

Date: 4th August 2017  
OCC ref: PRE.047/17

Veronica James  
Planning Manager  
Environment Agency

Communities  
County Hall  
New Road  
Oxford  
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*Sent by email*

Susan Halliwell  
Director for Planning and Place

Dear Veronica,

**Site details: Land from North of Botley Road to New Hinksey in the parishes of North Hinksey, South Hinksey and Kennington**

**Description of proposed development: Pre-application advice request for Oxford Flood Alleviation Scheme**

**Planning Officer dealing with your request: David Periam**

This pre-application advice letter is written in response to your request made under cover of letter dated 22<sup>nd</sup> May 2017. You will appreciate that, particularly with regard to referencing what may be relevant planning policies, this will differ depending on whether the application is to be determined as a county matter or a district matter as also will the planning application fee. I have therefore sought to cover both scenarios. I have also relied on the comments received from the Oxford City Council and the Vale of White Horse District Council with regard to seeking to address your question with regard to their development plan, developing policies and supplementary planning guidance listed in the Pre-Planning Application Statement and how they have been interpreted. In considering relevant development plan and developing mineral policies we have consulted with our Minerals and Waste policy team.

As part of the council's pre-application advice service, we always provide guidance on the situation with regard to the need for Environmental Impact Assessment. In this instance you have already advised that the application will be accompanied by an Environmental Statement. I understand that it is intended that this will be informed by the Scoping Opinion which the council has already provided pursuant to Regulation 13 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011. With respect to this, I note in your covering letter that you refer to changes which have been made to the proposed development since the Scoping Opinion was provided. You may wish to consider whether a further Scoping Opinion based on the development as now proposed should be requested. This would of course now have to be made under Regulation 15 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017. I would also advise that the Scoping Opinion was provided by the County Council and the County Council is only the relevant planning authority as defined in both sets of Regulations when an application is to be submitted as a county matter. You may therefore wish to consider whether you wish

to obtain separate Scoping Opinions from the Oxford City and Vale of White Horse District Councils if the application were to be determined as a district matter, even if that determination were to be made by the County Council through transferred powers.

### **Designations and/or constraints affecting the development site:**

The proposed development site lies largely within the Oxford Green Belt and also the Thames and Cherwell at Oxford Conservation Target Area. The Old Abingdon Road Culverts Scheduled Ancient monument would be affected by the development. At its southern end, the proposed development would encroach within the Iffley Meadows Site of Special Scientific Interest (SSSI). The site also lies within the Impact Risk Zones for Wytham Woods SSSI. Paisley House, a grade II listed building lies within the proposed development site at Old Abingdon Road. The proposed development site is crossed by Public Bridleway 320/14/10, Public Footpath 320/16/10, Public Footpath 352/1/10, Byway Open to All Traffic 352/6/10, Public Footpath 352/3/10 and Public Footpath 320/107/30 (the Thames Path). Residential properties adjoin the site at various locations. The main railway line from Reading to Birmingham passes through the site. The site is crossed by both the A420 and A423 main roads. The proposed development site passes through areas designated in the development plan for Oxford City as Nature Conservation Areas, Protected Open Space, View Cones for Oxford City and the protected Guided Transit Express corridor. It passes through areas designated in the Vale of White Horse Local Plan as North Corallian Ridge and Protected Views of Oxford City.

The proposed development site lies largely within Flood Zones 2 and 3. Whilst it is understood that the purpose of the development is to provide flood alleviation the County Council will nonetheless be required to carry out the sequential test and, if required the exception test, for the development and it is therefore recommended that this is addressed in the application informed by a site-specific flood risk assessment. The application should also address how within the site, the most vulnerable development would be located in areas of lowest flood risk unless there are overriding reasons to prefer a different location; and the development would be appropriately flood resilient and resistant, including safe access and escape routes where required, and that any residual risk can be safely managed, including by emergency planning. Priority should be given to the use of sustainable drainage systems as may be required.

### **Advice from consultees**

As requested, we have consulted the parties who would be consulted on an application for this development, on the request for pre-application advice. It is not the council's usual practice to consult externally on pre-application advice requests. Additional comments from third parties have also been received. Consultees have provided detail of what they believe should be included in submitted documents in their responses and there is inevitably some duplication but also divergence of views which may yet require to be reconciled. These have already been forwarded to you as have those of third parties for your consideration and to facilitate the earliest progression of any work arising from them. The full consultee responses are also available to read on the county council's applications [website](#) using the reference PRE.047/17 The key points are summarised below but you are asked to consider the full comments raised in the application and to return to the individual consultees and third parties for any clarification required. Please note that the comments received

from external consultees and third parties are not necessarily those of the council. You are particularly advised to consider the detailed comments made by the Vale of White Horse District Council and the Oxford City Council and ensure that all of the points raised by them are clearly addressed in the planning application.

### Vale of White Horse District Council

Policies and their relevance – please see response to your specific question below.

#### *Principle of Development*

Core Policy 1 of the Local Plan 2031 Part 1 will permit planning applications that accord with its policies. There are no policies that relate directly to the principle of this scheme in which case compliance with Core Policy 1 will depend on the appropriateness of the detailed proposal and its compliance with other policies in the Local Plan that relate to the impacts of proposals e.g. landscape and visual, biodiversity, highway safety and traffic generation etc.

#### *Green Belt*

(Please see response to your specific question about the Green Belt below.)

#### *Flood Risk*

Clearly the aim of the proposal is to reduce the potential for flooding of properties. It is noted that a flood risk assessment will accompany an application and the scheme has and continues to be hydraulically modelled. Members of the District council and South Oxfordshire District Council are anxious that the proposal does not have implications for increased flood risks elsewhere particularly downstream.

#### *Landscape*

The current presentation of viewpoints makes it hard to assess if there are sufficient in number and location. Reference should be made to GLVIA section 6.19 when selecting viewpoints with regard to representative viewpoints, specific viewpoints and illustrative viewpoints and this will make the process clearer. For example, in the Viewpoint drawing number 7 is the view from no. 2 and 3 significantly different or could one representative viewpoint be used?

The current viewpoints are all located within the vicinity of the scheme. Assessment of wider views from higher ground such as North Hinksey are required as well as the Oxford view cones and setting of Oxford.

The visual impact of the loss of trees such as opening up of views to detracting development adjacent to the Green Belt such as those either side to the south of West Way/Botley Road also needs to be assessed. The loss of trees around West Way/Botley Road is a concern as in this area the Green Belt is the narrowest and will open up views to detracting features such as the rear of a retail park and industrial estate.

Currently the drawings refer to some mitigation tree planting but this is usually caveated with dependant on the land owner's agreement. On this basis it would be difficult to assess the application in mitigation terms without firm details of where and how much replacement planting is proposed.

The presence of overhead lines also restricts areas for mitigation planting. Care should be taken to minimise the loss of vegetation especially if it opens up detracting views with regard to compounds and haul routes.

The plans show permanent hard standing for maintenance vehicles, the location of these should also take into the account any visual sensitivity, mitigation planting and surfacing, to balance the needs of maintenance but also minimising the impact of the scheme.

To minimise conditions, details of the planting proposals would be required with regard to species, density, planting size, rabbit protection, seeding etc. also associated management and maintenance plans both covering establishment period and longer term management requirements.

### *Heritage*

There is limited detail provided. The scheme could potentially impact on numerous heritage assets and views of these as well as of views inwards and outwards from Oxford City. If a full application is made, the proposals should be informed by a Heritage Statement and Impact Assessment proportionate to the significance of the assets affected and the proposed works as per paragraph 128 of the NPPF. In order to assess the implications of the proposals a Heritage Statement clearly setting out the significance of the heritage assets affected (listed buildings, conservation areas, scheduled monuments, registered parks and gardens, areas of archaeological interest, non-designated heritage assets, and their settings and views to and from and in and around these assets) need to be produced together with an Impact Assessment identifying what the impacts of the proposals will be on the identified significances and suggesting any options for mitigation. The English Heritage publication Conservation Principles 2008 should be utilised in assessing significance (against the values evidential, historical, aesthetic and communal significance).

### *Biodiversity*

The ecological assessments, surveys and approach should follow the guidelines laid down in BS42020. The scheme proposals should wherever possible follow the mitigation hierarchy and aim to avoid impacts on designated sites, protected species, priority habitats and species. I appreciate that avoidance may not always be possible on a scheme of this scale and complexity and accept that it is likely to require significant investment in mitigation and compensation schemes.

Overall, the scheme should have as a strategic aim that it will deliver a net gain for biodiversity. This proposal provides a unique opportunity to contribute to the countywide efforts to restore, enhance and create appropriate new habitats within the Conservation Target Areas. This should involve close co-operation with the conservation Non-Governmental Organisations who are significant stakeholders along the route of the OFAS. If possible the EA should be seeking to develop a shared vision for the future habitats and landscapes within the scope of the OFAS.

### *Land Contamination*

In respect of the potential options for Old Abingdon Road; route 1 which involves the channel swinging out to the west and crossing Old Abingdon Road via new culverts would impact on the former Kennington Road West and East landfills. Should this be identified as the preferred option the applicant will need to ensure that any associated risks of pollution incidents are managed as well as the potential for creating potential pollution pathways. The applicant should demonstrate how any associated risks will be managed within the Land Contamination Assessment provided as part of the Environmental Statement.

### Oxford City Council

Policies and their relevance – please see response to your specific question below.

#### *Required documents*

Further to documents listed by the Environment Agency in appendix 1 of the draft Planning Statement Oxford City Council would also expect to see in the full planning application:

- Construction Traffic Management Plan
- Materials Management Plan
- Detailed Arboricultural Implications Assessments (AIA)
- Site-specific Tree Protection Plans (TPP) (where necessary incorporating Arboricultural Method Statements (AMS))
- Mapping information provided in the form of GIS shapefile layers
- Within Design and Access Statement - contextual analysis of landscape character including verified views. How net loss in public open space will be re-provided in relative proximity.
- Within Flood Risk Assessment (FRA) – provide detail as outlined in Appendix E of the City Council's letter.

#### *Planning History*

Oxford City Council is aware of the following applications/proposals which may impact on the OFAS application:

- Current:  
Seacourt Park and Ride Expansion- Ref: 16/02745/CT3
- Pre app:  
Osney Mead Industry Estate
- Early stages:  
Other development in and around Redbridge Park and Ride.

#### *Area north of Botley Road*

It is Oxford City Council's opinion that "Option 1"- flood wall/embankment along the very southern edge of the fields north of the Botley Road is the most appropriate.

#### *Old Abingdon Road*

From the archaeology point of view the following concern:

- "Option 2"- the direct channel option through the Old Abingdon Road Norman Causeway- would result in substantial harm to the scheduled monument. The monument is of national significance and one should also note that there are only a handful of such causeways of this date and character north of the Alps.

However, if during the determination of the application it is considered that, on balance there is sufficient justification for Option 1 because of the impact on the functionality of the Oxford Flood Alleviation Scheme would be jeopardised then this may be acceptable.

### *Archaeology*

Please refer to email dated 31.07.17 subject: OFAS trial trenching WSI from David Radford to Catherine Grindey outlining his feedback and approval of the revised archaeological Written Scheme of Investigation and proposed trench plans submitted by Catherine Grindey from the Environment Agency. Revised details relating to the WSI have been received and the City Council may need to provide revised or additional information as a result.

### *Green Belt*

In principle, subject to the detail, the development is an appropriate use within the Green Belt. However the scheme sits within an 'exceptional' landscape with an internationally recognised skyline as its backdrop and should therefore reflect this quality and opportunity in the scheme's design.

### *Air Quality*

The most recent monitoring data (ASR 2017) shows that Oxford continue to breach the annual mean limit value for nitrogen dioxide (NO<sub>2</sub>). There is still considerable action required in order to secure our compliance with the European Directive, and it is therefore essential that air quality is properly considered during planning application procedures for any major schemes within the city's boundaries.

The following documents within the pre-planning application package have been reviewed in reference to air quality:

- Cover Letter: Request for Pre-application advice – Oxford Flood Alleviation Scheme, prepared by Environment Agency, dated 22nd May 2017;
- Technical memorandum: Oxford Flood Alleviation scheme – Environmental Update, prepared by CH2M, dated May 2017;
- Pre-Planning Statement, Oxford Flood Alleviation scheme, prepared by CH2M, dated May 2017;
- General Overview Plan (Drawing), prepared by CH2M, dated March 2017;
- Additional supplementary information provided by Environmental Agency on exact entering and exit points of the Lorries of this scheme.

The review of the above mentioned documents allows Oxford City Council to agree in general, with the type of approach taken forward regarding the content and the considerations for the air quality assessment to be presented for the scheme. There are, however, some considerations that need to be accounted for.

Please see Appendix A of the City Council's letter for the full response from Oxford City Council's Air Quality Officer.

### *Tree planting*

Please refer to email dated 01.08.17 subject: Discussion with City about Seacourt Mitigation from Helen Vaughan-Evans to Richard Harding outlining suggestions for 0.6-0.7ha of land for tree planting and habitat creation.

Please see Appendix B of the City Council's letter for the full response from Oxford City Council's Tree Officer.

### *Viewpoints*

Oxford City Council would expect the applicant to carefully consider the landscape and visual impact of the scheme and for clear evidence and rationale to be provided as part of the full planning application.

Following observations to make on how the scheme could be improved:

- Provide justification for the design of the street furniture, bridges etc and how they respond to the context of the city's environment.
- There are significant views across the site from the Raleigh Park and Boars Hill view cones. Changes to the landscape within these areas will have a significant impact on the setting of the city and should be fully assessed through the design process. Landscape and Visual Impact Assessment (LVIA) should be used as a tool to design the scheme.

With regard to the viewpoints chosen, the applicant will need to consider views in and out of the city as well as within the site, seasonality and the impact on the night sky if there is lighting proposed. The LVIA should be carried out in accordance with Guidelines Landscape and Visual Impact Assessment 2013 and OCC Assessment of the Oxford View Cones 2015. The City Council can provide additional advice to the applicant with regard to viewpoints and scope of Design and Access Statement and LVIA documents.

### *Planning Policy*

All the key policies in Oxford's Development Plan appear to have been covered in the Planning Statement.

### *Other Matters*

Oxford City Council consulted the Flood Mitigation Officer, Ecologist and Land Quality Officer and their full responses have been provided in Appendices C, D and E to the City Council's letter.

The opinions and comments expressed are those of officers only and they cannot be held binding on the district council.

### OCC as Lead Local Flood Authority

Land Drainage consents will have to be applied for any alteration to ditches. The City Council carry out this function within the City and the Vale of White Horse District Council would carry out this function elsewhere.

Early Approval In Principles will be required for all structures which affect the Highway. The three culverts under the Old Abingdon Road give the better drainage solution as well as less disruption for the Kennington Turn and less trees to be removed. No special comments on the Botley Road raised defences.

### OCC Arboricultural Officer

According to the Oxford Flood Alleviation Scheme: Environmental Update, the applicant proposes to submit a 'Trees (British Standard BS5837:2012) and

arboricultural assessment' as part of the application. It is also proposed this assessment will include an 'Arboricultural Impact Assessment, Tree Constraints Plan, Arboricultural Method Statement and Tree Protection Plan'.

These documents relate to the retention and protection of trees affected by the development. If there is a need to remove trees, as part of the development, then this must be supported by a suitable mitigation plan, i.e. replacement planting, accompanied by a detailed aftercare management plan, in accordance with British Standard 8545:2014 Trees: from nursery to independence in the landscape – Recommendations.

Any replacement planting shall take account of:

- species, size, planting method, staking (if required), provenance,
- soil replacement/enrichment, irrigation, mulching, weed control,
- replacement in event of premature decline, protection from animal damage,
- provision of regular inspection, pests and disease identification, formative pruning,
- an appropriately detailed schedule submitted demonstrating the timings, methods, and quantities of all aftercare operations.

#### OCC Ecology Officer

Key issues which remain outstanding together with additional concerns arising from the current consultation:

#### *Hinksey Meadows Local Wildlife Site*

#### Loss of habitat

Probable reduction of and hydrological damage to MG4 grassland at this site remains a major concern. Any reports produced by the Floodplain Meadows Partnership (FMP) should be appended to the Environmental Statement (ES), together with an explanation of how the advice has been followed. The FMP should be referred to for advice on habitat restoration throughout the scheme using green hay.

#### Archaeological trenching during 2017

The effects on biodiversity have not been evaluated. This is necessary to ensure that this part of the scheme undergoes proper evaluation in terms of likely damage caused to habitats and how this will be avoided / mitigated / compensated.

#### Creeping marshwort (*Apium repens*)

Comments received from Dr Judy Webb with regard to this species are appended to the full comments because they explain the need for appropriate management and very specific conditions which the species needs. Dr Webb, who is an expert on *Apium repens*, expresses concern regarding the survival of this species due to cumulative effects of the OFAS. Oxford is the only UK location for this threatened species and it is most important that Dr Webb's recommendations are implemented. These include:

- A plan for the conservation of the plant before, during and after the scheme



- Cultivation of a reservoir of the plant over several years in a safe facility.

### *Long term management*

The long-term management and monitoring of the scheme and created habitats should be secured to ensure the ecology benefits in the long term.

With regard to biodiversity and after-use of the site, OCC would be seeking a net gain from any future land use associated with this application, whether or not it includes typical agricultural use. Following the statutory five year aftercare period we would wish to see proposals for an additional 20 year aftercare period to ensure that any proposed environmental gains are realised, in line with established good practice.

### *Habitat restoration*

Imported seed sources should be avoided, using natural regeneration, locally harvested seed or green hay. Local sources have the advantage of creating a market for important sites and thus strengthening their viability.

### *Construction Environment Management Plan (CEMP) and role of Ecological Clerk of Works (ECoW)*

On a scheme of this extent, in order to reduce environmental impacts it would be expect to see a plan of how construction will be managed in environmental terms, through a CEMP or similar. How ecological on-site advice will be provided also needs to be clarified, for example through the role of ECoW.

### *Need for updated protected species surveys after 12 months*

Protected species surveys are generally valid for 12 months so if works are planned to occur more than 12 months after the date of the initial survey then the survey will need to be updated. These should be referenced in the ES and allowed for in the CEMP where appropriate.

### *Presentation of documents*

The indicative landscape plans were presented on a pale coloured aerial photograph background. While this is helpful in orientating the various plans, some of the colours used to show different proposals became difficult to discern. Some of the technical and landscape drawings were orientated at an angle of about 33°. This makes them impossible to compare with other maps on screen as most pdf viewers only allow 90° rotation. Many of the plans are difficult to view on screen due to the large amount of information on each plan. This should be addressed, particularly as members of the public need to access documents on line.

### OCC Consultant in Public Health response

Table 1 Air Quality Assessment - There is consideration of construction impacts to be assessed for trends in NO<sub>2</sub> and reviewing the monitoring data from the City Council. It is hope that the Environment Agency would work in close collaboration with the environmental health officer from the City Council on this and agree that the monitoring stations used are suitably located to detect any impact from site traffic. If not then more appropriate locating of additional monitoring stations may be required.

There is very little consideration to the effect of dust from the excavation of the site for this construction. There is likely to be dust raised from exposing and excavating including the potential for fugitive dust emissions if conditions dry out, particularly in windy conditions. Having looked at the proposal the construction will be relatively close to residential properties (Gardens of Botley Road properties is mentioned more than once). More consideration as to how this would be monitored and what damping proposals to mitigate dust may be advisable.

### OCC Highway Authority

The scheme seeks to reduce the transport impact of OFAS by providing permanent storage for materials extracted as a result of the scheme. This is welcomed as it would reduce the transport impact on the A34.

It is acknowledged that both OFAS and the scheme at Hinksey will not have a significant transport impact at operational stage as only maintenance access would be required. Evidence should be provided to this end. However, at construction phase both schemes are likely to give rise to a significant transport impact due to the volume of material that needs to be removed for OFAS and relocated at Hinksey. Therefore appropriate assessment of this impact needs to be undertaken to ensure that adverse impacts on the transport network are not realised during the construction phase which could take up to 3 years.

The routes from OFAS to the proposed site in Hinksey are not known at this stage, this detail is requested to enable an assessment of the impact on the local road network to be undertaken. From the materials submitted, it is clear that there will be an impact on Hinksey Interchange. Any impact on this interchange needs to be mitigated to ensure that no delays are caused on the A34 as a result of the proposal.

The Pre-Planning Statement confirms that a transport assessment will be undertaken as part of the Environmental Statement. This is not considered to be adequate as transport assessment within an ES uses different parameters to that of a Transport Assessment. The County Council as the Highway Authority requires the following documents to be submitted as part of the planning application.

1. Transport Assessment including:
  - a. capacity assessments (junctions to be scoped and agreed)
  - b. Public access strategy (mitigating any public transport, Park & Ride, walk and cycle impacts);and
  - c. Road Safety Audits.
2. Construction Traffic Management Plan (CTMP) including:
  - a. Construction worker Travel Plan;
  - b. Traffic Management Strategy (TM);
  - c. Advanced travel and journey planning information;
  - d. Coordination with other works; and
  - e. Contractor parking arrangements

A thorough assessment of impacts related to construction of the scheme (during both enabling and the main construction works) is required and should be scoped out and agreed in advance with the county council as highway authority and Highways England. This should consider impacts related but not limited to:

1. Construction traffic including abnormal loads;
1. Staff/contractor travel;
2. Access and movements to off-site storage facilities;
3. Road closures/traffic management including assessment of congestion and delay and potential impacts this will have on rerouting of traffic and to public transport and emergency services ;
4. Reduction in availability of Park & Ride spaces (Redbridge P&R) and potential impact on access/delay to Park & Ride buses (Seacourt P&R);
5. Noise and air quality impacts related to all of the above as necessary/agreed;
6. Suitability of existing and proposed access points to cater for additional and larger vehicles and potential impacts on pedestrians and cycles ;
7. Impacts on non-motorised users in terms of wider accessibility and Rights of Way; and
8. Road safety

### *Committed schemes and proposals*

For information, the following schemes are being progressed locally. Further details should be sought and works coordinated where necessary:

1. The county council is developing an improvement scheme at Hinksey Hill Interchange. Works are provisionally programmed to take place in 2017/18 and 2018/19.
2. Expansion of Seacourt Park & Ride is being considered by Oxford City Council.

### *Traffic modelling*

The county council have both strategic (SATURN) and local (VISSIM) models which may be appropriate in assessing the traffic impacts of the proposals.

The Oxfordshire Strategic (SATURN) Model is managed by Atkins. As OSM is a strategic model it has not been calibrated and validated at a junction turning count level. This may be required before the model is considered acceptable for specifically assessing the impact of the proposals.

The county has two VISSIM models covering areas where highway works/alterations are taking place: Hinksey Hill Interchange and separately Botley Interchange. These VISSIM models can be made available for assessing the impacts.

All modelling should be scoped and agreed in advance with the county council as highway authority.

### *Mitigation*

Given impacts will not just be related to the number of construction vehicles on the network, but will also be brought about as a result of construction of enabling works, road closures, and diversion of traffic, buses and other road users, for example, it is likely that the mitigation strategy will have to be comprehensive, particularly as works are taking place on parts of the transport network that are very busy and constrained.

The county council as highway authority will need to be heavily involved in developing a mitigation strategy with the applicant to ensure safe and suitable operation of the highway network throughout the construction period.

## OCC Bridges

Highway Authority technical approval (in accordance with Highway Agency Standard BD2/12 Technical Approval of Highway Structures) is required in relation to the construction and/or modification of all structures supporting public highway. This is a separate and totally independent statutory process to the planning permission process.

To reduce the risk of needing to revisit the planning application it is advised that at the very least the Approval in Principle stage of the Technical Approval process should be concluded before applying for planning permission. To minimise risks the subsequent Design and Check stage of the Technical Approval process should also be concluded before applying for planning permission.

## OCC Countryside Access

The development affords the opportunity to increase access for more people, more of the time to the areas affected by the development for informal recreation and connection with nature. The applicant is encouraged to make informal recreation a key outcome of this development.

The applicant needs to ensure conformity with Design Manual for Roads and Bridges standards especially parapet heights of shared use routes that include cyclists and equestrians. The applicant also needs to ensure that equestrians are considered and included where possible as part of the development.

The applicant should also take account of the following general conditions:

1. **Temporary obstructions.** No materials, plant, temporary structures or excavations of any kind should be deposited / undertaken on or adjacent to the Public Rights of Way that obstructs them whilst development takes place.
2. **Route alterations.** No changes to the Public Rights of Way direction, width, surface, signing or structures shall be made without prior written permission by Oxfordshire County Council as Highway Authority or appropriate temporary diversion.
3. **Vehicle access (construction):** No construction / demolition vehicle access may be taken along or across a public right of way without prior written permission and appropriate safety/mitigation measures approved by Oxfordshire County Council as Highway Authority.
4. **Vehicle access (Occupation):** No vehicle access may be taken along or across a public right of way to residential or commercial sites without prior written permission and appropriate safety and surfacing measures approved by Oxfordshire County Council as Highway Authority.
5. **Gates / right of way:** Any gates provided in association with the development shall be set back from the public rights of way or shall not open outwards from the site across the public rights of way.

**6. Improvements to routes:** Public rights of way through the site should be integrated with the development and improved to meet the pressures caused by the development whilst retaining their character where appropriate. No improvements may be implemented without prior approval of Oxfordshire County Council as Highway Authority.

#### OCC Environmental Strategy Officer

The steps that continue to be taken to minimise the environmental impact of the scheme are welcomed and the proposed content of the Environmental Statement and the existing and proposed surveys as set out in the Environmental Technical Memorandum (ETM) are noted.

The covering letter asks for views on the options for bunds north of Botley Road, for further suggestions about locations for tree and hedgerow planting if this cannot be undertaken on site and for comments on proposed viewpoints (please see comments against these questions below).

Additional comments:

#### *Landscape and Visual*

Proposals should be provided that enhance the landscape where possible rather than just minimising impacts in line with policy C8 of the Oxfordshire Minerals and Waste Local Plan – Part 1 Core Strategy incorporating main and additional modifications. The landscape and visual impact assessment should follow the Landscape Institute's Guidelines for Landscape and Visual Impact Assessment Third Edition (2013).

The Indicative Landscape Plans are helpful. It would benefit understanding of the proposals if these or a similar series could also explain the restoration of the accommodation works – haul roads, compounds etc, in addition to the finished scheme as currently shown.

#### *Viewpoints*

Viewpoints should be informed by a ZTV analysis to be included in the EIA. Additional photo' sites: visualisations should include winter views where the loss of leaf cover is likely to make a noticeable difference to the visual impact. Visualisations should include reference to the operational phase of the works as well as post restoration and post establishment of mitigating works. (Please see below in answer to the question on additional viewpoints.)

Where ecological and landscape issues do not preclude this, it would be appropriate to consider species for tree and woodland replacement planting to ensure such planting is resilient to future climate change.

#### *Recreational Use*

The closure of large parts of the floodplain during construction will displace existing recreational activity including dog walking. It would be helpful to understand the scale and location of this displaced activity and what if any measures might be required to mitigate impacts of this during the construction period. It would be helpful to describe

the expected post construction recreational value of the scheme within the context of the wider green infrastructure assets of Oxford city.

Future groundwater levels may influence the extent and timing of public access on statutory rights of way and permissive paths. This should be considered when assessing the future use of the wider green infrastructure of the area.

#### *Biodiversity and Landscape aftercare*

The proposal to use some of the excavated material in restoration of current mineral schemes is noted. The gravel component has the potential to enhance in-channel river restoration schemes in other parts of the county where this material is in short supply, for example as part of the various Catchment Partnerships programmes and to this end liaison is encouraged with the Catchment Partnerships to see where such opportunities exist. This would contribute to the overall aim of a net gain in biodiversity.

Following the statutory five year aftercare period proposals for an additional 20 year long term management period to ensure that any proposed environmental gains are realised through appropriate management should be provided.

It is noted that discussions are taking place about the potential for off-site compensatory habitat and landscape work. You may find it helpful to speak with the Trust for Oxfordshire's Environment about means to achieve this.

#### *Socio-economic Impacts*

The proposed loss of large parts of Kendall Copse to accommodation works (IMSE500177-CH2-B00-A4-DR-C-4010 Rev P02) is noted. The copse was created as a result of community initiative and its loss may therefore have an impact beyond the physical removal of the trees.

It is noted that health assessments are not proposed. The closure of an extensive area of green infrastructure for an extended period can be expected to have impacts on levels of activity and well-being for users which may impact on health and would therefore seem an appropriate aspect for consideration in the EIA, including the collection of appropriate baseline evidence.

Impacts should clearly identify all phases of the project including the operation of storage compounds and haul roads.

#### *Other*

There are a number of instances where the keys on plans do not fully reflect the contents, which should be picked-up in the detailed submission.

#### OCC Archaeology Officer

The Environmental Update states that a desk based assessment has been commissioned for the scheme and is currently in draft form. This desk based assessment will need to be included in the ES and should be undertaken in line with the Chartered Institute for Archaeology's (CIfA) Standard and guidance for historic environment desk-based assessment particularly paragraphs 3.1.7, which requires consultation with ourselves in advance of research to agree the aims and

methodology of the assessment, and paragraph 3.2.1, which requires a written scheme of investigation to be agreed for the assessment to ensure that the document is fit for purpose. The county archaeology officer has previously advised that this will be required in their response to the scoping opinion request under reference MW.0122/16.

The update also states that a report of the plottings of aerial photographs from the Thames Gravel survey undertaken by Historic England has been produced. This should not be a separate document but should have been included in the desk based assessment in order that these cropmarks are taken into account in this assessment.

Please see below for comments with regard to your specific questions on archaeology and the Old Abingdon Road.

### Highways England

The Strategic Road Network is a critical national asset and as such Highways England works to ensure that it operates and is managed in the public interest, both in respect of current activities and needs as well as in providing effective stewardship of its long-term operation and integrity. In the case of this development proposal, Highway England's interest is in the A34.

Based on the information provided to date, Highways England is unlikely to object to the application, however, it is noted that drawing No: MSE00177-HGL-06-ZZ-DR-L-000210 shows proposal to use Hinksey overbridge to transport away the spoil. Whilst this option is welcomed as it will remove significant traffic movements from the A34, pre and post conditions surveys should be carried out for the Hinksey overbridge to establish its condition and suitability. It is noted that an alternative suggestion of constructing a conveyor over the A34 is proposed, however early dialogue if this option is chosen to assess its impact on safe and efficient operation of the A34 should be carried out with Highway England.

### Natural England

Natural England has been engaged in pre-application meetings with the Environment Agency and other stakeholders with regards the Oxford Flood Alleviation Scheme, and associated land raising proposals. As such it is generally considered that their concerns have been taken on board and incorporated into the scheme. It is unclear whether assessment of potential impacts on best and most versatile agricultural land has been fully incorporated into the EIA. The following issues should therefore be considered in detail as part of the Environmental Statement:

1. The degree to which soils would be disturbed/harmed as part of this development and whether any 'best and most versatile' agricultural land would be affected. If required, an agricultural land classification and soil survey of the land should be undertaken, normally at a detailed level (e.g. one auger boring per hectare supported by pits dug in each main soil type), to confirm the soil physical characteristics of the full depth of soil resource i.e. 1.2 metres.

For further information on the availability of existing agricultural land classification (ALC) information

see <http://www.magic.gov.uk/>. Natural England Technical Information Note 049 - [Agricultural Land Classification: protecting the best and most versatile agricultural land](#) also contains useful explanatory information.

2. Proposals for handling different types of topsoil and subsoil and the storage of soils and their management whilst in store.

Reference could usefully be made to [MAFF's Good Practice Guide for Handling Soils](#) which comprises separate sections, describing the typical choice of machinery and method of their use for handling soils at various phases. The techniques described by Sheets 1-4 are recommended for the successful reinstatement of higher quality soils.

3. The method of assessing whether soils are in a suitably dry condition to be handled (i.e. dry and friable), and the avoidance of soil handling, trafficking and cultivation during the wetter winter period.

4. A description of the proposed depths and soil types of the restored soil profiles; normally to an overall depth of 1.2 m.

5. The effects on land drainage, agricultural access and water supplies, including other agricultural land in the vicinity.

6. The impacts of the development on farm structure and viability, and on other established rural land use and interests, both during the site working period and following its reclamation.

7. A detailed Restoration Plan illustrating the restored landform and the proposed afteruses.

Impacts on designated sites have been considered during development of the scheme, and it is noted that assessment of any impacts on designated sites is included within the scope of the EIA.

The commitment to provide a net gain in biodiversity is welcomed, which is in line with guidance in paragraph 109 of the NPPF. It is noted that efforts have been made to reduce the impact on MG4 grassland habitats and that consideration is being given to compensation for unavoidable impacts.

It is noted that a Landscape and Visual Impact Assessment will accompany the application, which is welcome in terms of assessing impact on Local Landscape Character and visual amenity

Berkshire, Buckinghamshire and Oxfordshire Wildlife Trust (BBOWT)

BBOWT has been engaged in pre-application meetings with the Environment Agency (EA) and other stakeholders on the Oxford Alleviation Scheme and considers that its comments and concerns have been taken into account when developing the scheme. Natural England's comments are endorsed; it is particularly important that impacts on statutory and non-statutory designated sites, priority habitats, protected species and notable species are adequately assessed, mitigated and as a last resort compensated.

The objective to deliver a net gain in biodiversity is welcomed. The scheme has the potential to deliver ecological gains in the long term by offering opportunities for



habitat creation and management. The application should include supporting information to demonstrate that a net gain is being achieved (e.g. through the use of a biodiversity impact assessment calculator).

It is noted that groundwater/fluvial studies will be carried out to assess potential effects on designated sites (Table 1, Environmental Update). These propose to include assessments of effects on Oxford Meadows SAC/Port Meadow SSSI and Hinksey Meadow. It is important that Iffley Meadows SSSI is included in this assessment. In addition, there are a number of Local Wildlife Sites (LWS), the impact on which should also be included in the assessment comprising Osney Mead LWS and Willow Walk Meadow LWS (both part of Hinksey Meadows), Kennington Pool LWS (directly affected by the scheme), Meadow next to Iffley Meadow LWS and Longbridges Nature Park Fen LWS.

The scheme requires the removal of a large number of trees, which will have a significant impact on wildlife, people and views. More detail should be provided on the protected species issues to be addressed and compensatory tree planting (e.g. number, location) once this information becomes available.

It is considered important that the long-term management of all affected areas is considered and secured at planning application stage.

Landscape Restoration and Management Plans illustrating the final landform, proposed habitats and afteruses together with details of the long-term management of all affected areas should be provided.

The efforts that are being made to reduce the impact on MG4 grassland habitats and on creeping marshwort and that consideration is being given to the compensation for unavoidable impacts is noted and welcomed.

The EIA should include an assessment of the combined / cumulative effects of the proposed expansion of the Seacourt Park and Ride site and similarly any improvement works along the railway line.

#### British Horse Society

Concerned with how the development will affect the equestrian users, many of whom rely on these areas as some of the few open, green, safe, off-road amenities left to horse-riders in Oxford. Increasing traffic and use of small roads - for example through North Hinksey by lorries - has made riding more hazardous.

For this reason it is imperative, to retain, safeguard and wherever possible enhance the equestrian routes - especially since these are widely used also by pedestrians and cyclists. One key concern is Willow Walk, a major Bridleway in this area. All too often, equestrian concerns are not part of the original planning and so consequently their needs may be overlooked and neglected altogether. I would urge that this is an opportunity to look out for their requirements at the outset.

While horse riders do cope with shared use, it would be wonderful for them to have at least some area that would be dedicated solely for their use. This could be something to consider in the overall scheme.

During the development phase, it is very important that construction staff realise the nature of horses as flight animals, and that these sensitive creatures can easily be

panicked by loud and unexpected noises, dirt, and large unusual vehicles. Whatever mitigation can be provided for riders, and for grazing horses, should be looked at. Continued mitigation should of course be built into the long-term structure of the scheme to ensure safety for horses and riders.

In addition, none of the rights of way should be blocked at any time. It is much harder for horses to go round piles of rubble or heavy vehicles than for pedestrians/cyclists since horses may spook at unknown hazards.

Any enhancements to horse routes, as indicated above, would be welcomed as it is understood that Oxford has no dedicated public riding space at all on this side of the city.

#### The Ramblers Association

In the original consultation a bridleway was proposed alongside the flood channel. This is essential to provide safe access between the Hinkseys, which does not exist at present (the bypass is unsafe because of pollution as well as the accident risk).

#### Oxford Preservation Trust (OPT)

Various points raised with regard to the questions in the covering letter.

#### *Required documents - Environmental Update*

Table 1 includes an update of what is to be included in the EIA. The assessment should be extended to cover a wider area from the railway to the A34.

It is asked that the route of the second stage channel be pegged out to mark all the trees due to be felled, in time for the consultation period for the planning application. This would help the public to visualise the proposed changes and so be in a better position to comment on the planning application.

#### *Planning history*

Not in a position to comment on this specific question.

#### *Area north of Botley Road*

Not in a position to comment on this specific question.

#### *Old Abingdon Road*

Supports the advice given by Historic England and prefer Option 2 which causes no substantial damage to the scheduled culverts. Option 3 may be an even better solution and may, perhaps, overcome Oxfordshire Highways objections to Option 2 and the OPT is therefore disappointed to see that details of Option 3 were not provided. It is noted that the evaluation report on the Old Abingdon Road will be

available only with the substantive application. It would have been helpful to have seen this document at this stage.

### *Archaeology*

In principle, the proposed approach is broadly acceptable. However it would have been helpful to have seen the archaeological Desk Based Assessment, which is referred to, and to have been given an indication of the location of the 'unspecified areas of high priority' along the whole scheme where the applicant is considering carrying investigations in advance of formal submission.

In terms of OPT's own land, it is assumed that the applicant's approach includes the evaluation of the North Hinksey Causeway (between The Fishes and Osney Mead industrial estate). It is essential that the OPT sees the Method Statement in advance of work on site. Any prior excavations, should be aimed at confirming the depth of alluvium and identifying any areas of potential prehistoric archaeology. On the basis of evidence nearby, there is a strong likelihood of extensive prehistoric remains surviving; prior evaluation must be aimed at identifying such areas and proposing appropriate mitigation. Concern about the proposed approach lies around what will happen if the evaluations produce evidence of nationally important remains. In such a case is it assumed that preservation *in situ* will not be an option, or is there scope for localised realignments of the channel?

### *Green Belt*

The applicant acknowledges this is inappropriate development in the Green Belt. The question then is whether there are very special circumstances to override the general presumption against such development. The material submitted in support of the request for pre-application advice falls short of demonstrating that this is the case. In this regard, OPT is concerned about the size and design of the new bridges and the visual impact they will have, changing the aesthetics of the existing landscape by adding large man-made structures in the Green Belt.

If the scheme goes ahead, to preserve the visual amenity of this part of the Green Belt, it is important for temporary construction sites to be returned to their original state, and for any access roads to be a 'Type 1' surface to minimise visual intrusion, especially in the longer views from the western hills.

There does not appear to be any reference to plans showing how public access might be improved, or any details as to how environmental improvements on the land between North Hinksey and South Hinksey surrounding the channel might be incorporated into the scheme. This development will have a significant negative impact on the Green Belt and it would be expected to see evidence of significant public benefits being provided to mitigate the harm caused by the development over and above the reduction in flood risk. A number of people have corresponded with OPT to express their surprise at this

also , and OPT are concerned that the local communities have an expectation which does not seem to be being fulfilled. OPT would be grateful for a response to these points.

In terms of a proper assessment of the planning balance, and the harm by way of inappropriateness and any other harm, that will be caused by this development, OPT's view is that, if this development is to take place in the Green Belt, the applicant will need to show that there are very special circumstances over and above the reduction in flood risk. In this regard, increased public access, and safer off-road links between the communities on the western side of Oxford, would be a real, and long lasting benefit for the people of Oxford.

### *Air Quality*

OPT are not in a position to comment on this specific question.

### *Tree planting*

It is requested that Oxford City Council's "Assessment of the Oxford View Cones" document, produced in partnership with Oxford Preservation Trust and Historic England, be taken into account when deciding locations for any tree planting to ensure that new saplings do not grow into trees which then obscure the views.

### *Viewpoints*

All the viewpoints shown on the plans are from ground level in the immediate area. To enable the public to fully understand the visual impact of the scheme at a landscape scale and to prevent mistakes of the past being repeated with this planning application, it is requested that the applicant use the methodology set out in the "Assessment of the Oxford View Cones". OPT would like to see the following visualisations included with the planning application:

from publicly accessible towers and high buildings in the city centre looking outwards towards the scheme area at various points along its length;

from the viewpoints in the western hills at Harcourt Hill, Hinksey Heights and Boars Hill where the scheme will be in the foreground of the views of the Oxford towers;

Indicative Landscape Plan 02 : many people approach the Seacourt Nature Reserve from Hinksey Meadow. An impression of the new view from that direction should be included to illustrate the extent of tree felling and scrub removal;

Indicative Landscape Plan 03 : the application should include an impression of the new view of the Willow Walk bridge from directly in front of it within Hinksey Meadow, looking up at it and seeing the wide

gap where trees will be felled.

### *Planning policy*

One of the core planning principles in the National Planning Policy Framework seeks to protect and enhance natural landscapes, and improve biodiversity. Two of the four fields owned by OPT, which will be affected by the by the scheme have been designated as Local Wildlife Sites.

In addition, policy CS12 about Biodiversity in Oxford's Core Strategy states that *"In the case of locally protected sites, development that would have a significant adverse impact would only be permitted in exceptional circumstances, and only if it is possible to compensate for the damage caused"*.

Despite lengthy discussions with the applicant, OPT do not believe their approach has been adequate to minimise the harm which will be caused to nationally rare and endangered species and habitats, which cannot be re-created, and are currently on OPT land.

### *Planning conditions*

OPT are not in a position to comment on this specific question.

### *Planning permission*

OPT are not in a position to comment on this specific question.

### South Oxfordshire Flood Action Group

A tabulation of nine issues discussed interactively through the four public events; responses from the Scheme dated mid-June; SOFAG clarifications of the original questions; and additional SOFAG issues has been provided in the full letter which has already been passed to you for consideration. It is asked if there is any precedent for a two-stage channel being located into a natural two-stage flood plain and its environmental impacts or whether this proposal would be a first and so experimental ? Also, would the entire channel carry flow and if so, an explanation is requested as to why it is proposed to narrow towards the causeway ? Further, if the storage provided by the channel is not level-for-level with the displacement created by the proposed new embankments, will the compensatory volume need to be created elsewhere at the appropriate level and would this make at least some of the channel volume redundant ?

### **Planning fee**

The fee payable for the proposed development as a County matter application would be based on that for the extraction of mineral, currently being £195 per 0.1 ha or part

thereof for the first 15 hectares and £29,112 + £115 for each 0.1 hectare or part thereof in excess of 15 hectares up to a maximum of £65,000 for larger sites. The fee payable for OFAS as a District matter application would be based on that for other operational development, currently at £195 per 0.1 hectare or part thereof subject to a maximum fee of £1,690 but, as the application boundary would straddle two local planning authority areas, the fee would be 1.5 times that which would otherwise be payable and solely to the authority with the largest part of the application area. The fee would therefore be £2535 at current fee rates. A planning application is only legally valid when the correct application fee has been received.

Details of the application site area have not been provided, although it is understood that it would be a linear site 5km long.

### **Required documents**

Appendix A of the Pre-Planning Statement sets out which documents it is proposed to submit with the application based on the County Council's Local List of Information Requirements. It is considered that based on the information submitted with the pre-application request, the documents provided would be appropriate. It must be noted however that this Local List only applies to county matter applications and applications submitted under Regulation 3 of the Town and Country Planning General Regulations 1992 for the council's own developments. If the application were to be submitted as a District matter application then you would need to consider the Local Lists of the Vale of White Horse District Council and Oxford City Council. Please also note the comments of consultees on this point which are set out above with regard to the detail that should be addressed in the required application documents including the City Council's where advice has been given that additional information should be included in support of the application. Please ensure in the application submission that any documents containing information which should not for good reason be made generally available on the council's website e.g. badger sett locations, is included on separate drawings and in separate documents from other information so that that other information can be made generally available.

### **Planning History**

As Minerals and Waste Planning Authority, the council does not hold the planning register for either the City Council or Vale of White Horse District Council areas and is not the relevant planning authority for planning applications other than county matters and those for its own developments under Regulation 3 of the Town and Country Planning General Regulations 1992. It is advised that the council is not aware of any current applications or forthcoming proposals falling within this remit which would be likely to impact on this potential application. Oxford City Council advises that at the current time, other than the planning applications for the expansion of the Seacourt Park and Ride facility (application no. 16/02745/CT3), there is the possibility of an application or applications being brought forward for the redevelopment of the Osney Mead Industrial Estate and early stages discussions with regard to other development in and around the Redbridge Park and Ride area. I would suggest that for further information on this you contact Robert Fowler at Oxford City Council. The Vale of White Horse District Council has suggested that you look at planning permissions for developments at the Seacourt Tower retail park under application nos. P13/V1994/FUL, P13/V0294/FUL, P15/V1039/FUL and P16/V2458/FUL. I would

suggest that for further information on these you contact Adrian Butler at the Vale of White Horse District Council.

### **Area north of Botley Road**

You refer to there being three scenarios in this area as shown on drawing no. IMSE500177-CH2-ZZ-A1-DR-C-1000 rev P03 and whether the council has a view on which is most appropriate. The council's Environmental Strategy Officer has advised that in general, solutions that integrate well with the surrounding landscape and maximise habitat enhancements would be preferable. Further guidance will need to be informed by more detailed assessments including ecology and landscape including the resilience to disturbance of protected species. I would also advise that the impact on the amenity of local residents, particularly those immediately to the south of the proposed wall/bunds would be a consideration. Whilst I cannot say at this stage as to which would have the lesser impact in this respect or indeed whether any of the three options would be considered to be acceptable or unacceptable, in general terms, the closer such structures are to the nearest residents the more likely to be the perceived impact. You are of course encouraged to liaise closely with those residents who would be in closest proximity and it might be appropriate, if you have not already done so, to canvass their views on which, if any, would be preferable from their perspective. Please note that as set out above, Oxford City Council supports option 1.

### **Old Abingdon Road**

You have asked for a preference to be expressed on the two options for passing the channel under the Old Abingdon Road. Archaeological investigations have shown that this road is located on the line of a Norman and medieval causeway. A series of culverts for this causeway are scheduled monuments and a recent archaeological evaluation has shown that further nationally important archaeological deposits related to this causeway survive along the route of this road, between the culverts. This evaluation recorded aspects of medieval road surfaces as well as the remains of a further collapsed culvert. This culvert is less well preserved than the designated examples.

Whilst the council as mineral planning authority cannot at this stage express a preference, from an archaeology viewpoint, the council's archaeology officer advises that Option 2 as proposed by this scheme would involve the loss of one of the well preserved scheduled culverts. The recent archaeological investigation has also demonstrated that nationally important archaeological remains survive in the proposed location of Option 1. Historic England has advised that Option 2 would cause substantial harm to a nationally important and designated site. Option 1 will also disturb nationally important archaeological features but they have provisionally advised that this is likely to be considered as less than substantial harm.

In line with paragraph 139 of the NPPF both of these nationally important heritage assets will need to be considered in line with paragraphs 132-134 of the NPPF. As the proposed flood channel would cause considerable disturbance to these heritage assets this impact will need to be weighed against the public benefits of the scheme.

Substantial loss of nationally important heritage assets should be wholly exceptional and therefore the applicant will need to clearly set out the justification for any

disturbance to either of these two nationally important heritage assets and demonstrate how the public benefit of any proposal offsets the proposed impact to these significant heritage assets.

The council as Lead Local Flood Authority's comment is that the straight through culverts (Option 2) give the better drainage solution as well as less disruption for the Kennington Turn and would require fewer trees to be removed.

Please also note the comments set out above including those of the Vale of White Horse District and the City Councils.

## **Archaeology**

You have asked whether some archaeological investigations could be left to be carried out pursuant to the requirements of planning conditions should planning permission be forthcoming. The council's Archaeology Officer has advised that a detailed programme of archaeological investigation and evaluation will need to be undertaken prior to the submission and determination of any planning application for the site in order to assess the significance of any known features and to assess the potential for the area to contain previously unrecorded archaeological features and sites.

These evaluations will need to be undertaken in line with an agreed written scheme of investigation (WSI), agreed prior to the commencement of the investigations, and in line with the ClfAs standard and guidance's. The results of these investigations and assessment should be incorporated into the cultural heritage chapter of the Environmental Statement.

It is understood that a written scheme of investigation is in the process of being agreed. This WSI is based on an updated site boundary which has removed a number of fields from the proposal set out in the pre application consultation. Should a planning application be submitted which proposes ground disturbances to areas not covered by this provisional WSI then it is likely that a further programme of archaeological investigation will need to be undertaken prior to the determination of any planning application for the site.

## **Green Belt**

The majority of the proposed development site lies within the Oxford Green Belt. You have asked for confirmation whether in principle, subject to detail, the council is content that the use of land would not be inappropriate development in the Green Belt. It seems to me that the potential planning application comprises both a change of use of the land from its current uses to use for flood alleviation purposes and a substantial amount of operational development that the construction of the flood scheme also requires.

The Vale of White Horse District Council has specifically referenced policy 13 of the adopted Vale of White Horse Local Plan Part 1 (Core Strategy) and policy 13a of the Vale of White Horse Local Plan Part 2 (Draft Policies) and has commented as follows:



*“The proposal is within the Oxford Green Belt. Paragraph 90 of the NPPF explains that certain forms of development types are not inappropriate in Green Belt provided they preserve the openness of Green Belt and do not conflict with the purposes of including the land in Green Belt. Paragraph 90 provides a list of such developments that may not be inappropriate. Of the two development types that might apply to this proposal; mineral extraction and engineering operations, paragraph 3.6 of the submitted Planning Statement explains that opportunities for sand and gravel extraction have been discounted. The proposal could be defined as an engineering operation and could subject to compliance with the tests in paragraph 90 of the NPPF, be considered not inappropriate development in Green Belt. This is also the thrust of Core Policy 13 of the VWH Local Plan 2031 Part 1.*

*Paragraph 35.39 of the Local Plan 2031 part 1 explains “The purpose of the Oxford Green Belt in the Vale of White Horse District is to prevent urban sprawl around Oxford by keeping the land permanently open and to preserve the rural setting and special character of the city of Oxford”.*

*The proposal would not comprise urban sprawl. In the main it appears the scheme could keep land open. However, at present it is unclear as to the impact on the rural setting and special character of the city of Oxford.”*

Oxford City Council has advised that in principle, subject to the detail, the development is an appropriate use within the Green Belt. Policy CS4 of the Oxford Core Strategy 2026 states that:

*“The general extent of the Green Belt inside Oxford’s boundaries will be maintained. Within the Green Belt, planning permission will not be granted for inappropriate development, in accordance with national policy.”*

The District and City Councils will be consulted on any planning application and their viewpoints on how to interpret the scheme against their development plans and developing local policies will be important ones for the County Council to consider, in particular if the application is considered as a district rather than a county matter application. However, at the time of writing, the council’s views on this matter are informed by the Counsel’s opinion from Nina Pindham of No. 5 Chambers dated 11<sup>th</sup> April 2017, of which you already have a copy. As you are aware, the opinion is that the development would be a county matter and therefore it must also be considered against relevant saved policies of the Oxfordshire Minerals and Waste Local Plan 1996 and the developing policies set out in the Oxfordshire Minerals and Waste Local Plan - Part 1 (Core Strategy) incorporating main and additional modifications July 2017 (OMWCS). Policy C12 of the OMWCS states that:

*“Proposals that constitute inappropriate development in the Green Belt, will not be permitted except in very special circumstances. ‘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.*

*Conditions may be imposed on any permission granted to ensure that the development only serves to meet a need that comprises or forms an ‘other consideration’ in the Green Belt balance leading to the demonstration of very special circumstances.”*

As the Vale of White Horse District Council have noted, the development proposed may be considered to be both a mineral extraction and an engineering operation (and so operational development), both of which are not inappropriate development provided they preserve the openness of the Green Belt and do not conflict with the purposes of including the land in the Green Belt. They have however advised that at this time it is unclear as to whether there would be an impact on the rural setting and special character of Oxford and so there is possible conflict with the purposes of designation. The development proposed also includes a number of elements of built development such as flood walls and bridges. These elements of built development are inappropriate development which is by definition harmful to the Green Belt and so should not be approved except in very special circumstances (NPPF paragraph 87). The engineering works such as the creation of raised bunds using excavated materials might also be regarded as inappropriate development through not serving to preserve openness and/or conflicting with the purposes of designation, including assisting encroachment into the countryside and failing to preserve the setting and special character of Oxford.

At this time therefore, based on the information received to date, the County Council is of the view that whilst in principle the final proposed change of use of the land to a flood alleviation scheme would not be inappropriate development, there is an argument that, when taken as a whole, the proposed scheme would include substantial elements of inappropriate development in the Oxford Green Belt. In such a situation, very special circumstances would accordingly need to be demonstrated to justify making an exception to Green Belt policy and so a grant of planning permission, notwithstanding any other policy and material considerations. It is therefore advised that more detailed consideration should be given in the application, perhaps with reference to relevant appeal decisions/case law, as to why it is considered that the built elements of the development would not be inappropriate development – i.e. why the engineering structures (including the raised bunds) would not adversely affect openness or the purposes of Green Belt designation, with special reference to the setting and special character of Oxford. Alternatively, if you accept that the proposal would include inappropriate development in the Green Belt, the application should set out the very special circumstances that you consider should override the normal presumption against such development in Green Belt areas.

## **Air Quality Management**

You have acknowledged that the document referred to in your covering letter as the Oxford City Council's and Oxfordshire County Council's joint Air Quality Management Plan (2014) should instead have been Oxford City Council Air Quality Action Plan (2013-2020) and it is agreed that this is the appropriate document for reference. The County Council is very much reliant on the professional advice of the District Council and City Council as environmental health authorities with regard to this matter. The City Council has provided comments as set out above and in the detailed comments already forwarded to you. It would seem that they are generally content with the type of approach taken forward regarding the content and the considerations for the air quality assessment to be presented for the scheme. There are, however, some considerations that need to be accounted for as set out in their detailed comments. Please also note the comments of the County Council's Consultant in Public Health set out above which should also be taken into consideration as the County Council is likely to consult him and so Public Health England on the application when it is received.

## **Tree planting**

The council's Environmental Strategy Officer advises that this will depend upon the scale of planting which is envisaged, whether it can be met from a small local site or requires a more strategic approach. If the latter he would draw attention to the Conservation Target Areas that are defined as part of Oxfordshire's approach to enhancing biodiversity. Further useful input may come from discussion with key local organisations including the Trust for Oxfordshire's Environment, BBOWT, the Earth Trust, the AONB Boards and Wild Oxfordshire. Please also note the comments set out above including those of the City Council.

## **Viewpoints**

The council's Environmental Strategy Officer advises that viewpoints should be informed by a ZTV analysis to be included in the EIA. Additional photographic sites: visualisations should include winter views where the loss of leaf cover is likely to make a noticeable difference to the visual impact. Visualisations should include reference to the operational phase of the works as well as post restoration and post establishment of mitigating works. Additional viewpoints that should be considered include

- View of new Westway footbridge from the south, to assess the revised proposals
- View looking to top end of new channel from area of Westway Footbridge;
- From Willow Walk looking north-west up the new channel;
- From North Hinksey Lane looking from the allotments towards the new channel;
- From Hinksey Heights golf club and properties;
- From South Hinksey Bridge;
- Old Abingdon Road looking towards Kendall Copse West, as well as Kendall Copse East;
- Kennington Pond panorama from south to north;
- Abingdon Road looking west, between Oxford Spires and Sports Ground; and
- Cowmead allotments looking west

Please also note the comments set out above including those from the Vale of White Horse District and City Councils.

## **Planning Policy**

It is considered that the national policy, development plan and developing policies and supplementary planning guidance referenced in the pre-planning application statement would be relevant to the development and have been correctly interpreted, although please see the detailed comments on Green Belt policy set out above where this is not considered to be the case. The following lists include those policies and also others which it is considered would be relevant and should be considered in the drafting of any planning application for the proposed development. This is without prejudice to the council's consideration of other policies: this is an extensive scheme, the details of which may change prior to submission and issues may arise during the

formal consultation process and consideration of any application which could lead to additional policies being considered to also be relevant.

### Oxfordshire County Council Minerals and Waste Policy

Relevant development plan policies are:

#### Oxfordshire Minerals and Waste Local Plan 1996 Saved Policies (OMWLP)

- SD10 – Sterilisation of mineral deposits
- SD11 – Working of mineral deposits that would otherwise be sterilised
- PE2 – Mineral working in areas outside those identified in the plan
- PE3 – Buffer zones
- PE4 – Groundwater
- PE5 – River Thames
- PE7 – Flood plain
- PE8 – Archaeology
- PE9 – Scheduled Ancient Monuments
- PE10 – Woodland
- PE11 – Rights of Way
- PE12 – Public access
- PE13 – Restoration in a reasonable timescale
- PE14 – Nature conservation
- PE18 – Imposition of conditions to protect amenity

A consistency assessment of the saved policies in the Plan has been undertaken in order to determine the degree to which saved policies are consistent with current policy (<https://www.oxfordshire.gov.uk/cms/content/minerals-and-waste-local-plan-1996> ).

The draft Oxfordshire Minerals and Waste Local Plan Part 1 - Core Strategy (OMWCS) was submitted to the Secretary of State for independent examination in December 2015. Following an examination hearing held in September 2016, the Inspector issued his Report on 15<sup>th</sup> June 2017. He concludes that with his recommended main modifications the OMWCS satisfies the requirements of Section 20(5) of the Planning and Compulsory Purchase Act 2004 (as amended) and meets the criteria for soundness in the National Planning Policy Framework. At its meeting on 18<sup>th</sup> July 2017, the Council's Cabinet resolved to recommend to the County Council that the OMWCS be adopted with the Inspector's recommended main modifications and any required additional modifications that do not materially affect the policies, in accordance with Section 23(3) of the 2004 Act. The County Council is due to consider adoption of the OMWCS on 12<sup>th</sup> September 2017. Therefore, although the OMWCS is not yet adopted, it is at a very advanced stage and the draft policies with the Inspector's recommended main modifications and any additional modifications should accordingly be given considerable weight, alongside the saved policies of the Oxfordshire Minerals and Waste Local Plan (1996) (Local Plan).

#### OMWCS policies

- M2 - Landbanks
- M3 – Locations for working aggregate minerals
- M5 – Working of aggregate minerals

- M10 – Restoration of mineral workings
- W3 – Waste management facilities
- W6 - Landfill
- W11 – Safeguarded waste sites
- C1 – Sustainable development
- C2 – Climate change
- C3 - Flooding
- C4 – Water Environment
- C5 – General environmental and amenity protection
- C6 – Agricultural land and soils
- C7 – Biodiversity and geodiversity
- C8 – Landscape
- C9 – Archaeology
- C10 – Transport
- C11 – Rights of Way
- C12 – Green Belt

The Pre-Planning Statement states that as much of the site-won material as possible will be used in the construction of the scheme, and that ‘small amounts’ of gravel will also be used in the watercourses. It is queried whether these ‘small amounts’ add up to the 22,000m<sup>3</sup> of the identified sand and gravel to be extracted, or whether this is an additional amount. It is also unclear whether the total 22,000m<sup>3</sup> of sand and gravel will be utilised in the scheme, or what is proposed for the rest of the mineral if it is not. The application should clarify exactly what types of material will be removed by the scheme, what they consist of, the amounts of each, and where/how they will be used.

There is a small discrepancy in the amount of material to be re-used in the OFAS. The pre-planning statement for the landraising proposal identifies 25,000 – 30,000m<sup>3</sup>, while the pre-planning statement for the construction of the OFAS identifies 30,000m<sup>3</sup>.

The statement that ‘this application site could accommodate approximately 65,000 to 70,000m<sup>3</sup> of inert material’ in the pre-planning statement for the construction of the scheme relates to the land-raising application and should not be included in this section.

#### *Mineral Extraction and the Deposit of Waste*

The application states that ‘mineral extraction’ (it is assumed in the conventional sense of extraction for primary use of the mineral) has been discounted for a range of ‘technical and planning reasons’. However it is the council’s opinion that the scheme will still involve the working of minerals, and therefore that the minerals and environmental policies in the OMWLP and OMWCS apply.

It is noted that only approximately 22,000m<sup>3</sup> of sand and gravel is expected to be extracted in the construction of the OFAS although as noted previously, clarification of this and other materials in the scheme are required. Previous estimates of mineral extraction volumes have been around 500,000m<sup>3</sup> or approximately 0.75million tonnes of sharp sand and gravel. The application should explain in more detail why the revised figure is so much less than original estimates, and should expand on the reasons why mineral extraction for primary use is not now proposed where it was previously.

It is noted that the application states that the OFAS will not sterilise mineral deposits. However, this statement is somewhat misleading, as the investment involved in OFAS and the importance of it for flood alleviation would mean that any mineral deposits left beneath the channels or adjoining them would effectively be unavailable for possible mineral working in perpetuity. If it is correct that extraction of minerals for primary use is not proposed and material extracted from the channel and not directly used in the construction of the OFAS would be considered waste material, paragraph 142 of the NPPF is relevant, in that '*...since minerals are a finite natural resource, and can only be worked where they are found, it is important to make best use of them to secure their long-term conservation*'. Policy SD10 in the OMWLP is also relevant in that development which would sterilise or make the extraction of a mineral significantly more difficult will not be permitted unless it can be shown that the need for the development outweighs the economic and sustainability considerations relating to the mineral resource. Treatment of the mineral (sand and gravel) element of the OFAS extraction material as waste would not be a sustainable use of this material and would be contrary to the objective underlying mineral safeguarding policy. The way that mineral extracted from the scheme is used should be reconsidered to ensure that the best practicable use is made of this finite natural resource.

It is understood that most of the material extracted from the OFAS is proposed to be transported off-site for use in restoration schemes at existing sand and gravel works. Therefore policy W6 in the OMWCS, regarding the permanent deposit of waste to land is relevant. Under this policy, priority is given to the use of inert waste that cannot be recycled to be used as infill material for restoration of active or unrestored quarries. It should be investigated whether the material could be managed in more beneficial ways higher up the waste hierarchy (reused or recycled) before deposit to land or disposal.

More detail on proposals for the use of excess material from the scheme should be given. The off-site locations where the material is proposed to be transported should be identified, and it should be confirmed that the total amount of material excavated can be satisfactorily accommodated by the proposed means.

The OFAS would involve the extraction of sharp sand and gravel (although the total amount should be clarified). The first part of policy M2 in the OMWCS states that provision will be made through policies M3 and M4 to enable supply of 1.015million tonnes per annum, or 18.270 million tonnes in total of sharp sand and gravel over the plan period. Taking into account permitted reserves, this equates to an additional 5 million tonnes of sharp sand and gravel required over the plan period as identified in the OMWCS. Although the OFAS could make a contribution to this requirement, it does not comply with the locational strategy in policy M3, and it is not a site allocated in accordance with policy M4. However, the second part of policy M2 provides for permission to be granted under policy M5 to enable a landbank of at least 7 years for sharp sand and gravel to be maintained. Because of the words 'at least' this is a minimum provision and no cap is applied.

Policy M5 provides for the working of aggregate minerals in advance of the Minerals and Waste Local Plan: Part 2- Site Allocations Document and in other exceptional circumstances outside of the site allocation process. This includes the extraction of mineral prior to sterilisation by development. Policy SD11 in the OMWLP also provides for extraction of minerals prior to development. The OFAS could be considered a form of extraction prior to sterilisation, which these policies provide for.

## *Restoration*

Proposals for restoration and aftercare should be submitted with the application, giving consideration to saved policy PE13 of the Oxfordshire Minerals and Waste Local Plan (1996) and policy M10 of the OMWCS.

## *Safeguarded Waste Facilities*

The application boundary (Area 4) includes a site proposed to be safeguarded in Appendix 2 of the OMWCS (Redbridge HWRC). Therefore Policy W11 of the OMWCS applies. It appears that the proposed works do not affect this site, but the application should address any direct or indirect effects that could prevent or prejudice the operation of this site.

## Oxford City Council Policy

Oxford City Council has commented that all the key policies in Oxford's Development Plan appear to have been covered in the Planning Statement.

Relevant development plan policies are:

### Oxford Core Strategy 2011

CS4 – Green Belt  
CS9 – Energy and natural resources  
CS10 – Waste and recycling  
CS11 – Flooding  
CS12 – Biodiversity  
CS13 – Supporting access to new development  
CS18 – Urban design, townscape character and the historic environment  
CS21 - Green spaces, leisure and sport  
CS28 – Employment sites

### Oxford Local Plan 2001 – 2016 Saved Policies

CP1 – Development Proposals  
CP11 – Landscape Design  
CP13 – Accessibility  
TR4 – Pedestrian and Cycle Facilities  
TR9 – Park and Ride  
NE20 – Wildlife Corridors  
NE21 – Species Protection  
NE22 – Independent Assessment  
HE1 – Nationally Important Monuments  
SR2 - Protection of Open Air Sports Facilities  
SR5 Protection of Public Open Space  
SR8 Protection of allotments

Oxford City Council is currently consulting on its Oxford Local Plan 2036 Preferred Options. This is at an early stage of preparation and it is currently programmed for final consultation in June to July 2018, examination in the spring of 2019 and adoption

in mid to late 2019. It is therefore likely to advance in the period between now and the flood alleviation scheme planning application being submitted and decided. Its policies as they are developed will become material considerations. The weight given to them should be informed by the guidance at paragraph 216 of the NPPF.

### Vale of White Horse District Council Policy

Relevant development plan policies are:

### Vale of White Horse District Council Local Plan 2011 Saved Policies

DC3 – Design against crime  
DC5 – Access  
DC6 – Landscaping  
DC7 – Waste collection and recycling  
DC9 – Impacts of neighbouring uses  
DC12 – Water quality and resources  
TR5 – The national cycle network  
DC20 – External lighting  
HE1 – Preservation and enhancement  
HE4 – Settings of listed buildings  
HE9, HE10 & HE11 – Archaeology  
NE7 – North Vale Corallian Ridge landscape  
NE8 – Landscape setting of Oxford

### Vale of White Horse District Council Local Plan 2031

Core Policy 1 – Presumption in favour of sustainable development  
Core Policy 7 – Providing supporting infrastructure  
Core Policy 13 – Green Belt  
Core Policy 33 – Sustainable transport and accessibility  
Core Policy 34 – A34 Strategy  
Core Policy 35 – Promoting public transport, cycling and walking  
Core Policy 37 – Design and local distinctiveness  
Core Policy 40 – Sustainable design and construction  
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

The Vale of White Horse District Council is progressing Part 2 of its Local Plan 2031. The Plan contains further site allocations and development management policies. On adoption it will replace the saved policies in the 2011 Local Plan. This Plan has been subject to public consultation and the council is presently reviewing comments received. The Plan is at a relatively early stage of preparation and it is likely to advance in the period between now and the flood alleviation scheme planning application being submitted and decided. Adoption is expected in late 2018. Its policies are a material consideration. The weight given to it should be informed by the guidance at paragraph 216 of the NPPF.



## Draft Vale of White Horse Local Plan Part 2

Core Policy 13a – Green Belt  
Development Policy 15 – Access  
Development Policy 20 – External lighting  
Development Policy 22 – Impact of development on amenity  
Development Policy 24 – Noise pollution  
Development Policy 25 – Air quality  
Development Policy 26 – Contamination  
Development Policy 27 – Waste collection and recycling  
Development Policy 29 – Watercourses  
Development Policy 30 – Protection of Public Rights of Way  
Development Policy 35 – Heritage Assets  
Development Policy 36 – Conservation Areas  
Development Policy 37 – Listed Buildings  
Development Policy 38 – Archaeology

It is noted that the planning statement refers to the incorrect Statement of Community Involvement (SCI). The correct document is the December 2016 SCI Part 3:  
<http://www.whitehorsedc.gov.uk/sites/default/files/VWHDC%20SCI%20Part%203%20Digital%20Version.pdf>

### **Planning conditions**

I understand that, wherever possible, you would like to avoid conditions requiring the submission of further information prior to commencement and the council would prefer this to be the case as far as possible should planning permission be forthcoming. In order to avoid or reduce these I recommend that the information requested by the various consultees is provided with the application submission. Further queries may arise during the consultation period and if information can be provided promptly in response to these queries, this will also help avoid the requirement for further information by condition.

### **Planning permission**

As you are aware, it is not possible to give a definitive response at this stage regarding the likelihood of gaining planning permission for the proposed development and it will be a matter for the determination of the council's Planning and Regulation Committee unless the application is called in for the Secretary of State's own consideration. None of the consultees consulted on the pre-application request suggested that they would have an in principle objection to a planning application for this development but their responses suggest that there are major concerns which need to be addressed and a considerable amount of additional information, including clarification of the proposals and further justification for the development should be submitted in support of the planning application to facilitate their consideration of the application and its potential impacts. As consultees have not yet seen full details of what is proposed or what the potential environmental impacts would be, it is possible that objections could arise as the application progresses.

In particular, I would draw your attention to the view set out above that contrary to the opinion set out in the pre-planning application statement, the development would

contain elements of development which could be inappropriate in the Green Belt and so very special circumstances would need to be demonstrated to justify making an exception to Green Belt policy. Should the council or Secretary of State consider that very special circumstances do not exist for allowing inappropriate development in the Green Belt, the implication is that the development should not be approved in accordance with paragraph 87 of the NPPF.

## **Planning Application Process**

Once a planning application has been made and validated, we work to a 13 week target for determination (16 weeks for EIA development). Given the size and complexity of this potential application and the potential for objections to be received it would seem unlikely that the 16 week determination period would be met and it is likely that an extension of time will be required. As the application would be both a departure and be accompanied by an Environmental Statement, it would be determined by the council's Planning and Regulation committee. Fitting in with the committee timetable would then also affect the timescales for determination. Committee dates for 2018 are set out below:

8<sup>th</sup> January  
19<sup>th</sup> February  
26<sup>th</sup> March  
14<sup>th</sup> May  
2<sup>nd</sup> July  
10<sup>th</sup> September  
29<sup>th</sup> October  
10<sup>th</sup> December

If planning permission were resolved to be granted then the permission would be issued as soon as possible after that resolution, unless there was a Section 106 and/or routing agreement that needed to be signed first. Whether to implement the consent while there was still time for an objector to apply for a judicial review would be a decision for the applicant. The time period for judicial review is 6 weeks following the decision.

## Consultees

A range of statutory and non-statutory consultees will be formally consulted for a 21 day period by the County Council as Mineral Planning Authority following the submission of the application. These will include the District Council, any neighbours within 350 metres of the site, local Parish and Town Councils, internal consultees and expert bodies. The council may also require to procure additional expert consultant advice on the application. The [Oxfordshire Statement of Community Involvement](#) contains more information.

## Advice on whether community consultation should be carried out:

Applicants are encouraged to liaise with stakeholders prior to the submission of an application to ensure that there is good communication and allow the potential for proposals to be amended in light of any legitimate concerns. It is understood that you have but recommended that you continue to meet and talk through the proposals with the Parish Councils and the local County Councillors for the Divisions through which the proposed channel would run. Continued engagement with the local community

through, such measures as a pre-application exhibition of the proposals and distribution of leaflets to local properties setting out the draft proposals and inviting comments, are also recommended.

If you have any questions regarding this response please contact me.

Yours sincerely



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#### Disclaimer

Any advice given in relation to the planning history of the site, planning constraints or statutory designations does not constitute a formal response of the Council under the provisions of the Land Charges Act 1975.

Any pre-application advice given by Council Officers does not constitute a formal response or decision of the Council with regards to future planning consents.

Any views or opinions expressed are given in good faith, and to the best of ability, without prejudice to the formal consideration of any planning application, which will be subject to public consultation and ultimately decided by the Council. The Council cannot guarantee that new issues will not be raised following submission of a planning application and consultation upon it.

You should be aware that Officers cannot give guarantees about the final formal decision that will be made on your planning or related applications.