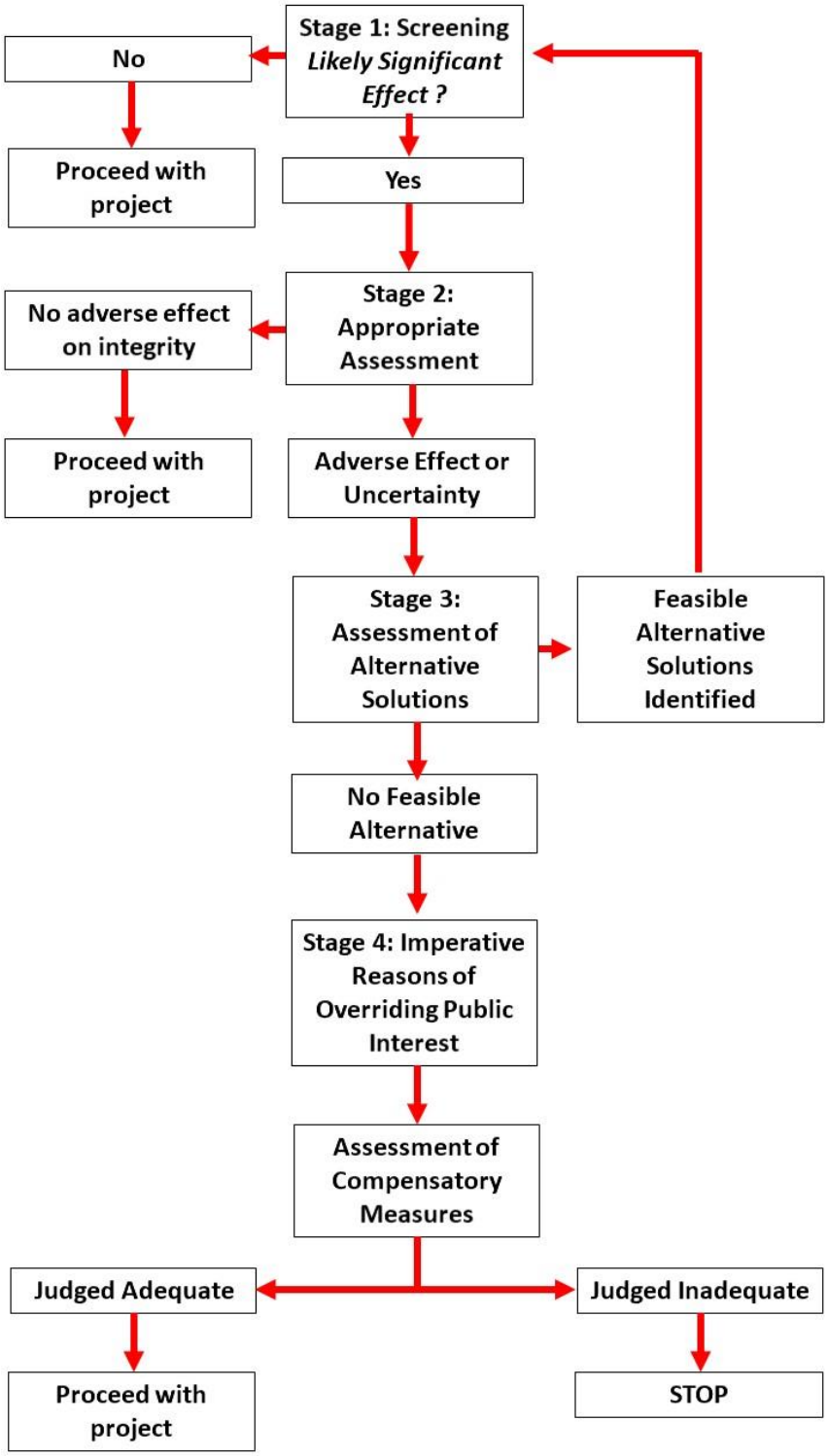
Based on the requirements of Article 6(3) and 6(4) of the Habitats Directive, the European Commission (2001) describes four distinct stages to the HRA process:

- Stage 1 Screening;
- Stage 2 Appropriate Assessment;
- Stage 3 Assessment of alternative solutions;
- Stage 4 Imperative Reasons of Overriding Public Interest (IROPI).

It should be noted that the Habitats Regulations Assessment for the A40 Smart Corridor covers Stages 1 and 2. Note that this document uses the original terms for features such as European sites and refers to the legislation that was current when they were designated. However, it is recognised that the Conservation of Habitats and Species Regulations 2017 (as amended) are now amended by the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019.

The HRA process is summarised in Figure 1 below:

Figure 1: HRA Stage 1 - 4 Process



Summary of the conclusion of the Assessment

The Oxford Flood Alleviation Scheme has been considered in light of the assessment requirements of Regulation 63 of the of the Habitats Regulations by Oxfordshire County Council, which is the competent authority, responsible for authorising the project and any assessment of it required by the Habitats Regulations.

Having carried out a 'screening' assessment of the project, the competent authority concluded that it would be likely to have a significant effect on the Oxford Meadows SAC (in light of the definition of these terms in the 'Waddenzee' ruling of the European Court of Justice Case C – 127/02)).

Consequently, a Stage 2 Appropriate Assessment was required of the implications of the project on the qualifying features of that site in light of its conservation objectives.

Following an Appropriate Assessment in accordance with the Habitats Regulations, the competent authority has ascertained that the project would not have an adverse effect on the integrity of the Oxford Meadows SAC either alone or in combination with other plans or projects.

Information used for the assessment

A copy of the list used to search for and select European sites potentially affected by the project is given in Table 1 below

Table 1: Scanning and site selection list for European sites that could potentially be affected by a project

Types of project	Sites to scan for and check	Names of sites selected
1. All projects (terrestrial, coastal and marine)	Sites within which the project is wholly or partly located	N/A
2. Projects that could affect the aquatic environment	Sites upstream or downstream of the project location in the case of river or estuary sites	N/A
	Open water, peatland, fen, marsh and other wetland sites with relevant hydrological links to the project, irrespective of distance from the project location	N/A
3. Projects that could affect the marine environment	Sites that could be affected by changes in water quality, currents or flows; or effects on the inter-tidal or sub-tidal areas or the sea bed, or marine species	N/A
4. Projects that could affect the coast	Sites in the same coastal 'cell', or part of the same coastal ecosystem, or where there are interrelationships with or between different physical coastal processes	N/A
5. Projects that could affect mobile species	Sites whose qualifying features include mobile species which may be affected by the project irrespective of the location of the project or whether the species would be in or out of the site when they might be affected	N/A
6. Projects that could increase recreational pressure on European sites where qualifying features are sensitive to such pressure	European sites within which the project would be wholly or partly located	N/A
	Such European sites within an agreed zone of influence, or other reasonable and evidence-based travel distance of the project location, that may be affected by local recreational or other visitor pressure generated by the project	N/A
	Such European sites within an agreed zone of influence, or other reasonable and evidence-based longer travel distance of the project, which are major (regional or national) visitor attractions such as European sites which are National Nature Reserves where public visiting is promoted, sites in National Parks, coastal sites and sites in other major tourist or visitor destinations	N/A
7. Projects that would increase the amount of development	Sites that are used for, or could be affected by, water abstraction irrespective of distance from the project	N/A
	Sites used for, or could be affected by, discharge of effluent from waste water treatment works or other waste management streams serving the project, irrespective of distance from the project	N/A
	Sites that could be affected by the provision of new or extended transport or other infrastructure	N/A

	Sites that could be affected by increased deposition of air pollutants arising from the proposals, including emissions from significant increases in traffic	Oxford Meadows SAC
8. Projects comprising linear developments or infrastructure	Sites within a specified distance from the centre line of the proposed route (or alternative routes), the distance may be varied for differing types of site / qualifying features and in the absence of established good practice standards, distance(s) to be agreed by the statutory nature conservation body	N/A
9. Projects that introduce new activities or new uses into the marine, coastal or terrestrial environment	Sites considered to have qualifying features potentially vulnerable or sensitive to the effects of the new activities proposed by the project	Oxford Meadows SAC
10. Projects that could change the nature, area, extent, intensity, density, timing or scale of existing activities or uses	Sites considered to have qualifying features potentially vulnerable or sensitive to the effects of the changes to existing activities proposed by the project	N/A
11. Projects that could change the quantity, quality, timing, treatment or mitigation of emissions or discharges to air, water or soil	Sites considered to have qualifying features potentially vulnerable or sensitive to the changes in emissions or discharges that could arise as a result of the project, over and above those already identified	Oxford Meadows SAC
12. Projects that could change the quantity, volume, timing, rate, or other characteristics of biological resources harvested, extracted or consumed	Sites whose qualifying features include the biological resources which the project may affect, or whose qualifying features depend on the biological resources which the project may affect, for example as prey species or supporting habitat or which may be disturbed by the harvesting, extraction or consumption	N/A
13. Projects that could change the quantity, volume, timing, rate, or other characteristics of physical resources extracted or consumed	Sites whose qualifying features rely on the physical resources which the project may affect, for example, as habitat or a physical environment on which habitat may develop or which may be disturbed by the extraction or consumption	Oxford Meadows SAC
14. Projects which could introduce or increase, or alter the timing, nature or location of disturbance to species	Sites whose qualifying features are considered to be potentially sensitive to disturbance, for example as a result of noise, activity or movement, or the presence of disturbing features that could be brought about by the project	N/A
15. Projects which could introduce or increase or change the timing, nature or location of light or noise pollution	Sites whose qualifying features are considered to be potentially sensitive to the effects of changes in light or noise that could be brought about by the project	N/A
16. Projects which could introduce or increase a potential cause of mortality of species	Sites whose qualifying features are considered to be potentially sensitive to the source of new or increased mortality that could be brought about by the project	N/A

A summary of the information gathered for the assessment is presented in the Information Required for Assessment schedule given in Table 2 below:

Table 2: Summary of Basic Information Required for Assessment

Qualifying Feature	Conservation Objectives	Threats & Pressures	Condition Assessment
Annex I habitats that are a primary reason for selection of this site			
6510 Lowland hay meadows (*Alopecurus pratensis, Sanguisorba officinalis*)	Ensure that the integrity of the site is maintained or restored as appropriate, and ensure that the site contributes to achieving the Favourable Conservation Status of its Qualifying Features, by maintaining or restoring: • Extent and distribution of the feature; • Structure and function (including its typical species); • Supporting processes (on which the feature relies).	• Invasive non-native species; • Pollution to surface waters (limnic & terrestrial, marine & brackish); • Human induced changes in hydraulic conditions.	Favourable condition
Annex II species that are a primary reason for selection of this site			
1614 Creeping marshwort (*Apium repens*)	Ensure that the integrity of the site is maintained or restored as appropriate, and ensure that the site contributes to achieving the Favourable Conservation Status of its Qualifying Features, by maintaining or restoring; • Population (of the feature); • Supporting habitat: extent and distribution; • Supporting habitat: structure/function; • Supporting processes (on which the feature and/or its supporting habitat relies).	• Invasive non-native species; • Pollution to surface waters (limnic & terrestrial, marine & brackish); • Human induced changes in hydraulic conditions.	Favourable condition

The screening of the project

A summary of the outcomes of the screening process is given in Table 3 below.

Table 3: Screening Effects of the Project Alone

Oxford Meadows SAC		SAC Conservation Objectives									
		6510 Lowland hay meadows (*Alopecurus pratensis, Sanguisorba officinalis*)	Ensure that the integrity of the site is maintained or restored as appropriate, and ensure that the site contributes to achieving the Favourable Conservation Status of its Qualifying Features, by maintaining or restoring; 1. Extent and distribution of the feature; 2. Structure and function (including its typical species); 3. Supporting processes (on which the feature relies).								
		1614 Creeping marshwort (*Apium repens*)	Ensure that the integrity of the site is maintained or restored as appropriate, and ensure that the site contributes to achieving the Favourable Conservation Status of its Qualifying Features, by maintaining or restoring; • Population (of the feature); • Supporting habitat: extent and distribution; • Supporting habitat: structure/function; • Supporting processes (on which the feature and/or its supporting habitat relies).								
Qualifying feature	Condition	Possible Effect									
		Direct Habitat Loss		**Lowering of groundwater table**		**Air quality from construction traffic**		**Effects on Water Quality**		**Recreational Pressure**	
		Construction	Operation	Construction	Operation	Construction	Operation	Construction	Operation	Construction	Operation
6510 Lowland hay meadows (*Alopecurus pratensis, Sanguisorba officinalis*)	Favourable	There will be no direct habitat loss within the SAC. **No Effect.**	There will be no direct habitat loss within the SAC. **No Effect.**	**Potential Effect**	**Potential Effect**	**Potential Effect**	No potential effect	The scheme is over 1km from the SAC and downstream of it, there is no identified pollution pathway to SAC. No potential effect	The scheme is over 1km from the SAC and downstream of it, there is no identified pollution pathway to SAC. No potential effect	The Scheme is not increasing access to Oxford Meadows, and lying at a distance of almost 1km from the site, is envisaged to have no recreational impact on Oxford Meadows SAC No potential effect	The Scheme is not increasing access to Oxford Meadows, and lying at a distance of almost 1km from the site, is envisaged to have no recreational impact on Oxford Meadows SA C No potential effect
1614 Creeping marshwort (*Apium repens*)	Favourable	There will be no direct habitat loss within the SAC. **No Effect.**	There will be no direct habitat loss within the SAC. **No Effect.**	**Potential Effect**	**Potential Effect**	**Potential Effect**	No Potential effect	The scheme is over 1km from the SAC and downstream of it, there is no identified pollution pathway to SAC. No potential effect	The scheme is over 1km from the SAC and downstream of it, there is no identified pollution pathway to SAC.	The Scheme is not increasing access to Oxford Meadows, and lying at a distance of almost 1km from the site, is envisaged to	The Scheme is not increasing access to Oxford Meadows, and lying at a distance of almost 1km from the site, is envisaged to have no recreational

									No potential effect	have no recreational impact on Oxford Meadows SAC No potential effect	impact on Oxford Meadows SAC No potential effect
Conclusion		Potential likely significant effect from lowering of groundwater table during construction and operation on both lowland hay meadows and creeping marshwort. Potentially likely significant effect arising from air pollution from construction traffic on both lowland hay meadows and creeping marshwort.									

Mitigation measures
In reaching the conclusion of the screening assessment, the competent authority took no account of any measures intended to avoid or reduce the potentially harmful effects on any European site.
Appropriate Assessment
The competent authority undertook an objective scientific assessment of the implications of the project on the qualifying features of the Oxford Meadows SAC using the best scientific knowledge in the field. A summary of the competent authority's assessment is presented below.
Changes in groundwater table
A groundwater model was developed by the applicants for the scheme to simulate groundwater levels in the sands and gravels beneath Oxford and the surrounding area including Oxford Meadows SAC, the model was used to test the impact on groundwater levels arising from the scheme under a range of scenarios. The model showed that during a 5% probability flood event groundwater levels in parts of Oxford Meadows could be 100mm lower than they would be without the scheme, under this scenario the whole area would be flooded and therefore significant effects on the lowland meadow habitat and creeping marshwort arising from changes in groundwater levels during flooding are not anticipated. During dry and average years the model indicated negligible changes in groundwater levels arising as a result of the scheme. The model also demonstrated that the scheme would not result in an increase in discharge to the Seacourt Stream or drainage of groundwater from Oxford Meadows.
Air Quality
Information submitted by the applicant demonstrates that all roads are estimated to have less than 160 construction related HGVs daily and the affected road network lies at least 750m away from the SAC, therefore in line with thresholds defined in Natural England's approach to advising competent authorities on the assessment of road traffic emissions under Habitat Regulations, it is anticipated that the change in concentrations of pollutants within the lowland hay meadows would be imperceptible and no likely significant effects are predicted.
Integrity test
Following the Appropriate Assessment and the consideration of all mitigation measures, the competent authority was able to ascertain that the project would not adversely affect the integrity of any European site. In making that decision, the competent authority took account of the potential for the project to contribute to cumulative effects of other plans combination of the effects of the following plans and projects with the effects of the project, which were deemed to have a potential for in combination effects.

- Proposed Oxfordshire Minerals and Waste Local Plan Part 1 – Core Strategy (adopted September 2017)
- Saved policies of the Oxford Local Plan 2001-2016 (2006) (Oxford City Council)
- Oxford Core Strategy 2026 (adopted 2011) (Oxford City Council)
- Vale of White Horse District Council Local Plan 2011 Saved Policies
- Adoption of Local Plan 2031 Part 1: Strategic Sites and Policies (Vale of White Horse District Council 2016) and Part 2: Detailed policies and additional sites
- Vale of White Horse District Council Local Plan 2031(adopted 2016)
- Expansion of Seacourt Park and Ride
- Redbridge Waste Transfer and Reconfiguration of Car Park
- Hinksey Hill Interchange

Assumptions and limitations
The screening conclusion, the Appropriate Assessment, and the integrity test necessarily rely on some assumptions and inevitably subject to some limitations. Most of the assumptions and limitations would not affect the conclusions, but the following points are recorded in order to ensure that the basis of the assessment is clear.
The groundwater model used is designed to simulate groundwater levels and flows on a regional scale, local heterogeneity is not represented. The model was calibrated to the July 2007 event with residuals in the order of tens of centimetres which is good for a regional model.
References and reports
In reaching the conclusion of the assessment, the competent authority took the following documents into account:
a) http://publications.naturalengland.org.uk/publication/4942743310696448;
b) https://www.legislation.gov.uk/uksi/2017/1012/contents/made
c) https://www.gov.uk/guidance/appropriate-assessment;

d) http://www.apis.ac.uk/overview/pollutants/overview_NOx.htm;
e) 'Natural England's approach to advising competent authorities on the assessment of road traffic emissions under the Habitats Regulations. Version: June 2018'. http://publications.naturalengland.org.uk/publication/4720542048845824

Date: 17/05/2023

Annex 6 – European Protected Species

European Protected Species (to include in Committee/Delegated reports as an Annex, not on Decision Notices)

The Local Planning Authority in exercising any of their functions, have a legal duty to have regard to the requirements of the Conservation of Species & Habitats Regulations 2017 (as amended) which identifies 4 main offences for development affecting European Protected Species (EPS).

1. Deliberate capture or killing or injuring of an EPS
2. Deliberate taking or destroying of EPS eggs
3. Deliberate disturbance of a EPS including in particular any disturbance which is likely
    a) to impair their ability –
        i) to survive, to breed or reproduce, or to rear or nurture their young, or
        ii) in the case of animals of a hibernating or migratory species, to hibernate or migrate; or
    b) to affect significantly the local distribution or abundance of the species to which they belong.
4. Damage or destruction of an EPS breeding site or resting place.

Our records, the habitat on and around the proposed development site and ecological survey results indicate that European Protected Species are likely to be present, namely bats and otter.

With regard otters, the Environmental Statement submitted with the application details the following mitigation measures:

Pre-construction surveys will be undertaken to identify and confirm any new active holts and resting/lying up areas and confirm if previously identified potential resting sites subsequently become active

During any vegetation clearance adjacent to suitable habitats, an Ecological Clerk of Works will be present. Works will stop immediately if any otters are disturbed and appropriate advice sought. Since breeding may occur at any time of year, active maternal holts can never be ruled out. In the event of a maternal holt being identified, an exclusion zone of up to 150m radius (CIEEM, 2011) or more will need to be established to prevent disturbance, depending upon location and works proposed in the area.

During construction, monitoring will be undertaken periodically to identify any new holts established in locations subject to disturbance from the Scheme works and allow adjustments to working arrangements to be made to avoid disturbing otters.

The mitigation measures are considered to be convincing and in your officers opinion will secure “offence avoidance” measures.

Your officers would therefore recommend the following conditions to secure the implementation of the offence avoidance measures to ensure that no offence is committed:

- Prior to the commencement of any development, a Construction Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the County Planning Authority

- No development shall commence until up-to-date surveys for protected species (including bats, badger, otter, water vole, great crested newt, kingfisher and red kite) have been submitted to and approved in writing by the County Planning Authority

- Prior to commencement of construction, an updated Environmental Action Plan shall be submitted to the County Planning Authority

With regard bats, the proposed development is likely to result in an offence under the Conservation of Species & Habitats Regulations 2017 (as amended). At the time of submission surveys indicated that the removal of five trees and the works beneath Botley Bridge will require an EPS licence

Officers therefore have a duty to consider whether the proposal would be likely to secure a licence. To do so the proposals must meet with the three derogation tests which are:

- There are imperative reasons of overriding public interest (e.g. health and safety, economic or social)
- There is no satisfactory alternative
- The action will have no detrimental impact upon population of the species concerned e.g. because adequate compensation is being provided.

The submitted evidence demonstrates that the action will have no detrimental impact upon the bat population because 117 new bat boxes will be erected as mitigation for loss of roosting habitat, which is considered adequate compensation.

It is recommended that a note be appended to the decision advising the applicant as to the need to secure a licence before commencing development.