



## **Objection to MW.0027/22** **(Oxford Flood Alleviation Scheme)**

### **1. SUMMARY OF RESPONSE**

1.1. North Hinksey Parish Council (NHPC) OBJECTS to the current plans for the Oxford Flood Alleviation Scheme, MW.0027/22. Although NHPC recognises the need for flood alleviation measures and supports many aspects of the scheme it does not agree the excavation of a large secondary channel as detailed in the proposal is necessary or desirable.

1.2. NHPC hopes the scheme will be revised, eliminating the secondary channel and modifying remaining elements as necessary.

1.3 NHPC recognises the interconnected nature of communities and the environment and has chosen not to limit its comments to matters within North Hinksey Parish.

1.4 NHPC also has concerns about the independence of the planning process for this application and the economic case for the scheme.

### **2. INTRODUCTION**

2.1 North Hinksey Parish lies to the western side of Oxford City, but outside of its legislative boundaries. Many aspects of its historic development have resulted from its location on rising ground to the west of the Thames floodplain, including its long-term administrative ties to the Vale of White Horse and Abingdon-on-Thames, to the south.

2.2 The eastern boundary of the Parish with Oxford City mainly follows the Seacourt Stream, an offshoot of the Thames. To the south lies the Parish of South Hinksey, The A34 runs through North Hinksey Parish separating elements to the east (North Hinksey Village and Old Botley) from the west.

2.3 North Hinksey Parish has an adopted Neighbourhood Plan (18 May 2021) and an associated Character Assessment (January 2018). The Parish Council recognises the concerns of parishioners and the fact that the proposed flood alleviation scheme will have significant impacts on life in the parish and may potentially alter the parish boundary.

2.4. The project is not expected to reduce flooding in the vulnerable parts of North Hinksey Parish.

### **3. GENERAL COMMENTS**

3.1 NHPC notes concerns from the public that the scheme raises national-level issues as follows.

(a) It would destroy 1% of the remaining area of nationally rare MG4a grassland and could lead to the loss of another 5% by drying out the area.

(b) The scheme would endanger a nationally rare plant, the Creeping Marshwort, which is found only at a small number of sites in Oxford.

(c) It proposes an inappropriate compensation measure for the loss of the heavily used Seacourt Nature Reserve in contravention of the Acquisition of Land Act 1981.

(d) It would reduce traffic speeds on part of the A34 national trunk road from 70mph to 40mph in order to facilitate construction traffic.

(e) It appears to be a very poor use of public funds. A two-stage channel is much more destructive and expensive than other options. The proposal does not adequately assess no-channel, first stage-channel-only, piped alternatives or the benefits of culvert and stream maintenance. The environmental statement includes a management plan (Appendix I) but no costings about ongoing maintenance of the scheme. Without such maintenance effectiveness of the channel will reduce over time. The Full Business Case of 2019 does include costings for maintenance, but only for the first 10 years after construction. NHPC notes that subsequent to that “there will continue to be operational funding available to the Environment Agency from government. This is bid for as part of annual maintenance budgets”. The costings provided for the proposed scheme are therefore too low.

3.2. There is also concern that the application may be unfairly influenced by large local authorities and groups who are strong advocates of the scheme which relies heavily on funding from central government. Specifically, there is concern over whether this is the appropriate background for local planning officers to arrive at the right decision.

3.3. NHPC believes there is weight to suggestions that national level issues and the questions over the independence of the planning process mean that the application should be decided by a planning inspector (or perhaps Parliament).

## **4. BIODIVERSITY**

4.1 The National Planning Policy Framework requires that development respects the importance of biodiversity. It should do this by the following mitigation hierarchy.

(i) First, and ideally, avoid environmental impacts.

(ii) Secondly, mitigate impacts where these cannot be avoided.

(iii) Lastly, compensate for damage where mitigation is not possible. However, where damage is caused to biodiversity, then the Environment Act 2021 requires that compensation must exceed damage by at least 10%.

Oxfordshire’s own minerals and waste local plan reflects this (policy C7(iii)) by stating “Development shall ensure that no significant harm would be caused to... Local Wildlife Sites... except where the need for and benefits of the development in that location clearly outweigh the harm”. However, the proposed scheme will cause considerable environmental damage: almost all of this due to the proposed two-stage flood channel. The Environment Agency do not seem to have followed the mitigation hierarchy in that, they do not appear to have properly investigated alternative schemes that either avoided or mitigated impacts (e.g., options A1 and A2 in Appendix Q or piped alternatives).

4.2 The proposed scheme would have significant and irreversible impacts on Hinksey Meadow, which is a rare MG4a meadow which requires specific water levels and management. It would destroy 1.33ha of MG4a meadow and threaten the remaining 7.2-7.7ha of MG4a meadow. There are currently only 194.5ha of MG4a meadow left in England and Wales. Although the Environment Agency proposes to try to replace this loss by sowing seeds from Hinksey Meadow elsewhere, the environmental statement itself states that “This habitat will not fully replace the unimproved grassland lost, because part of its value comes from having

been managed in the same way for hundreds of years” (p.182). There are also questions over the likely success of these mitigating actions, with no evidence of previous examples where this has been carried out successfully with an MG4a meadow. This is the loss of an irreplaceable habitat and should be refused since there are not ‘wholly exceptional’ reasons for taking it forward (NPPF paragraph 180c).

4.3 The proposed scheme would have significant and irreversible impacts on two Local Wildlife Sites: Hinksey Meadow and Kennington Pit. Policy C7(iii) of the Oxfordshire Minerals and Waste Local Plan notes that “Development shall ensure that no significant harm would be caused to... Local Wildlife Sites... except where the need for and benefits of the development in that location clearly outweigh the harm”.

4.4 The scheme would negatively affect the rare Creeping Marshwort growing in the field south of Willow Walk. The archaeological works related to the scheme have already meant that horses cannot be grazed in the field and have indirectly led to the closure of the Old Manor House riding school, a local business. Creeping Marshwort is listed as Endangered in the Red Data Book. It is found only in Oxford and is one of two reasons why Port Meadow is a site of international nature conservation importance.

4.5 The scheme would destroy thousands of mature trees. Although the Environment Agency proposes to ‘replace’ these trees, the lost trees are mature, whilst the replacements would be whips that will take many years to have equivalent biodiversity, landscape and carbon fixing benefits.

4.6 The scheme would destroy most of the Kendall Copse community woodland, which was planted by local people.

4.7 It would affect protected species. Table 8.5 of the environmental statement concludes: amphibians ‘moderate negative’, bats ‘moderate negative’, otters ‘moderate negative’,

4.8. The scheme seems unlikely to achieve the biodiversity net gain of 10% as required by the Environment Act 2021, despite including benefits of the proposed new wetland habitats. The Environment Agency calculate they will compensate by a gain of 10.1% over the loss. NHPC notes that the Environment Agency’s full calculations of net gain do not form part of the planning application and therefore cannot be examined. However, the calculations of Section 8.4.3 of the environmental statement suggest that a net gain can only be shown if significant assumptions, not consistent with the precautionary principle, are made about replacing existing meadows with MG4 meadows, even though this replacement will be only partially effective at best. Replacement hedges and wet woodlands would have to be provided off site, despite the large size of the area that would be taken up by the scheme.

4.9 Biodiversity net gain (BNG) should only be a last resort, after avoidance and mitigation (the mitigation hierarchy). In this case, avoidance is possible by not having a second-stage channel, so the proposed approach is inappropriate, and much/all of the biodiversity net gain should not be needed. The Environment Agency have presented two alternatives that dispense with all or part of the two-stage channel. These are shown at Appendix Q of the Environmental Statement and both indicate they would provide considerable flood protection. The no channel alternative shows lower water levels for flood events than the proposed scheme. NHPC agree with the suggestion that it would be following environmental impact good practice to investigate other alternatives to the same degree as the preferred option.

## **5. RECREATION & AMENITY**

5.1 The Environment Agency’s own data show almost 100 people visiting the Seacourt Nature Reserve on an average day in February 2018 (environmental report, p.69). There will be considerably more in the summer and at times when the Environment Agency was not surveying. It is clearly a very heavily used and valued area. The proposed scheme would restrict public access to almost all of this area of publicly owned and publicly accessible open space in perpetuity. This is a severe impact.

5.2. The Environment Agency propose to compensate for this loss of Seacourt Nature Reserve by making publicly accessible the 'Jewson Field' to the south of Jewsons. However, the Jewsons Field is already publicly accessible, as evidenced by the Environment Agency's own surveys of April and August 2019. If the public have and continue to enjoy use of this land as open space, it cannot be used to compensate for the loss of other open public space. This issue is governed by Section 19 and Schedule 3 Para. 6 of the Acquisition of Land Act 1981, i.e., it is at the level of a planning inspector or Parliament.

5.3 The scheme would have severe impacts on the wider recreational resource of the area for 3-5 years and beyond. During construction footpaths would be diverted and fields would be replaced by construction compounds and access tracks. During operation, fencing around the proposed scheme will continue to restrict recreational access.

5.4. The fields directly to the north of South Hinksey, where the proposed work compound would be, are currently organic sheep fields which would take many years to re-establish with grass post-construction, much less re-attain the organic certification. Much of the rest of the site is biodiverse land of agricultural Grade 3b that is either grazed or used as silage. The scheme would involve the disturbance of 100ha of agricultural land during construction, and permanent loss of much of that when operation starts. It will affect local farm businesses.

5.5 The proposed scheme is in the Green Belt. One of the purposes of Green Belts (NPPF paragraph 138) is to preserve the setting and special character of historic towns. The proposed scheme would not do this for its 3–5-year construction period.

5.6 The proposed scheme is also in three of Oxford's view cones: the area is an iconic landscape. The view cones are a means of managing the impact of change on the views of the historic core of the city and its skyline. Again, during construction the scheme would significantly affect views from these view cones, and post-construction the iconic landscape will be changed in perpetuity, with more fencing and fewer trees.

5.7 The proposed new bridge at Willow Walk is out of keeping with the setting. The width, surface material and design of the bridge give the appearance of a flyover for use by motor vehicles. As such it is at odds with Willow Walk, which is a cycle and pedestrian route with a rustic character, and a registered bridleway (311/7/10 and 320/14/10), meaning that motorised traffic is not allowed other than powered wheelchairs or mobility scooters. A knock-on effect of the inappropriate scale of this bridge is the large number of trees scheduled for removal during the construction phase.

## **6. TRAFFIC & HIGHWAYS**

6.1 The scheme would have severe impacts on traffic. Impacts at the Kennington end would probably be unavoidable. Excavation of the channel would be responsible for the great majority of the average 144 HGV movements per day at South Hinksey, 36 HGV movements per day on the Botley Road, and 14 movements per day at the Abingdon Road. Contractors' vehicles will add more traffic. The environmental statement does not specify how many non-HGV vehicle journeys will be generated by the scheme, but notes that there will be about 100 construction workers: even with some minibuses or car-sharing, this will involve a significant additional number of vehicles above the almost 200 HGV movements per day for the scheme's 3–5-year construction period.

6.2 The A34 is a national trunk road and part of it doubles as the Oxford Ring Road. The Environment Agency have suggested a reduction in the speed limit to 40 mph on the A34 between North Hinksey and south of South Hinksey. This will affect both parts of the road currently running at 50mph and 70mph. As well as delays there is a potential safety issue as traffic has to slow down from 50/70mph to 40mph. Tailbacks may reach Botley Interchange affecting traffic on the A420, access to and from Oxford and potentially the operation of other parts of the Oxford Ring Road.

## **7. CLIMATE CHANGE**

7.1. Paragraph 153 of the NPPF requires local planning authorities to take a proactive approach to mitigating and adapting to climate change. Therefore, development that creates, or leads to the release of significant amounts of carbon needs to be considered carefully.

7.2 Oxfordshire has acknowledged that there is a climate emergency, and its climate action declaration states that Oxfordshire will make climate action a top priority in all decision making. The environmental report states that the proposed scheme will generate almost 20,000 tonnes of carbon over its lifetime, which goes against the aim of having a net-zero carbon Oxfordshire by 2050.

7.3. NHPC notes that the calculations for the generation of carbon have not been supplied with the application. This raises questions over the source of the carbon and the proportions generated from construction, excavation and tree removal.

## **8. POLLUTION & HEALTH**

8.1 Much of the proposed scheme is essentially a linear sand and gravel extraction project. Like any such extraction project, it would harm the health of people living on North Hinksey Lane, in North Hinksey Village and in South Hinksey through noise, dust, vibrations and air pollution. North Hinksey Lane and South Hinksey residents live within metres of the proposed work: no bunds or other barriers are proposed at North Hinksey Lane, and the houses will look directly down onto the works.

8.2 The A34 at Yarnells Road / Stanley Close is already an Air Quality Management Area because of vehicular NOx emissions, which have been above legal limits since at least 2012. The HGVs and other vehicles associated with the proposed scheme, and particularly the increase in congestion associated with these vehicles, would exacerbate these air quality problems.

8.3 Several chapters of the environmental statements inappropriately describe the scheme's impacts in comparison with existing impacts, e.g., additional HGVs represent 0.17% of the 24-hour Average Daily Traffic on the A34; the scheme's carbon emissions are equivalent to ten days of Oxford emissions. This is an inappropriate comparator. The A34 is already extremely busy. Oxford's emissions are already 718,000 tonnes per year too high. The scheme is in addition to all of these impacts, not having an insignificant impact in comparison to them.

8.4 Green infrastructure is linked to physical and mental health benefits. The proposed scheme would significantly reduce local residents' access to green infrastructure during the 3-5 years of construction, and there would be reduced access during the operation of the scheme.

## **9. COST EFFICIENCY**

9.1 As stated at 3.1(e) NHPC notes concerns that a two-stage channel is much more destructive and expensive than other options. The proposal does not adequately assess no-channel, first stage-channel-only, piped alternatives or the benefits of culvert and stream maintenance. The environmental statement includes a management plan (Appendix I) but no costings about ongoing maintenance of the scheme. Without such maintenance, the effectiveness of the channel will reduce over time. The Full Business Case of 2019 does include costings for maintenance, but only for the first 10 years after construction. NHPC notes that subsequent to that, "there will continue to be operational funding available to the Environment Agency from

government. This is bid for as part of annual maintenance budgets”. The costings provided for the proposed scheme are therefore too low.

9.2 The great majority of the proposed scheme’s flood protection comes simply from continuing existing maintenance, including use of temporary defences: this has a benefit-to-cost ratio of 60:1. A ‘no channel’ option would have a benefit-to-cost ratio of 13:1. Adding a £23 million channel brings this down to 11:4. The incremental benefit of ‘no channel’ is 2.2:1; the incremental benefit of a channel is only 1.4:1, assuming that the Environment Agency stay within the costs assumed by the environmental statement.

9.3 The environmental statement notes that the scheme will also protect: Botley Road, Abingdon Road, the railway line (at Kennington), and the public utilities. The planning application and environmental statement show a reduced risk of flooding for the roads, railway line and one electric substation, but this is with a “do minimum” scenario. The Environmental Statement does not state what the protection would be under either of the no-channel options shown as A1 and A2 in Appendix Q. There is no information whatsoever regarding the wider electric supply network, nor fresh water supply or foul water/sewers. This is important because the scheme generates considerable financial and non-financial costs: it is unreasonable for the application to be approved unless the claimed benefits can be confirmed, quantified, and then assessed against the costs.