7th January 2019

By email to registrations@southvale.gov.uk and to planning@oxfordshire.gov.uk

Dear Sir / Madam

Re: VWHDC Planning Application P18/V1179/CM
Oxfordshire County Council Planning Application MW.0028/18
Flood Alleviation Scheme to reduce flood risk for Oxford

Dear Sir / Madam

I, along with Mary Teresa Mackey, are the Trustees of the Ferry Hinksey Meadow Trust which owns land within the Oxford Flood Alleviation Scheme area. We have made objections on behalf of the Ferry Hinksey Trust to this planning application in our letter to Oxfordshire County Council dated 8th June 2018. Our responses and objections still stand as per this letter as we cannot see anything within the additional information put forward by the Environment Agency that changes our objections.

Within this letter we pick up the new documents which the Environment Agency have submitted with the planning application following Oxfordshire County Council’s comments.

**No Green Belt Justification**

It still appears the applicant has not done anything to cover why such a large flood alleviation scheme should be allowed against planning policy within the Oxford Green Belt. There appears to be no justification of why this scheme is justifiable in a Green Belt, and what the exceptional circumstances are.

**Inadequate viewpoint photos**

The new Viewpoint photos only show photomontages of the scheme for:

Viewpoint 4 (this is a summer only photomontage),
Viewpoint 7 (this is a summer only photomontage),
Viewpoint 11 (this is a summer only photomontage),
Viewpoint 12,
Viewpoint 13,
Viewpoint 17,
Viewpoint 19,
Viewpoint 20,
Viewpoint 22,
Viewpoint 23,
Viewpoint 27 (this is a summer only photomontage)

Viewpoint 28 (this is a summer only photomontage).

Surely the photomontages should show all of the Viewpoints, and should all be in the winter to show the true scale of this development within the Green Belt. There also appears to be the use of summer only photos on Viewpoint 27 and Viewpoint 28 with no winter vision. We also question with the removal of approximately 2,000 trees have these been taken into account within the photomontages. Plus there appears to be no photomontages showing the newly planted trees at planting, and after say 15 years of growth. As things currently stand it appears that the Environment Agency are worried about the true picture of what the site will look like during construction and afterwards.

**Environmental Impact Assessment not met**

Within the new regulation 25 request we question whether the latest Environment Impact Assessment (EIA) planning case law has been met with the material that has been submitted.

There appears to be no justification in the EIA of why any of the mature trees should be removed to enable this scheme and also no consideration of replanting mature trees to mitigate the change in the landscape and the ecology due to felling so many trees which are habitats for various animals.

The impact on the rare MG4 grassland is still not fully considered by the Environment Agencies response. Due to it taking 80 years to re-establish such grassland and its impact on the neighbouring SSSI's, surely more detail and mitigation needs to be part of the planning application and the EIA?

There appears to be no mechanism within the amended planning application to put legal obligations on the Environment Agency and landowners to provide the Green Infrastructure Strategy. Surely this should be covered by a Section 106 planning agreement?

The proposed monitoring of both pre and post project of the Ecological Surveys should also be covered by a section 106 planning agreement, so the Environment Agency is legally obliged to carry these out as part of the planning consent.

The Landscape and Habitat Creation Delivery and Management Plan should also be covered by a section 106 planning agreement, so the Environment Agency is legally obliged to carry these out as part of the planning consent.

**Transport – inadequate response**

Within the new regulation 25 request Transport section it appears that it is highly likely that, at the same time as this flood alleviation scheme is built, there will also be other building works on other roads around Oxford. The preferred contractor is not able to confirm whether this happens or not, as they are not in control of this. Therefore the planning application should consider whether the Transport Plan still works if more than one road into Oxford is being dug up at the same time. The Environment Agency’s response is not sufficient or adequate. The Oxford Bus Company’s objection appears to have not been addressed at all. The fact is that many people use the Park and Ride bus and other buses into Oxford. Causing even more traffic issues in Oxford during the build is far from satisfactory. This needs to be mitigated against.

There appears to be nothing covering the pollution caused by traffic whether cars, vans, lorries or buses sit in traffic jams due to the works. As such this should be added. The EIA should cover the mitigation of air pollution. Traffic pollution will cause damage to the air quality and the environment.
Materials and Management Plan lacking in detail

The Materials and Management Plan dated March 2018 which was submitted with the original planning application is somewhat lacking in detail. It does not cover the detailed lorry movements and destinations. It also does not cover the time of day that the journeys are made. This is a massive scheme with a large quantity of material to be removed. Sweeping the traffic movements under the carpet is not sufficient. The planning application should have more detail than what has been supplied by the Environment Agency. The lorry movements should be covered by a Section 106 planning agreement, so the Environment Agency and their contractors are legally obliged to follow them. In addition there should be no workings at the weekend or other than between 9:00 am to 5:00 pm.

No minerals should be moved

The Environment Agency have no legal powers under Compulsory Purchase legislation to sell the minerals and other materials excavated. Hence any reference of moving the materials off site should be amended as the landowners will not allow this, and the cost of building the scheme will increase substantially.

The archaeological investigation that is required should be covered by a Section 106 planning legal agreement, to make sure the Environment Agency is obliged to do what they have stated within the regulation 25 response.

Heritage landscapes and views will be destroyed. Photomontages required.

Within the regulation 25 Heritage update the EA do not appear to have considered that the landscape they are destroying was part of many paintings of Oxford by JMW Turner, as well as those once perceived by John Ruskin and his Followers. As these are important landscapes in a Green Belt surely the photomontages should show how these views will be changed for ever by this scheme.

Location of trees moved and planted needed

The Arbicultural annex is still not sufficient as it does not have a plan showing the location of every tree that will be removed or a plan showing every tree that will be replanted.

Bridlepaths – alternative routes required

The EA’s update on the network of routes / Right of Way across the site, still do not cover horse and rider movements and the legislation required by bridlepaths. Where the access is along a bridlepath all bridges / fords should be up to Horse Society standards for bridges / fords. Please note it will be necessary during any temporary closures of bridlepaths that the alternative routes are suitable for horse and riders throughout. This includes where horses go pass the workings. The level of detail on horse riding is not satisfactory.

The Long Term Management and Maintenance of the site should be covered by a Section 106 legal agreement, so that the Environment Agency is legally obliged to do what they have stated in the Landscape and Habitat Creation Delivery and Management Plan.

Bridge safety for horses

Regarding the Bridge Design element of the regulation 25 response, it does not state whether the bridges have been designed for horse traffic. This is essential as horses use Willow Walk and the bridlepaths all the time. The Environment Agency have not taken this into account. The design of the balustrades is of great concern as they could be unsafe for horse riders. We would like a specialist consultant to be appointed to confirm that the bridges as designed are safe and useable for horse
riders. The use of stone setts is an unusual method of keeping horses away from the sides. Please can we have evidence that this will work? A 1.4 metre balustrade is also not acceptable as a horse a balustrade of this low height, as such a 1.8 metre high balustrade is a necessity.

**No evidence that a second channel is needed**

We still question whether the second channel is needed at all. We have seen no evidence that the second channel has that much benefit on preventing the flooding of homes. It appears the second channel is entirely to benefit the changing of the flood risk status at Osney Industrial Estate to allow the redevelopment of the brown field site of Osney Mead Industrial estate into housing, student accommodation and Oxford University’s Engineering Department buildings. As there are no Compulsory Purchase Powers to buy land to enable third party development land we do not see the need for the second channel and therefore our land is not needed for this flood alleviation scheme. Can we please see the evidence to the contrary? We would like to a plan showing the exact location of the 1,200 houses which this scheme will protect, together with a plan as how many houses will be protected if the second channel is not required. A further plan showing the area of land which would not be required if the second channel is not built should also be provided.

**Creating habitats beyond powers of EA and CPOs**

We still maintain that there are no compulsory purchase powers for the Environment Agency to create a habitat for flora, fauna and fisheries, as they only have the power to put in a flood alleviation scheme. As such their promise of creating such habitat is beyond what the Environment Agency can deliver. The same is the case with providing additional open space in exchange. Fact is the meadows are currently grass meadows and they are not providing anything in addition so the theory they are planting more trees than they are felling and creating more habitats is false as in fact there will be less grassland after the scheme rather than more.

**No legal agreement has been signed**

Page 18 of the Planning Statement clearly says there are legal agreements with the landowners. This is not true. We have never signed any binding legal agreement. This statement is false and undeliverable and therefore needs amending. Please also note we have no Lease terms agreed with the Environment Agency either. Can I suggest the Environment Agency are asked to provide proof of which landowners have signed up to this.

**Incorrect statement about future funding**

Regarding the funding 10 years after the scheme, page 18 of the planning statement is wrong to state that working with an environment organisation as a landowner increases the opportunity to bid for funding and maximising investment. With Brexit and the Agricultural Bill / Environment Bill, no one knows what will be funded in the future at this stage. Again this needs correcting.

**Ongoing monitoring not supported**

As a landowner we have not supported the ongoing monitoring mentioned on page 18 of the Planning Statement. I also question whether other landowners have supported this. Ongoing monitoring is costly and no landowner would agree to it without their costs being covered. Can I suggest the Environment Agency are asked to provide proof of which landowners have signed up to these terms.
No lease agreement

On page 19 of the Planning Statement we have no lease agreement on our land in place with the Environment Agency. Can I suggest the Environment Agency is asked to provide proof of which landowners have signed up a lease with these terms?

Negative impact on horseriders

On page 20 of the Planning Statement, it is concerning to read of the negative impact on horse riders during the construction phase. It is essential that the alternative access provisions which are put in place if a bridlepath is rerouted are useable by horse riders.

Photomontage of trees after 15 years needed

Page 20 of the Planning Statement mentions that after 15 years the planting will be re-established. Considering a tree can take 60 to 80 years to be fully mature this is somewhat misleading. Surely Oxfordshire County Council should be requesting that the photomontages show the scheme both after construction has completed and 15 years later.

Negative impact of new woodland on meadows and ecology

On page 20 of the Planning Statement, the new woodland which will be created will damage flood meadows and change the ecology. Please do not be fooled into believing that planting a few extra trees will be the solution. The fact is that the land is meadows today and the amount of meadow will decrease.

On page 22 of the Planning Statement, the new meadow will not be new as the land was grass meadows before. So this does not mitigate the loss of meadows by this scheme.

Page 22 of the Planning Statement mentions that 398 trees will be removed while the Regulation 25 response states that 2,000 trees will be removed. The Planning Statement again is misleading on this point.

Page 24 of the Planning Statement states there will be no impact on Air Quality. This we find difficult to believe considering the amount of lorry movements and the fact the traffic flow will be slowed down during construction with road closures. This needs amending.

Minerals belong to the original landowner

On page 26 of the Planning Statement, it is not possible to use the minerals elsewhere as the mineral belongs to the original landowner. Compulsory Purchase powers do not allow the minerals to be transferred to the acquiring authority, they belong to the original landowner. This needs correcting on the Planning Statement, as the original landowners’ permission will be necessary for the minerals to be sold. One questions whether this error will mean the Oxford Flood Alleviation Scheme will cost more to build than is currently being quoted.

Page 27 of the Planning Statement gives no detail as to which utilities are going to be removed and what works are required. It is essential that the full detail of such works is made available as both landowners and local residents need to understand fully the impact of moving various utilities. At no time have the landowners or the locals been consulted on the moving of these utilities, where they will go, the access routes required to enable their movement or the disturbance caused by moving them. More detail needs to be submitted before the planning application is determined.
No reason for permission within the Green Belt – Judicial Review will be called for

This is a large planning application within the Oxford Green Belt and close to several nationally important SSSI’s and fragile rare M4 grass meadows. I cannot see any reason within what has been submitted by the Environment Agency that this planning application is acceptable and meets the exception circumstance that the development should be permitted within the Green Belt. It will do substantial harm. As such we object and will commence a Judicial Review on the planning application if Oxfordshire County Council are minded to grant this planning application. We cannot see how legally such a planning application should be permitted considering it is against a large proportion of the local planning policy and national planning policy.

Massive failure of Maidenhead, Windsor and Eton Flood Alleviation Scheme which OFAS resembles.

As part of our objections I would like to bring the Council’s attention to the severe problems that resulted on the Maidenhead, Windsor and Eton Flood Alleviation Scheme. The Thameside towns of Windsor, Eton and Maidenhead flooded often simply because they were located on flood plain. In the mid 1980’s the Maidenhead, Windsor and Eton Flood Alleviation Scheme (MWEFAS) was conceived. Without going into detail the National Rivers Authority (having considered many options) submitted a plan for a parallel channel approximately 50m wide x 12km long that took flood water out of the Thames up-stream of Maidenhead and returned it into the Thames down-stream of Windsor. This proposal was properly considered at a Planning Inquiry commencing in October 1992 where the inspector, Mr Ackers raised concerns about whether the second channel would work.

Some three years later, between the 1992 Inquiry and Ministerial Approval in 1995, it appears that Mr Ackers’ concerns about hydraulic model limitations went unheeded or were forgotten by the scheme designers and the Environment Agency who were now in charge of the project. The project commenced in about 1996 and was inaugurated in mid-2002. With the arrival of the January 2003 flood event Maidenhead, Windsor and Eton were protected by the new channel but the undefended villages downstream were inundated for the first time since 1947. Manual operation of the new channel control flow structure at only 2/3rd’s capacity allowed flood water to bypass the attenuating characteristics of the natural upstream flood plains. Thus flood flows arrived downstream earlier, rose more quickly and finished at a higher level. Furthermore the new channel suffered significant structural damage during the 2003 flood event. In particular the Taplow Flow Control Structure lacked a stilling basin and consequently suffered severe erosion. Marsh Lane Structure embankments suffered severe erosion, Manor Farm Weir was curved downstream in the middle, Slough Weir downstream face protection was swept away and the Myrke Embankment in Datchet almost collapsed. Repair and rebuild costs totalling millions of pounds were offset by an out-of-court settlement of £2.75m received from the designers for sub-standard design and construction.

The recommendations from Clive Onion’s 2004 Mechanisms of Flooding Report have not been adopted. These referred to Main River dredging and also arrangements for the disposal of dredged materials. This incident preceded firstly the ‘Pitt Review’ and ultimately led to the Flood and Water Management Act 2010 which created ‘lead local flood authorities’ and clarified responsibility for different types of flooding. The Environment Agency’s Jubilee River extension proposal, known as The River Thames Scheme (Datchet to Teddington) is being designed to sort out the problems of the past. The Oxford Flood Alleviation Scheme appears to be designed on a similar basis to the original Maidenhead, Windsor and Eton scheme. It is essential that a repeat of this does not happen at Oxford, and as such serious questions should be asked of the Environment Agency and the designers of the Oxford scheme. See further the article by Ewan Larcombe
As you can see I would like to see this planning application refused.

Yours Faithfully

Chris Sugden (Canon Dr)
Chairman of the Trustees of the Ferry Hinksey Trust

The Ferry Hinksey Charitable Trust was established in 1989 according to the bequest of the owner of the fields Miss Stella Aldwinckle who purchased them in the middle of the twentieth century to preserve these fields as grazing for horses and to make income from rental available to five charities in Oxford, Dorset and Northern Ireland.