

Application reference: MW.0028/18

1.0 Introduction

1.1 Carter Jonas LLP acts on behalf of Oxford Preservation Trust ('the Trust'), an independent heritage conservation charity and the owners of four fields in North Hinksey, Hinksey Meadow and North Hinksey Fields which are directly affected by the scheme. Some of these fields are affected by restrictive covenants, are rare meadow habitats and the home of some rare plants all of which will be adversely affected.

1.2 The Trust has made previous representations to this planning application (by letter dated 14 June 2018) and is pleased to note that some of the very serious concerns that it raised have been engaged with by the applicant. There are however, some significant shortcomings in the application that remain of acute concern to the Trust.

1.3 The Trust does not intend to repeat issues raised in previous representations but wishes to reiterate that its objections have not been fully resolved. The Trust must also restate that it is felt that it cannot object to the principle of the above application as it recognises the need to manage flood risk, especially in the face of climate change.

1.4 The Trust does, however, strongly object to a number of the details within the scheme as previously detailed. In response to the additional information submitted, the Trust wishes to add further comment relating to following areas:

1. whilst the applicant has accepted the need to demonstrate 'very special circumstances' the argument relies heavily on assertions and there is less public benefit than claimed;
2. the loss of a very considerable number of trees and the plans for some replanting and management across the whole scheme, which will detrimentally affect the purposes of the Green Belt and the setting of heritage assets;
3. the design of elements of the scheme – specifically the bridges at Willow Walk, North Hinksey Causeway and others – do not pay sufficient regard to the significance and setting of North Hinksey Conservation Area or the purpose of the land as part of the Green Belt;
4. the impact on archaeology; and,
5. the ongoing maintenance of the new channel over the 100-year period of the scheme.

2.0 Green Belt

2.1 The Trust is pleased to note that its detailed response to the original application was carefully considered and the applicant has accepted that the most robust position is to consider the need for “very special circumstances” to demonstrate that the scheme is justified.

2.2 As the Trust previously described; the effect of the proposed scheme is a sense of creeping suburbanisation. The introduction of bridges with a heavily engineered appearance will change the character of various footpaths and, contrary to the assertions of the applicant, will risk an urbanising sprawl. The effect of urbanisation is not just whether or not there will be buildings where there were none previously, but also, that in this case there will be hard built structures where there are currently trees and other green infrastructure. This will also risk the green and historic setting of the city of Oxford, as previously detailed, which is a purpose of the Green Belt.

2.3 The Trust has previously accepted that the reduction of flood risk is a public benefit in itself, but this alone is unlikely to outweigh the harm of the overall scheme. The economic benefits presented in the updated Planning Statements also appear reasonable, however, the Trust remains unconvinced by some of the claimed benefits of the scheme, including the environmental benefits, preservation of the Green Belt and improvements to public access.

2.4 The claimed environmental benefits in both the Environmental Statement Addendum and Planning Statement update suggest a net gain in biodiversity. However, further to the serious concerns that the Trust raised regarding the challenge of reintroducing MG4 grassland and, indeed, the significant loss of trees it would appear that the applicants use of the biodiversity calculator is flawed. There is a misinterpretation of the time it takes for the replacement biodiversity to reach the necessary quality for it to be considered and effective replacement or mitigation for any loss.

2.5 The applicant suggests in the updated Planning Statement that the scheme would prevent development on this part of the Green Belt. However, they also identify that the land is predominantly the functional flood plain and the Trust is therefore sceptical that development would be appropriate here in any case, and as such this appears to be overstating the argument to some extent. The Trust is also a significant land owner within the scheme area, and because its stated aim is to maintain the green setting of Oxford, it is not appropriate to consider this land as likely to be sold for development as it is within the control of the Trust.

2.6 Also claimed in the updated planning statement is that the scheme will provide improved access to the Green Belt. The Trust described in its previous submissions how there have been a number of missed opportunities for improving public access. The updated planning statement suggests the following:

“Whilst there will not be any additional public rights of way included in proposals, the scheme will help to improve and upgrade a number of the existing east-west sustainable transport links for walkers and cyclists through the floodplain.”

As previously explained, this is not an improvement. In a ‘non-scheme scenario’ these accesses would still exist so therefore to argue that this is a public benefit is not convincing. Also, as outlined in the Trust’s original comments there have been opportunities to realise public benefits through improved links for pedestrians and cyclists between North and South Hinksey but these have been disappointing overlooked.

2.5 The Trust wishes to also reiterate that there is the need for a condition that requires a gate to access Hinksey Meadow east of Willow Walk Bridge. This will be necessary to maintain the land in its current use as a meadow for grazing, and this in turn will ensure the management of the MG4
grassland. Grazing is also a challenge for the Trust as a land owner as it is understood that there
is to be an outright restriction on the installation of permanent livestock proof fencing at the north
of the scheme between the Trust owned land and the Botley Road. The Trust requests that the
inclusion of appropriate and agreed livestock fencing is included within the scheme, or is required
through condition, to ensure the continued existing use of Hinksey Meadow and the careful
management of its special biodiversity.

3.0 The management of trees across the whole scheme

3.1 The Trust previously raised very serious concerns about the significant loss of trees to enable the
scheme. The issue remains disappointing, and a very great concern to the Trust, and therefore
the objections previously raised are maintained. The Environmental Statement Addendum
confirms that it is proposed to fell 2000 trees across the scheme. This confirms the fears of the
Trust and demonstrates that there will be a harmful effect on the rural character and feel of the
area and its local distinctiveness, which will be replaced by a sense of creeping suburbanisation.

3.2 The Environmental Statement Addendum and updated arboriculture assessment suggest that the
proposed scheme mitigation will provide more than 4000 new trees. The Trust is pleased to learn
that there is a mitigation scheme but has not been able to identify if any assessment has been
made of the visual impact of the proposed replanted trees. Without an assessment of visual impact,
it is impossible to know if the replanted trees will be appropriate for a Green Belt location, and what
the impact will be on the green setting of Oxford and its important views. The updated reports also
suggest that replanting will be of small and sapling trees so inevitably it will take some time for the
biodiversity and landscape value of the trees to be realised, and equally the impacts to be
understood. The Trust would like to see the applicant make a time related assessment of the
impact of the trees over the life time of the project, but if this is not achievable, then a monitoring
programme ought to be a condition of any permission if it is granted.

4.0 The design of the bridges in the scheme

4.1 The details of the design of the bridges in the scheme are of considerable concern to the Trust.
Bridges are planned at various points through the scheme and the land included in the scheme is
within the Oxford Green Belt. As explained above, a key purpose of the Green Belt is to conserve
and enhance the historic setting of the City of Oxford. This is particularly the case at Willow Walk
and the North Hinksey Causeway that are historic approaches to the City. These two paths are
also an important part of the setting for the North Hinksey Conservation Area.

4.2 The Trust made detailed objections on this point in previous representations. The applicant’s
response has been to restate the information that was submitted in the original Environmental
Statement and Planning Statement. This has done nothing to resolve the issues that the Trust
previously cited. The new renderings in the Environmental Assessment Addendum at Plates 3 and
4 clearly demonstrate the concerns of the Trust that the bridge parapet designs and span lengths
will have a significant and detrimental effect to the character of the area and historic green setting
of Oxford City and North Hinksey

5.0 The impact on archaeology

5.1 The Trust is pleased to read the applicant’s tacit acceptance of the need to monitor archaeological
potential and to manage and mitigate any effects. The Trust therefore expects to see a condition
(if permission is granted) that secures an archaeological method statement for necessary
mitigation, that also includes significant public benefit and engagement. The Trust suggests a
condition similar to that used by Oxford City Council when permitting the Westgate Shopping
Centre:
“53 …The method statement for mitigation shall identify the following:

- a research-led set of aims and objectives;
- a programme for the archaeological works;
- a mitigation strategy for significant archaeological deposits;
- a strategy to communicate the progress of the archaeological investigations to the general public;
- a programme of public outreach for the duration of fieldwork;
- specification for post-excavation assessment of any archaeology; and
- a programme for the dissemination of results and publication, which should include local signage and may include public art and design features…”

6.0 The ongoing maintenance of the new channels

6.1 The Trust, as a land owner, remains concerned that the life span of the scheme is 100 years, and yet there is only a maintenance plan for between 5 and 15 years. The exact details remain ambiguous as demonstrated in the Trust’s previous submissions. In the updated reports, the applicants have provided very little more information. Again the information that is available focuses on the first 5 to 10 years of the scheme, and there is passing reference to 25 years, but this remains unsatisfactory to the Trust.

6.2 The Trust believes it necessary that there is a condition placed on any potential permission for a longer maintenance plan. It is reasonable that the appropriate body – the Environment Agency – remains in charge of the maintenance of technical works for its lifetime, which is predicted to be 100 years. Furthermore it is the moral imperative as a responsible land owner that the scheme remain in good working order and the Trust does not have the expertise to provide this role. In discussion with the applicant, they have indicated that conditions of this type and length are not unheard of. The Trust believes that because of the unique nature of this scheme and its particular sensitivities a particular condition is reasonable and proportionate.

7.0 Other matters

7.1 The Trust remains of the view that the existing watercourses and drainage channels of Oxford are not being kept clear and maintained which is an essential part of the current flood management and the success of any future scheme.

7.2 The applicants should ensure that the general impact of maintenance tracks throughout the full length of the scheme are kept to a minimum as previously detailed.

7.3 Finally, the Trust also highlights that this additional consultation was run over the Christmas holiday period, and as with the first application, there was a great deal of information that was presented in an unhelpful way on the County Council’s website. There has been a lack of transparency and public engagement during both periods of the consultations on the planning application which has made it difficult for local people to understand the documentation and to get to grips with the scale and magnitude of the proposals.

8.0 Conclusion

8.1 In conclusion, the Trust is disappointed that the applicant has not done more to respond to the issues and concerns raised about the original application. There was an opportunity for the applicant to reimagine the detail and legacy of the scheme but this has not been taken. The concerns that were detailed in the Trust’s previous representations remain valid.
8.2 The harm to the Green Belt and the Conservation Area of North Hinksey has been understated and the benefits are not as great as they could be. The design of the bridges remains a significant concern and should be reviewed. The Trust suggests that a bespoke bridge design that celebrates, conserves and enhances what is special about Oxford would be more appropriate than what is proposed. Inspiration could be taken from the Rainbow Bridge in the University Parks. The Trust suggests that a design review of bridge concepts should be carried out and submitted in support of the application or made a condition of the permission.

8.3 The Trust reiterates that there is a need to ensure that the number of trees (stated at 2000) due to be removed must be kept to a minimum. Any replanting should include White Willow and Black Poplar – particularly on Willow Walk up to the proposed bridge. The suggested replanting does not take into account the character of Hinksey Meadow and therefore the setting of Oxford and North Hinksey, as heritage assets or the meadow’s biodiversity importance. The Trust objects to planting trees without this full understanding and requests that this is reconsidered, particularly in relation to the ‘Jewson land.’

8.4 As land owners with a long-term aim of preserving and enhancing the character and setting of Oxford, the Trust believes that issues relating to maintaining and increasing public access to nature, as the EA has committed to, and to the long-term future management of the flood channel need to be more fully and transparently agreed before a decision can be made.

8.6 The Trust hopes that these comments are clear and helpful. Should you have any questions please use the contact details below.

Yours sincerely,

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