Dear Ms Hudson,

RE: Planning application by Environment Agency (EA), Red Kite House, Howberry Park, Crowmarsh Gifford, Wallingford, OX10 8BD for planning permission: Flood alleviation scheme to reduce flood risk in Oxford (OFAS) - Further information under Regulation 25 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017

I write in response to the Environment Agency's submission of further information under Regulation 25 of the Town and County Planning Regulations to accompany the planning application MW.0028/18 for Oxford Flood Alleviation Scheme and the opportunity for Oxford City Council as the District Local Planning Authority to comment on the above application which is being dealt with as a minerals and waste planning application (a County matter).

The City Council is a founding member of the Schemes Sponsor Group and we are pleased that the scheme is now fully funded and at a sufficiently advanced stage of design to seek planning approval.

The comments below reflect the various roles of the City Council as guardian for the city, landowner and consultee on planning and environmental matters. Some comments remain the same as those submitted in June 2018. Any changes are highlighted accordingly.

Response to Planning Application for Oxford Flood Relief Scheme

Oxford City Council supports the application for planning permission to implement the Oxford Flood Relief Scheme.

The City Council continues to maintain that, notwithstanding the funding and land access constraints, every opportunity should be taken to improve public access to the areas opened up by the scheme and has the ambition for there to be a cycle way along the entire length of the scheme providing a new safe cycle route north to south through the city.

OFAS will be major infrastructure in the city and its construction must take into account other major infrastructure in the city necessary to support its smooth and effective running.

Our primary concern is around the functioning of the park and ride sites serving the city. We believe
that it is vital that:

1. Impact during construction on the operation of the Park and Ride sites is minimised.
2. That works are phased so that there is no disruption at more than one Park and Ride site at any one time.
3. That the OFAS implementation at Seacourt Park and Ride reflects the planning permission granted for the extension of this site and enables that to proceed as soon as practicable and that works on both schemes are synchronised to minimise disruption and cost to the public purse.

The City Council would also request the following:

- That the County Council is satisfied that after the OFAS works are completed suitable access will be retained to all currently publically accessible sites.
- That attention is paid to achieving a high design quality for all elements of the scheme.
- That every effort is made to support increases in ecology and biodiversity and that this target is supported within future landscape maintenance regimes.

As part of the process of responding to the submission of further information under Regulation 25 I have consulted the various specialists in the City Council to review and update their comments made on the full planning application as appropriate. The comments are found in the following appendices. Any changes from the appendices included in the City Council response within letter dated 14th June 2018 are referenced and a box surrounds them.

- Appendix A – Planning Consultation Response - Air Quality – NO CHANGE
- Appendix B - Planning Consultation Response – Archaeology – NEW COMMENTS
- Appendix C - Planning Consultation Response – Contaminated Land – NO CHANGE
- Appendix D - Planning Consultation Response – Flood Mitigation – NO CHANGE
- Appendix E - Planning Consultation Response – Green Belt & Policy – NO CHANGE
- Appendix F - Planning Consultation Response –Heritage & Urban Design – ADDITIONAL COMMENTS
- Appendix G - Planning Consultation Response –Tree & Landscape – ADDITIONAL COMMENTS
- Appendix H – Planning Consultation Response – Noise

PLEASE NOTE: Oxford City Council holds statutory powers for Air Quality and Contaminated Land under the Environment Act 1995 and as such our comments carry particular weight.

If further information is provided in relation to any of the attached responses then I look forward to being sent this so that I can provide further comments. We would also be grateful of the opportunity to provide additional comments if substantial revisions are made to the scheme.

Yours sincerely,

Adrian Arnold
Acting Head of Planning Services
Appendix A – Planning Consultation Response - Air Quality *(NO CHANGE)*

<table>
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<tr>
<th>To:</th>
<th>Robert Fowler</th>
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<tr>
<td>From:</td>
<td>Pedro Abreu – Air Quality Officer, Environmental Sustainability</td>
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<tr>
<td>Proposal:</td>
<td>Oxford Flood Alleviation Scheme</td>
</tr>
<tr>
<td>Application number:</td>
<td>18/00883/CONSLT</td>
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<tr>
<td>Date sent:</td>
<td>14/05/2015</td>
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Oxford City Council holds a statutory duty of monitoring and managing local air quality in Oxford (Under Part IV of the Environment act 1995/Sections 82-84), and as such has been formally consulted by the Environment Agency on the scheme. The City of Oxford is currently experiencing breaches of Nitrogen dioxide limit values, and the entire city has been designated an Air Quality Management Area for NO2 since 2010.

It is highly recommended that Oxfordshire County Council as planning authority takes into account all of the Air Quality recommendations outlined in the response below, to ensure full mitigation of potential increases of pollution levels within Oxford City.

The following documents have been reviewed:

- Environmental Statement IMSE500177-CH2-00-00-RP-E-0654, dated March 2018, prepared by CH2M;
- ES - Figure 11_1 Study Area for Traffic and Transport Assessment, dated March 2018, prepared by CH2M;
- ES - Figure 13_1 Modelled Air Quality Receptors, dated March 2018, prepared by CH2M;
- ES - Figure 13_2 Air Quality Management Areas, dated March 2018, prepared by CH2M;
- ES - Figure 13_3 NO₂ impacts, dated March 2018, prepared by CH2M;
- ES - Figure 13_4 PM₁₀ impacts, dated March 2018, prepared by CH2M;
- ES App M Transport Assessment IMSE500177-CH2-00-00-DT-EN-0014, dated March 2018, prepared by CH2M;
- ES Appendix H-1 Air Quality Construction Assessment_Rev0, dated March 2018, prepared by CH2M;
- ES Appendix H-2 Air Quality Verification_Rev0, dated March 2018, prepared by CH2M;
- ES Appendix H-3 Air Quality Modelled Results_Rev0, dated March 2018, prepared by CH2M;
- Several scheme’s drawings

**Summary**

OFAS is designed to manage the flood risk to the city of Oxford over the next 100 years. The scheme comprises a combination of modifications to existing channels to increase their capacity, together with the construction of a new two-stage channel and new flood defences, to move flood water away from developed areas and reduce the frequency of flooding and therefore flood damages to at least 1000 homes and businesses currently at risk in Oxford.

The reviewed environmental statement doesn’t anticipate any significant air quality impact that could result from the implementation of the scheme.

**Air Quality (AQ) Comments**

The scheme received Air Quality pre-app advice from Oxford City Council on the 13th September.
2017. At the time, there were concerns that the scheme may lead to an increase of NO₂ and/or PM levels, due to:

a) The significant increase of HGVs during the 3 years construction, and resulting potential increase in NO₂ emissions.

b) A potential increase of congestion levels in several already sensitive arteries of the city as a consequence of the significant increase of HGVs operating in the city, during construction. Which could lead to a subsequent increase of primary NO₂ emission levels in the city.

c) The potential AQ impacts from dust, as a result of the following construction activities - demolition, earthworks, construction and track-out.

d) Potential AQ impacts on previously identified sensitive receptors (mainly residential areas in close proximity to the areas of construction phase and/or of the HGV routes used in the scheme)

After reviewing the relevant documentation submitted with the application of the scheme, I can conclude the following, with regards to each one of the previously raised bullet points:

a) The significant increase of HGVs during the 3 years construction, and resulting potential increase in NO₂ emissions

- The modelling results show that the contribution of HGVs emissions associated with the scheme to NO₂ annual average concentrations at any of the identified roadside receptor is in most instances less than 0.4 μg/m³ (i.e. 1% of the current Air Quality Objective for NO₂). The highest increase is expected to happen at AR21 - end of Abingdon road (increase of 1.64 μg/m³ of the annual mean NO₂, but still within the current limit value for this pollutant - please refer to ES - Figure 13_1 Modelled Air Quality Receptors). – A total of 28 sensitive receptors were identified, all located along the affected road network.

- The modelling exercise that was conducted to estimate the impact of HGV movements from the scheme has followed a conservative approach, as agreed at the pre-app meeting with OCC. At that point, the HGVs to be used in the scheme would operate using Euro 5 engines (which have significantly higher NO₂ emissions than Euro 6 engines) - It was agreed at the pre-app meeting that the successful contractor(s) will be required to operate Euro VI HGV vehicles. This means that the modelled impacts identified will be much lower. This was to be secured by EA through (Utilising procurement and contract agreements), and it is confirmed on page 257 of the Environmental statement submitted with the application. A planning condition is recommended, however, to ensure that this measure is included in the Construction Traffic Management Plan (CTMP) submitted with the application:

- Another approach agreed at the pre-app meeting for the modelling work was to not apply the expected decrease in Air Quality NO₂ background levels along the 3 years of the construction phase of the scheme. The background levels used to model the years of the project (2018-2021) were therefore kept flat, using the levels of 2016;

- It is also stated in the transport assessment (chapter 7.2.10 – page 55) that regular fleet maintenance will take place to reduce emissions. A planning condition is recommended to ensure that this measure is included in the Construction Traffic Management Plan (CTMP) submitted with the application – please see planning condition below;

- It should also be noted that not all the construction areas will have a high frequency of HGV movements and, in general, the number of HGVs will not be constant throughout the three years of the construction phase.
The analysis of all the points stated above, allow concluding that the direct impact of HGVs on NO\textsubscript{2} concentrations is expected to be not significant for this scheme.

b) A potential NO\textsubscript{2} emission increase, as result of the increase of congestion in several already sensitive arteries of the city – given by the increase of HGVs operating during the scheme

Regarding this specific point, it was agreed at the pre-app meeting of 13\textsuperscript{th} September, together with Oxford City Council’s principal transport planner (Ms Chanika Farmer) that construction vehicles will not circulate during traffic peak hours (typically between 08:00-09:00 and 17:00-18:00). This will minimise the risk of congestion and reduce the impact on local traffic. This is a common practice for the construction of large schemes, and should be covered under the Construction Traffic Management Plan, to be agreed with the highway authorities. A planning condition is therefore recommended to ensure that this measure is included in the Construction Traffic Management Plan (CTMP) submitted with the application.

The analysis of all the point stated above, concludes that the direct impact of HGVs on the city’s congestion levels and the potential resulting increase of NO\textsubscript{2} concentrations is expected to be not significant for this scheme.

c) The potential AQ impacts from dust

- An Air Quality Construction Dust Assessment has been prepared, as requested at the pre-app meeting, according to the Institute of Air Quality Management (IAQM) guidance on the assessment of dust from demolition and construction (Version 1.1 of February 2014). The guidance allows consultants to identify site specific and adequate mitigation measures for dust, which take into account among other things, the type of activities being undertaken (demolition, earthworks, track out, number of vehicles and plant etc.); the duration of these activities; the size of the site; the meteorological conditions (wind speed, and direction); the proximity of receptors (human and ecological) to those activities, its number and their sensitivity to dust.

- The construction dust assessment has identified 4 areas of construction with potential to cause significant nuisance for dust among human receptors:

  Area 1 – North of Botley Road,
  Area 2 – Botley Road to Willow Walk North,
  Area 3 - Willow Walk to Devil’s Backbone,
  Area 4A - Devil’s Backbone to the junction with Hinksey Stream and River Thames
  Area 4B - Devil’s Backbone to the junction with Hinksey Stream and River Thames

And 2 other sites designated of special sensitivity for ecological receptors, – nature sites that have special status as protected areas because of their natural importance:

  Iffley Meadows (SSSI)
  North Hinksey Nature Reserve

One extra site was added, at special request of Oxford City Council, at the pre-application meeting: Seacourt Nature park, located on the east bank of Seacourt Stream/Wytham Stream, south of Botley Bridge.

The Air Quality Construction Dust Assessment has identified the significance of the potential dust impacts that result from the scheme to be Medium to Negligible during Demolition, High to Low during Earthworks, Medium to Low during Construction and High to Low during Trackout (depending on each one of the specific areas). The change in concentrations of pollutants at the sensitive ecological receptors was (based on distance from the Scheme) found to be imperceptible
and no adverse effects are anticipated, with the small exception of 1 of a total of 6 ecological receptor locations identified at Seacourt Nature Park (Ecological Receptor E1).

Site specific dust mitigation measures have therefore been identified and prepared for the scheme, on the basis of the findings of the dust assessment, and following specific IAQM recommendations and guidelines. It is expected that the implementation of all the dust mitigation measures identified on the dust assessment will put the residual effects of dust emissions as “negligible” in all the areas of the scheme.

It is therefore extremely important that a Construction Environmental Management Plan (CEMP) is prepared and implemented by the appointed construction contractor. The CEMP will have to include the range of site/scheme specific construction mitigation measures identified on the construction dust assessment that was reviewed and submitted with the application Table 13.13 – page 256 of the document: Environmental Statement IMSE500177-CH2-00-00-RP-E-0654, as only those will bring the residual dust impacts of the construction phase to the status of “negligible”. – A condition is recommended in order to be able to secure this: please see below.

The analysis of all the point stated above, concludes that the potential AQ impacts from dust activities to human and ecological receptors are expected to be negligible (upon the full implementation of the mitigation measures identified for the scheme).

d) Potential AQ impacts of the scheme on previously identified sensitive receptors

The analysis of the results from the modelling work conducted for the assessment of potential air quality impacts resulting during the construction phase of the scheme (HGVs increase and dust emissions) allows me to conclude that the construction phase of the scheme will not result on having a significant impact on Air Quality. A total of 28 sensitive receptors (human and ecological) were modelled and the increase on AQ levels is expected to be imperceptible in most of the cases, and small in others, and none of them will cause a breach of current limit values for NO$_2$ and PM.

The review of all the above documents, allows me to conclude that OFAS will not be responsible for causing any negative air quality impacts over current and future receptors in any of the areas covered by the schemes construction phase, subject to the following conditions being placed if minded to approve:

**Air Quality Conditions**

1- Prior to the commencement of development’s construction phase, confirmation that HGV’s used in the scheme will operate with Euro VI engines, needs to be included in the Construction Traffic management Plan, to be submitted to and approved in writing by the Local Planning Authority.

**Reason:** to protect all sensitive receptors from exposure to unnecessary increases of NO$_2$ levels, in all the areas covered by the current scheme, and to contribute to improving local air quality in accordance with CP23 of the Oxford Local Plan 2001- 2016.

Note to applicant - The successful contractor will be required (through procurement and contract agreements) to operate Euro VI vehicles. This is a very important and conservative measure, as it will ensure a considerable reduction of NO$_2$ emission levels from HGVs, operating in all the areas of the scheme, as differences in NO$_2$ emissions between Euro 6 and Euro 5 /or below are proved to be quite substantial

2- Prior to the commencement of development’s construction phase, confirmation that all construction vehicles will not circulate during traffic peak hours, and that regular fleet maintenance will take place during the entire scheme’s length needs to be included in the Construction Traffic
management Plan, to be submitted to and approved in writing by the Local Planning Authority.

**Reason:** to minimise the risk of congestion and to protect all sensitive receptors from exposure to unnecessary increases of NO2 levels, in all the areas covered by the current scheme, and to contribute to improving local air quality in accordance with CP23 of the Oxford Local Plan 2001-2016

Note to applicant - The successful contractor(s) will be required to ensure that construction vehicles will not circulate during traffic peak hours and that regular maintenance will be conducted on those vehicles, in order to minimise NO2 emissions along areas of the city used for the scheme

3- Prior to the commencement of the construction phase, details of the proposed OFAS AQ monitoring campaign, which will be performed at a number of locations, previously agreed with OCC and VoWH DC needs to be included in the Construction Environmental Management Plan (CEMP), to be submitted to and approved in writing by the Local Planning Authority. The campaign will have to commence 3 months before construction phase works start, for assessment of air quality baselines, and will continue for the first 9 months of the construction phase of the scheme.

**Reason:** in order to be able to validate the model AQ projections, for emission control purposes, readjustment of some of the mitigation measures put in place, and also to provide monitoring data that could enable an effective response to any complaints. To protect all sensitive receptors from exposure to unnecessary increases of NO2 levels, in all the areas covered by the current scheme, and to contribute to improving local air quality in accordance with CP23 of the Oxford Local Plan 2001-2016

4- No development shall take place until a Construction Environmental Management Plan (CEMP), containing the site specific dust mitigation measures identified for this development, has first been submitted to and approved in writing by the Local Planning Authority. The specific dust mitigation measures that need to be included and adopted in the referred plan can be found on table 13.13 of the document Environmental Statement IMSE500177-CH2-00-00-RP-E-0654, which was submitted with the application).

**Reason** – to ensure that the overall dust impacts during the construction phase of the proposed development will remain as “not significant”, in accordance with the results of the dust assessment, and with Core Policy 23 of the Oxford Local Plan 2001-2016.
Appendix B - Planning Consultation Response – Archaeology (NEW COMMENTS IN LIGHT OF REGULATION 25 ADDITIONAL INFORMATION)

To: Robert Fowler

From: David Radford, Archaeologist (01865 252605, ext 2605, dradford@oxford.gov.uk)

Proposal: Oxford Flood Alleviation Scheme

Application number: 18/00883/CONSULT

Date sent: 08/01/2019

General comments on the planning statement

In relation to the submitted Planning Statement I would take issue with the wording in 7.4 which states unhelpfully that 'some areas of interest were found but no significant previously unknown features were identified', clearly several new sites were identified which can be assessed as both new and significant (in a local sense), for example the metaled medieval trackway near Osney Mead with cart ruts that is of interest because of its proximity to a possible location for the ford that gave Oxford its name and that features in recent speculative discussions about a significant lost middle-late Saxon approach to Oxford (See A Crossley The Western Approach to Anglo-Saxon Oxford, Oxoniensia, 2018). Elsewhere previously unknown prehistoric settlement and activity areas have been identified and significant new paleo-environmental data has been produced. The current wording is unhelpfully underplays the impact of this this major scheme.

Comments on the ES Addendum re Towles Mill

I note the submission of an addendum to the Environmental Statement. In relation to Cultural Heritage this deals with the likely impact of the scheme on the remains of Towles Mill by the proposed removal of the Towles Mill sluice. Opportunities to evaluate this site are restricted by the current site constraints and therefore the exact location and character of any mill remains are unclear. Clearly if well preserved elements of a medieval mill are present then the impact of the scheme will be significant and recording may need to involve careful excavation of potentially waterlogged remains. I would not therefore agree with the current assessment and provision for mitigation and would expect any agreed Written Scheme of Investigation to make contingency provision for full excavation (or redesign) if appropriate.

The scope of further trial trenching in relation to tree planting zones

With regards to the need for further conditioned trial trenching I would point out that the potential impact of new tree planting zones on below ground archaeological remains has not been fully assessed and that further archaeological trenching may be required in these areas.

The mapping of proposed access roads and site compounds and significant heritage assets

The provided plans show zones of impact for compounds and access roads that are quite broadly drawn (for example they cover the whole area of the ‘historic’ ‘Oxen-ford’ cited in a 14th century lawsuit and the extent of scheduled culverts on Old Abingdon Road). Elsewhere compounds will impact on extant ridge and furrow earthworks at Botley Recreation Ground and also east of the Abingdon Road. Furthermore the proposed extensive re-seeding work (and related ground preparation) has the potential to negatively impact on extant earthworks of possible medieval date south of Osney Mead. It will therefore be necessary for the Environment Agency to provide a detailed method statement for protecting and/or reinstating impacted sites and I would request that this be dealt with by means of either a dedicated condition or an extension to the condition proposed
by the County Archaeological Service. Suggested wording for a condition would be as follows:

"No groundworks for access tracks or compounds (including site clearance) shall take place until a detailed design and method statement for the protection and or reinstatement of impacted historic earthworks (including those impacted by reseeding works) and for the protection of buried archaeological remains has been submitted to and approved in writing by the Local Planning Authority. The development hereby approved shall only take place in accordance with the detailed scheme agreed pursuant to this condition".

Reason: To secure the adequate protection of extant historic earthworks and features within the scheme corridor during construction works (NPPF Para 192a).

Information boards and provision for masonry reconstruction

In relation to the causeway the EA Planning Statement comments helpfully that 'local vegetation clearance and the creation of the new channel will enable the culverts to be more prominently seen, increasing public awareness of these important assets' however there is no detail in the application of how the proposed re-seeding and planting plan will meet this objective. It will therefore be necessary for the locations of information board/s and the final details of planting schemes to be clarified post-condition. I would therefore request the following condition.

"Prior to the completion of landscaping works a method statement for:

- The installation of archaeological interpretation boards (including artist reconstruction art work) for the former ‘Paper House’ (Old Abingdon Road), the historic Oxen-ford (south east of Osney Mead) and the medieval Causeway at Old Abingdon Road and related landscaping
  And
- The storage and redisplay of any substantial medieval masonry in the event that an in-situ medieval culvert arch is encountered during archaeological excavations along the route of the Old Abingdon Road Causeway
shall be submitted to and approved in writing by the Local Planning Authority. The development hereby approved shall only take place in accordance with the detailed scheme agreed pursuant to this condition unless otherwise agreed in writing with the local planning authority"

Reason: To secure public benefit in the form of advancing public understanding of the archaeology in mitigation of the harmful impacts to the buried archaeology resulting from the scheme and to secure the adequate treatment of any substantial medieval causeway masonry that may be encountered during the proposed breach across the Old Abingdon Road (NPPF Para 199).

Archaeological outreach

I welcome the stated intention to undertake a programme of public outreach and install interpretive signage along the route. Again I would request that either a dedicated condition be required to cover implementation or that the archaeological condition suggested by the County Archaeological Service be extended to make a specific reference to this issue. Suggested wording:

"No groundworks (including site clearance) shall take place until a detailed programme for public archaeology encompassing:
- Archaeological open days
- A colour A3 popular archaeology leaflet with provision for digital and printed copies.
- News and Social media strategy
- Provision of temporary information boards and posters
- A programme of schools outreach work and public talks
has been submitted to and approved in writing by the Local Planning Authority. The development hereby approved shall only take place in accordance with the detailed scheme agreed pursuant to this condition unless otherwise agreed in writing with the local planning
Reason: To secure public benefit in the form of advancing public understanding of the archaeology in mitigation of the harmful impacts to locally significant archaeology resulting from the scheme (NPPF Para 199).

Archaeological interest in water monitoring following the completion of the scheme

I would also restate the desirability of specifically referencing archaeology in any condition requested by other specialists to secure the monitoring of water levels post development. This would ensure that any method statement produced for this process includes provision for keeping the City and County Archaeologists informed of water readings. I understand that the EA has contingency plans in place to address and drying out of the adjacent grassland should this occur.
I have reviewed the following document submitted with the OFAS planning application:


Document Reference: IMSE500177-CH2-ZZ-ZZ-RP-GT-0146

The document submitted covers all the potentially contaminated sites that could be impacted by the proposed scheme and in particular the landfill sites owned by Oxford City Council. The site investigations are considered sufficient at this stage and I agree with the report’s outline remediation strategy proposals.

The most important aspect of the outline remediation proposals is the need for a watching brief for groundwater contamination during the proposed works and the ability to deal with any unexpected contamination issues as they arise.

I have therefore included below what I consider to be the necessary planning conditions to secure the remediation strategy for the scheme and a watching brief approach for unexpected contamination.

**Site Investigation Condition**

i) Prior to the commencement of the development a phased risk assessment shall be carried out by a competent person in accordance with relevant British Standards and the Environment Agency’s Model Procedures for the Management of Land Contamination (CLR11) (or equivalent British Standards and Model Procedures if replaced). Each phase shall be submitted in writing and approved by the local planning authority.

**Reason**- To ensure that any ground and water contamination is identified and adequately addressed to ensure the site is suitable for the proposed use in accordance with the requirements of policy CP22 of the Oxford Local Plan 2001-2016.

Note to applicant - The Phase 1 (desk study) and Phase 2 (comprehensive intrusive investigation) have been completed and are approved.

Phase 3 requires that a remediation strategy and monitoring plan be submitted to and approved by the local planning authority to ensure the site will be suitable for its proposed use.

**Remediation Condition**

ii) The development shall not be occupied until all approved remedial works have been carried out and a full validation report and monitoring plan has been submitted to and approved in writing by the local planning authority.
**Reason** - To ensure that any ground and water contamination is identified and adequately addressed to ensure the site is suitable for the proposed use in accordance with the requirements of policy CP22 of the Oxford Local Plan 2001-2016.

**Watching Brief Condition**

iii) A watching brief should be undertaken throughout the course of the development to identify any unexpected contamination. Any unexpected contamination that is found during the course of construction of the approved development shall be reported immediately to the local planning authority. Development on that part of the site affected shall be suspended and a risk assessment carried out by a competent person and submitted to and approved in writing by the local planning authority. Where unacceptable risks are found remediation and verification schemes shall be submitted to and approved in writing by the local planning authority. These approved schemes shall be carried out before the development (or relevant phase of development) is resumed or continued.

**Reason** - To ensure that any soil and water contamination is identified and adequately addressed to ensure the site is suitable for the proposed use in accordance with the requirements of policy CP22 of the Oxford Local Plan 2001-2016.

Note to applicant - Please note that the responsibility to properly address contaminated land issues, irrespective of any involvement by this Authority, lies with the owner/developer of the site.
To: Rob Fowler
From: James Barlow – Flood Mitigation Officer
Location: Oxford Thames Flood plain
Proposal: Oxford Flood Alleviation Scheme - Environment Agency
Application number: 18/00883/CONSLT
Date sent: 12/04/2018

Technical Officer Comments:

**Modelling**

We are satisfied that the model has been through rigorous assessment and verification, by both the EA contractor, and, as stated, independent consultants. Therefore, we have no reason to disagree with the model results and outputs provided.

**Recommendation**

**Temporary Works**

Section 2.2 *Temporary Works* in the FRA deals with this subject, suggesting principles of mitigation during temporary works, and states that:

*The exact methodology and sequencing of the works will be confirmed by the appointed contractor, prior to any construction works.*

*The majority of temporary works methodologies and sequencing will be subject to an Environmental Permit from the Environment Agency.*

I would recommend a condition that requires the provision of Flood management plans for temporary works, based on the principles set out in the FRA, to include provision for people, plant, and materials, as well as off-site risks. This could be split up into the features areas as described in the FRA/general arrangement plans. This may not be necessary if covered by the documentation required to obtain an Environmental Permit from the EA.

Similarly, any temporary structures/roads/compounds should be drained appropriately in order to avoid increasing runoff and subsequently flood risk, or shown to be constructed of permeable material. Once again, this could be managed by a suitably worded condition.
OFAS Planning Policy Comments

**OFAS Policy Comments**

Planning Policy is very supportive of the flood mitigation benefits that such a scheme could bring to the residents and businesses of Oxford.

The Planning Statement submitted as part of the application reviews a number of policies in Oxford’s Local Plan and provides an assessment of the likely harm to the Green Belt as a result of the scheme.

In addition to the policies mentioned in the planning statement, Planning Policy considers that there are several additional policies that form part of the development plan for Oxford City that were not explicitly covered in the planning statement. This note sets out those additional policies not mentioned in the planning statement for the avoidance of doubt.

This note also provides Planning Policy comments on the Green Belt Assessment submitted as part of the planning statement.

**Policy Review and assessment**

**Core Strategy**

**CS2 Previously Developed and Greenfield Land**

Development will only be permitted on greenfield land if:

- It is specifically allocated for that use in the Local Development Framework,
- For residential development, it is required to maintain a five-year rolling housing-land supply, the approach for which is set out in Policy CS22

As the proposal is being considered as “engineering works”, it constitutes development and is in principle contrary to Policy CS2. The decision-making authority should be satisfied that sufficient evidence has been provided to make an informed decision in relation to this matter.

**CS4 Green Belt**

CS4 Green Belt includes a wider set of criteria than the 5 tests of the Green Belt + Very Special Circumstances.

- **Justification for development needed**
- **Not in undeveloped floodplain**
- **Development would not result in the loss of a designated ecological feature**
- **Development would not result in the loss of land in active recreational use**
- **Development would relate well to the existing settlement pattern**
- **Development would not lead to physically distinct built-up areas to merge**
• Development would not detract from the landscape setting or special character of Oxford

The decision-making body should be satisfied sufficient evidence has been submitted to satisfy all of the above criteria, which are material to the determination of the application.

CS12 Biodiversity

Development will not be permitted that results in a net loss of sites and species of ecological value

Sites and species important for biodiversity will be protected:
• International and national sites (the SAC and SSSIs): These must be protected from development that will have an adverse impact.

The decision-making authority should be satisfied that the scheme will not cause adverse impacts to Oxford Meadows and any SSSIs in accordance with this policy.

It is worth noting that this policy does not provide scope for any direct or direct impacts of development on the SAC or SSSIs. Should direct or indirect impacts occur as a result of scheme, evidence of discussions with the relevant environmental custodians of the site should be provided in order that the decision-making authority has sufficient evidence to make an informed decision.

Oxford Local Plan 2001-2016

Policy CP.22 Contaminated Land

This policy should be applied if contamination issues arise as part of the development. The decision-making body needs sufficient evidence to be able to be confident that any contamination issues are satisfactorily dealt with.

Policy NE.11 Land Drainage and River Engineering Works

Planning permission will only be granted for river management, flood protection works and land drainage schemes that are designed to protect the flora and fauna of Oxford meadows and other wetland habitats.

The decision-making authority need to be satisfied that the flora and fauna of the Oxford Meadows and other wetland habitats will not be adversely impacted upon.

Policy HE.10 View Cones of Oxford

The decision-making authority needs to ensure that these views are protected in line with this policy and have regard to the special character and setting of Oxford.

Green Belt

The decision-making authority should be satisfied that the information provided in the Green Belt Assessment contained within the Planning Statement and the information provided throughout the suite of application documents, enables them to make an informed decision on this application.

In coming to its decision, the decision-making authority should give very careful consideration to the Green Belt Assessment and other relevant information submitted as part of the application. This is particularly the case when assessing the impact of the scheme and/ or structures on Oxford’s special character and setting which is often presented by way of a visual analysis of the likely impact of the scheme on Oxford’s special character and setting.
SUMMARY:

We recommend that the decision maker is satisfied that they have all of the correct information and justification to be informed of the potential harm to adjacent heritage assets and then information about measures to mitigate against that harm. It is our view that an enhanced design quality of the scheme could help mitigate against potential harm but that the scheme in its current form has not provided enough information to demonstrate how that could be achieved. The decision maker will need to be satisfied that it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss.

Issues for the decision maker to consider:

1. the potential for substantial harm to Oxford’s heritage

   - Given that the site lies within the historic landscape and setting of Oxford, there is the potential for substantial harm to Oxford’s heritage as a result of this proposal. The heritage assets potentially affected are: the setting of nearby historic settlements including the conservation area of South Hinksey, surviving field patterns, ancient hedgerow and crop markings which inform and enable the observer to understand the historic development of the landscape.
   - There is potential for harm because the bridges will be visually intrusive, exacerbated by the tightly spaced vertical rails. The proposed walls and bridges are proposed to be concrete which tends to be visually intrusive. It would be possible to mitigate against this harm by ensuring these built elements are of a high design quality. The loss of ancient hedgerow and the change in the pattern of the landscape would cause substantial harm. The decision maker will need to be satisfied that it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss.
   
   Please see some suggestions for how an increase in design quality could be achieved below:

2. How the harm could be mitigated

   - It is our view that by achieving a high design quality for all elements of the scheme, the applicant has the opportunity to offer a greater level of mitigation to offset the identified harm to heritage assets. Further design development to increase the design quality of bridges, footpaths, concrete bunds and walls could be a great opportunity to create built elements which are informed and inspired by the context and reflect the aspirations set out in section 7.1.7 of the applicant’s Environmental Statement to reflect the quality of Oxford’s internationally recognised architectural heritage.
• We would offer some simple suggestions in terms of improving the design of the structures, for example at Seacourt and Botley Road where there are to be concrete bunds these could provide a “canvas” for artwork – cast images in the concrete casting to perhaps tell the story of the place (historically this is the boundary of Wessex and Mercia) or of the flood relief proposal, to celebrate the place.

• We recognise that the bridges have been designed to blend in but in reality, they will be very prominent structures within the landscape. This could be a good opportunity to celebrate the routes and crossings with a structural element that makes a positive contribution to the landscape and historic setting. Existing examples of this include, University Parks, Christchurch meadows, Wolfson bridge etc. The roadways and footpaths seem quite urbanised and we think there is an opportunity to make these less formalised, whilst still functional as cycle tracks. We would recommend that further consideration is given to a landscaping strategy to help these structures and features be sensitively assimilated into the landscape to respect the existing landscape character and historic setting of the city. We would also recommend that there is consideration given to the long term management plan of these structures and the landscape.

3. Additional information that would be helpful to inform the decision maker:

• More information is required about the impact on the City Council’s view cones. We recommend fully assessed CGI imaging for these to understand the impact on the setting of the city. As a minimum, we would recommend wireframes are used for the assessments. A view from St Mary’s Tower should also be considered as this vantage point is higher than others selected and a critical vantage point from which you can appreciate the landscape setting of the city to the south and west. Without verified views, it is not possible to comment on the impact of these on views of the city from view cones or indeed views of the surrounding countryside from within the city and what the weight of harm would be.

• Raleigh Park and Hinksey Interchange, whilst having visualisations of the existing view have not been included in verified views. These view cones cover the areas of the scheme, the central part, where the intervention will have the greatest impact, across the open meadows that provide the uninterrupted foreground to the city and its ‘dreaming spires’ and to parts of the city that offer potential for substantial change.

• More consideration of the design quality of bridges, footpaths, concrete bunds and walls.

More consideration of a well informed and imaginative landscaping strategy to help assimilate the proposal sensitively into the landscape and setting of the city.

Additional Comments (11/01/19) in light of Regulation 25 additional information:

It would seem that the addendum to the ES provides additional information/further justification relating to the issues that were raised concerning the views and the design of structures.

In terms of the assessment of harm and the quality of design of the structures our advice/response to the decision maker remains the same as it was initially.
Appendix G - Planning Consultation Response – Tree & Landscape (ADDITIONAL COMMENTS)

To: Rob Fowler
From: Chris Leyland – Environmental Quality
Location: Oxford Thames Flood plain
Proposal: Oxford Flood Alleviation Scheme - Environment Agency
Application number: 18/00883/CONS
Date sent: 12/04/2018 + 21/12/2018

Scope:
This advice note considers the implications of the various flood alleviations scheme options proposed by the Environment Agency (EA) in specific relation to trees and landscape issues in reference to the Council's adopted policies CP1, CP11, NE15, and (NE16).

Advice
The impact to landscape character and appearance through tree and hedgerow losses will be locally significant in some key areas. These impacts must be mitigated through appropriate replacement tree planting plans; tree numbers, planting locations, patterns and species selections should be informed by a detailed Landscape Visual Impact Assessment, and form part of proposals within an overarching Landscape Master Plan. Within this framework there is an opportunity to contribute to the conservation of the native black poplar by incorporating it into landscape plans and by using genetically diverse source material.

As preparatory work towards a full planning application, detailed Arboricultural Implications Assessments (AIA) should be carried out within each proposal area. The AIAs should be used to inform both the Landscape Visual Impact Assessment and also site-specific Tree Protection Plans (TPP) (where necessary incorporating Arboricultural Method Statements (AMS)). This body of work should be carried as an arboricultural specialism within the project planning team, and in accordance with BS.5837:2012- Trees in relation to design, demolition and construction – Recommendations.

Fig.1: How trees should be integrated into the strategic planning

Assessment Comments
The scale and complexity of the scheme dictates that arboricultural impacts and associated mitigation measures should be considered in the context of landscape setting; i.e. through a Landscape Visual Impact Assessment (LVIA); the LVIA should be informed by area-specific
Arboricultural Implications Assessments that take into account the indirect impacts of construction logistics, e.g. temporary vehicle routes, construction compounds, etc.

Locally, the most significant visual impacts will be around the West Way in Botley and in Hinksey Meadow. The excavation of the proposed 2-stage flood channel involves the loss of a wet-woodland area north of the West Way, west of the Seacourt Stream; and other riparian trees on the southside of the road to the east of the Seacourt Stream, as well as further southwards to Willow Walk; this large area includes Seacourt Park owned by Oxford City Council and Hinksey Meadow; the whole area receives frequent use by walkers. Trees will be lost along the eastern bank of the Seacourt Stream, which are important for the setting of the meadow and for screening.

Between North Hinksey and South Hinksey the grain of field boundaries is broadly east-to-west; this pattern will be disturbed by the proposed 2nd-Stage channel construction. The impact on hedgerows, individual trees and a number of small copses will be perceived primarily from higher ground outside the city boundary, e.g. Boars Hill and Hinksey Heights, which are within the Oxford View Cones. This will be a significant landscape change, although it is understood that the field pattern is relatively recent in origin (i.e. post medieval).

The 2nd Stage channel involves a lowering of existing ground levels by 1-2m, which results in all trees within these areas being lost, with limited or no potential for replacement planting within the areas; there is also a risk that unless sufficient land is secured for tree planting then there could be a net loss in tree cover. In tandem with consideration of nationally rare grassland NVC types - the potential for a net loss of tree cover must be considered seriously.

If carefully planned and controlled the resulting scheme should generate its own positive landscape visual qualities. The scheme has the potential to combine biodiversity/habitat improvements with enhancement of a semi-natural riparian visual landscape character. Landscape mitigation proposals set out in the scheme are appropriately broken down into habitat typologies. However the riparian tree species list does not include the native black poplar (Populus nigra Subsp. Betulifolia).

The scheme would benefit from the inclusion of the native black poplar (Populus nigra Subsp. Betulifolia). Black poplar is one of Britain and Ireland's rarest trees. Black poplar used to grow in the natural floodplain forests which lined the banks of rivers in Europe; however, much of this habitat has been lost since the 17th century through such processes as urbanisation, land drainage and canalisation of rivers. Forest Research (Forestry Commission) advise that because the natural pattern of genetic distribution has already been disrupted by cultural practices it is appropriate to plant a range of genotypes using genetically diverse material rather than attempt to promote local provenience genotypes; See - Conservation of Black Poplar (Populus nigra L.)- Information Note: Forest Research- Joan Cottrell -May 2004.

Additional Comments (11/01/19) in light of Regulation 25 additional information:

One final comment I would like to make is related to inclusion of black poplar; this has now been included within the riparian woodland species mix and this is good.

However, I wish to request that further work is undertaken to include a specific black poplar management plan within the Long-term Management Objectives for Woodland/Riparian trees and shrubs, floodplain woodland planting. This should follow Forest Research guidance and aim to integrate within a wider objective of saving the species from extinction from the UK.
I have viewed the application documents including the Environmental Statement (ES) and Environmental Action Plan (EAP) and have the following comments:

**Noise and nuisance impacts: operational phase**
The ES states that operation impacts have been scoped out but no explanation has been given about why this is. If this is because the resulting changes will have no impact on the noise or vibration levels in the study area then I have no further comments to make on the operational phase. **However, an assurance that this matter has been fully considered, including potential direct noise/vibration sources such as plant, audible alarms etc, would be appropriate and welcome.**

**Noise and environmental nuisance impacts: construction phase**
The ES and EAP are consistent with each other in describing operational noise and nuisance impacts. I note that dust has been referred to by Pedro Abreu (Appendix A) and concur with his comments on dust management which will also minimise nuisance.

Although the approach and treatment of environmental impact during construction are appropriate and comprehensive, there is a need to revisit and follow through some of the principles, ideas and commitments put forward now during the post-permission stage. I note and welcome the intention stated in the “Site Specific Actions” sections of the EAP, to: adhere to Planning conditions; integrate their requirements into the (presumably revised) EAP; submit a Construction and Environmental Management Plan to EA Project Manager and ensure signoff with the County Council.

In order to safeguard these I support the recommendation that scheme-type conditions are attached should permission be granted, as suggested in Appendix A.

As with Air Quality Management and Contaminated Land the City Council carries statutory powers and duties for noise and nuisance control. It follows that liaison between the developer, his agents, the County Council and City Council officers would be appropriate at each stage of the application and implementation process, including for the control of noise and nuisance.

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**Additional Comments (11/01/19) in light of Regulation 25 additional information:**

I've now read the ES addendum and the updated Environmental Action Plan. I have no need of further information nor a meeting with the EA at present. However, we would like to meet EA and main contractor representatives at least 2 months before construction starts, to discuss noise prevention and control details. We concur with the advice from VWHDC referred to on p29 of the EAP, that the Contractor may wish to apply to the Council for an approval for noise control measures near to residential areas, thereby avoiding the possibility of blanket restrictions. This may be done by contacting the Business Regulation Team within Environmental Health via [noise@oxford.gov.uk](mailto:noise@oxford.gov.uk).