

# View Response

## Response Details

**From** Roy Darke

**Date** Started: 20 Mar 2020 17:20. Last modified: 20 Mar 2020 17:20

**Status** Complete

**Email Address** [Redacted]

**Postal Address** [Redacted]

**Postcode** OX3 [Redacted]

**Gender** [Redacted]

**What is your age?** [Redacted]

**What is your ethnic group?** [Redacted]

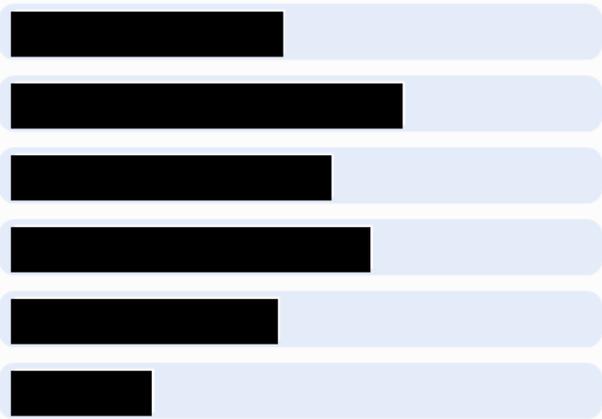
**Are you disabled?** [Redacted]

**Organisation Name** [Redacted]

**Job Title / Position within the Organisation** [Redacted]

**Areas of Interest**

- [Redacted]
- [Redacted]
- [Redacted]
- [Redacted]



**Survey Types**



**Response ID** #797397

**Visibility** Unknown.

## Question 1.

**Your Name:**

You must provide an answer to this question.

Roy Darke (Current Chair of New Marston Residents' Association)

## Question 2.

**Your organisation (if applicable):**

New Marston Residents' Association

### Question 3.

**Your Address:**

You must provide an answer to this question.

### Question 4.

**Your email address:**

You must provide an answer to this question.

### Question 5.

**Do you wish to be notified when the Oxford Local Plan 2036 is adopted by the Council?**

You must provide an answer to this question.

- Yes
- No

### Question 6.

**DATA PROTECTION:**

Please note that your response will be made available for inspection by the public in paper form at the Council's offices, or other locations as appropriate for the purpose of facilitating public access.

Your personal details will be properly safeguarded and processed in accordance with the requirements of the General Data Protection Regulation (GDPR) 2018. Your information will be used for The Oxford Local Plan 2036 Main Modifications Consultation only, and we will only store your data until the Oxford Local Plan 2036 is adopted. Information you give in this form will be shared with the Independent Examiners.

**Please note: Anonymous representations may not be accepted.**

Select at least 1 option.

Select this box if you are happy for us to state your name and the first line of your address and postcode when publishing your response(s).

Select this box if you would rather all personal details except your name and a non-specific address (e.g. Oxford) to be obscured.

## Question 7.

**To which Modification(s) or part(s) of the Sustainability Appraisal does this response relate?**

You must provide an answer to this question.

NMRA objects to the continuing support for Policy SP28 in the Local Plan.

1850  
40/1-  
MM84 -  
SP28

NMRA does, however, support the strengthening of conditions attached to future developments on flood plain in Oxford, as indicated by policy MM16.

1851 40/2-  
MM16 -  
RE3

## Question 8.

### Do you Support or Object the proposed modification(s)?

You must provide an answer to this question.

- Support
- Object

## Question 9.

### If you object, please state why:

The Examination Inspectors are required to consider whether the Local Plans have been properly prepared against tests set out in the Government's National Planning Policy Framework (paragraph 182). Please tick any which apply:

- Not positively prepared - i.e. the strategy will not meet development needs
- Not justified - i.e. there is no evidence to justify the modification
- Not effective - i.e. it won't work
- Not consistent with national policy - i.e. does not comply with the law

## Question 10.

### Reason for SUPPORT or OBJECTION:

Please give details to explain why you support or object to the wording of the Modification(s) or part(s) of the Sustainability Appraisal of the Main Modifications.

You must provide an answer to this question.

The Association believes that Policy SP28 is unsound because of: a) the failure to properly take account of flooding issues at Park Farm (elaborated in the longer submission submitted simultaneously with this form). Specifically NMRA believes that the flood risk analysis by Wallingford Hydraulic Solutions (and hence OCC) was misinformed about flood risk by using information from Thames Water Utilities stating there had never been flooding at Park Farm or in postal district OX3); and b) the failure to properly take account of the City Council's 2002 study showing the importance of the landscape character of New Marston Meadows, including Park Farm home field, in the Green Belt study and the site analyses undertaken in deciding sites considered suitable for development in LP 2036. NMRA considers New Marston Meadows to be an important and irreplaceable element within Oxford's Green Infrastructure.

## Question 11.

### **Summary of Representation:**

If your reason for support or objection is longer than 100 words, please summarise the main issues raised.

Please see the file sent separately to Planning Policy from NMRA (using my email address) on 20th March 2020 which offers a more extended argument (summarised above under Q 10) including an independent specialist's analysis of flood risk at Park Farm.

## **New Marston Residents' Association response to Main Modifications to Oxford Local Plan 2036** **20th March 2020**

Oxford City Council wants the public consultation at this stage to concentrate on the Main Modifications resulting from the Examination in December 2019. We are willing to do that, in part, in accepting the tougher of conditions attached to development in flood plain MM16 (see below).

However, NMRA continues to believe that the proposed Local Plan 2036 remains fundamentally unsound by inclusion of policy SP28 Park Farm.

The Association is deeply disappointed at the City Council's response to its earlier representations over the whole local plan process, seen most recently at the EiP. We believe the limited response to our legitimate concerns shows continuing failure to ensure a sound local plan. The essence of good governance is to balance competing demands and needs. NMRA believes that the over-riding pressure in the Plan to build more housing at any price is wrong, specifically when it proposes to build in the functional flood plain of the River Cherwell and within an important green area (currently in Green Belt) considered by the City Council's own consultants to be unique, rare and not capable of re-establishment in the future. In the context of the Climate Emergency bringing longer periods of extreme weather, more severe flooding alongside accelerating and associated loss of biodiversity any proposal to build in flood zone 3 is perverse.

### **Climate Emergency**

The experience of the warmest winter average temperature ever recorded in the UK (2019 – 2020) with heavy and persistent rainfall across the country provides evidence of the deepening climate crisis. Severe flooding around the UK has become the 'new normal'. Park Farm field in New Marston Meadows has been under water for several weeks this winter (including during the December EiP). This should be cause for deep concern to OCC.

Oxford City Council has declared a Climate Emergency and supports action to reduce the danger yet continues to insist on development at Park Farm. Given the severe flooding over winter 2019 the Environment Agency (and other specialists) is now saying that developments on functional floodplain should be completely banned. Robert Jenrick, Secretary of State for Housing, Communities and Local Government (12 March 2020) initiated a Government review of building on flood plains that is soon likely to formalise the total ban (Hansard, 12 March 2020).

OCC's argument that the 'exceptional circumstances' of housing need requires the use of flood plain land for future development represents a real present and future danger for residents. NMRA considers policy SP28 to be reckless and foolhardy. Oxford City Council recently organised a Citizen's Assembly to discuss the local response to the crisis (a poster showing a

flooded residential street similar to Edgeway Road under flood water was produced by OCC) yet it still maintains a policy to build in flood zone 3.

### Reasons for objecting to SP28

1850 -  
MM84/  
SP28  
40.1

NMRA's objections to SP 28 have never been about flood risk alone. It also believes that the Council's failure to accept the threat to New Marston Meadows, an important element of Oxford's Green Infrastructure, is wholly misjudged. The Council's own consultants have shown that New Marston Meadows is a rare and unique example of a rural / pastoral landscape within city boundaries which can never be replaced if lost (see 'A Landscape Character Analysis of Oxford in its Landscape Setting', Land Use Consultants 2002.). Marston River Terraces / New Marston Meadows were given the highest ratings in relation to: landscape quality; biodiversity; historic integrity; value as open space, sensitivity to change, and the lowest rating for 're-creatability' (in contrast to all other landscape character areas in Oxford). In effect, OCC consultants have said 'lose it and lose it forever'. The area was given the highest score in the cumulative evaluation (see fig. 3.1.8 in the 2002 study) and was considered it to be 'a landscape of key significance for Oxford'. The area is now endangered by policy SP28.

The Council's Planning Policy team have disregarded the evidence from 2002. OCC officers even stated at the EiP that landscape character played no part (and by implication, should not so do) in their Green Belt assessments of potential development sites for the Local Plan.

### Soundness of the Plan

Firstly, in relation to flood risk, NMRA has already argued in detail that the evidence base used by Wallingford Hydraulic Solutions (WHS) in their assessment of Park Farm field is flawed and inadequate and that this undermines the soundness of the Plan with respect to SP28. The use of Thames Water Utilities (TWU) records as the basis of flood analysis of Park Farm field is put into perspective by the Company stating to the Council that there has never been any flooding in the OX3 postcode district. What compounds the error is that this flawed data was used by OCC in their site analyses of Park Farm field. NMRA earlier submissions re Local Plan 2036 (December 2018) have provided evidence of frequent flooding in New Marston / Park Farm. We now attach (**Appendix 1**) an assessment by an independent environmental specialist covering the detail of surface water flood risk at Park Farm. This recent collation of flood risk / flood evidence at Park Farm shows that the requirement to provide compensation for loss of functional flood plain by any development is not feasible on site and will require extensive off-site work within New Marston Meadows.

The Main Modifications document, and specifically MM16, states that development will be allowed in functional flood plain provided:

.... it will not lead to a decrease in flood storage (through use of flood compensation measures) and where possible increase flood storage;

1851 -  
MM16/  
RE3  
40.2

and will not be allowed if:

...it will lead to an increased risk of flooding elsewhere...

This enhanced condition linked to potential developments in the flood plain is welcomed by NMRA.

The Association believes that to build a minimum of 60 houses on the site cannot do other than, both, decrease local flood storage capacity, and increase flood risk elsewhere. Below ground work required to sustain a development of this size will be substantial (foundations, roadways, service ducts etc.). NMRA believes that sewerage difficulties could require a pumping station to raise foul water up to the main sewers running along FP74 (Edgeway Road - New Marston Rec.). Additionally, ground conditions at Park Farm will require exceptional foundation work. The field has clay and river silt overburden above river gravels. The latter is at some depth but provides the main secure stratum for building foundations in the area. A recently built house adjacent to Park Farm field required concrete piles to a depth of over 3.5 metres below ground and substantial ground beams to meet Building Regulation requirements. Development of a scheme of 60 dwellings (or more) at Park Farm will entail a substantial volume of below ground structure / infrastructure. Any compensatory measures would require taking land adjacent fields to introduce an enhanced wetland area with retention ponds.

### **Park Farm as an element in the Green and Blue Infrastructure of Oxford**

Secondly, in relation to the Green Infrastructure issue, NMRA challenges the adequacy of the Local Plan site analyses with respect to Park Farm. The Stage 1 and 2 Conclusions stated that there are “no insurmountable environmental constraints” to development at Park Farm. The Stage 2 analysis of the site acknowledges flood risk with a ‘red’ notification, stating that 42.9% of the site is in flood plain zone 3. However, officers’ assessments of ‘neighbouring land uses’ concludes that no ‘sensitive’ issues could be identified. The 2002 study was not considered in these assessments. The Stage 2 analysis concludes that there is ‘no biodiversity value’ attached to the site, that ‘no harm’ will result from development and that the site does “not require protection”. An Oxford Wildlife Site (OWS) is directly adjacent to Park Farm field. New Marston SSSI, an area of national / international importance for biodiversity is close by. The Meadows need to be considered as a whole.

1852 -  
40.3 -  
MM19/G1

New Marston Meadows requires protection, not incremental erosion. The 2002 study has clear and explicit evidence that they are a unique landscape feature of Oxford’s green and blue network and is ‘irreplaceable’.

Policy G1 in the Local Plan (Protection of Green and Blue Infrastructure) states that:

...planning permission will not be granted if harm to Green and Blue Infrastructure except:

...(and unless) loss is replaced by equivalent or better provision elsewhere in a suitable location;  
demonstrate there will be no harm to any biodiversity network function..

NMRA considers that these conditions are impossible to achieve if development proceeds at Park Farm / New Marston Meadows.

The Local Plan also states (para 5.6):

Green spaces that do not have local or national protection for their wildlife value are still likely to have some biodiversity value.

NMRA cannot understand why the biodiversity value of Park Farm field in the context of the wider New Marston Meadows Green Infrastructure is not protected by the Local Plan. The precautionary principle should have been applied by OCC given:

- a) the Landscape Character Assessment (2002):
- b) it being a site in existing Green Belt,
- c) it being in flood plain zone 3, and;
- d) the important biodiversity in the adjacent SSSI.

MM19 states that the Local Plan seeks to protect the Blue and Green Infrastructure of the city. NMRA will also continue to stress the value of New Marston Meadows for health and recreation for all Oxford residents.

## **Summary**

NMRA concludes that the Plan remains unsound with respect to Policy SP28 because of the City Council's failure to take account of present and future flood risk on the Park Farm site. In particular, the Association believes that the analyses undertaken by OCC is deeply flawed by the inadequate evidence base used (the site analyses by WHS used flawed TWU data) and by not properly taking into account the findings of the 2002 study. This failure is profound concern.

We have also argued that New Marston Meadows (of which Park Farm is a key element) is an important area within the overall landscape setting of the city in terms of pastoral setting and biodiversity (see NMRA submissions 2018). The loss of Park Farm field to development will signal a lack of concern for the recreational and landscape value of the Meadows and loss of a riverside landscape area of national and international importance for biodiversity.

New Marston Residents' Association March 2020

## **Appendix 1**

(The appendix was prepared by an independent environmental consultant on behalf of New Marston Residents' Association, March 2020. It is presented anonymously at the request of the consultant, because offered *pro-bono*.)

## **RE: SITE 462, NEW MARSTON, OXFORD – FLOOD RISK: STATEMENT POSITION**

A Product 4 (Detailed Flood Risk) Report has been obtained from the Environment Agency (EA) centred on the aforementioned site. The following points summarise the flood risk setting and the relevance to potential development within the curtilage of the site.

### **Flood Risk Setting**

- The site is confirmed as being partly within Flood Zones 2 and 3 (ref: Environment Agency Flood Map for Planning, **Appendix A** to this letter). The southern section is within Flood Zone 3.
- Reference to the Oxford Strategic Flood Risk Assessment (SFRA) dated 2011 demonstrates that part of the site is within Flood Zone 3b (**Appendix B** to this letter). (Note: Flood Zone 3 is subdivided into Flood Zone 3a and Flood Zone 3b).
- The EA Product 4 includes numerical and graphical information extracted from the 'Oxford Flood Alleviation Scheme (mapping completed in March 2018); specifically from the 'Thames (Eynsham to Sandford) section. Hydraulic Modelling of the River Cherwell shows that the site would be impacted by flooding; including the 1 in 100 year event; and the appropriate current Climate Change Allowance events of 1 in 100 +25% CCA ('Higher Central Allowance') and +70% CCA (Upper End Allowance'). This would impact virtually the whole site. (Map included as **Appendix C**).

(Flood Elevations for the aforementioned flood events are provided within the Product 4 dataset). A Topographic Survey of the site would be required to detail the associated flood depths relating to the flood elevations; however at this time it should be noted that the Flood Hazard Rating associated with the modelled flood scenarios are determined as either 'Low Hazard' or 'Hazard to some'. (Refer to **Appendix C**).

- Historic flooding also shows repeated impact across the site in 1947, 1979, 1998 and 2003. (The dates stated do not preclude other flood events that may have impacted the site, but not recorded on the EA database). **Appendix D**.

### **Development Framework •**

- The National Planning Policy Framework (NPPF) states that ONLY the construction of 'Water Compatible Uses or Essential Infrastructure' is permitted within Flood Zone 3b. No other construction is permitted (Residential Housing is not Essential Infrastructure).

(Note: Construction of Residential Dwellings is NOT permitted within Flood Zone 3b. Such construction is only permitted in Flood Zone 3a subject to specific conditions, and acceptance of an appropriate Flood Risk Assessment conducted in accordance with NPPF and approved by the EA).

- Building in Flood Zone 2 and 3a is permitted subject to an appropriate 'Flood Compensation Scheme'. This essentially means that whatever 'space (volume)' the development takes up, i.e. the volume of potential floodwater that the scheme displaces through building, must be provided for elsewhere (i.e. you must provide somewhere for the water to go without causing additional flooding). This will not be possible within the curtilage of the site, so a Flood Compensation Area would need to be identified elsewhere, which would be tricky as 'other land' in the immediate vicinity is also subject to flooding or already built on.

### Summary Points

If a developer wants to build within Flood Zone 3b this should not be permitted. This would be applicable for the southern section of the site, see Appendix B.

Within the remainder of the site, which is Flood Zone 3a or 2; the EA should request that a 'Flood Compensation Scheme' is put forward for their approval. If this is not achieved, then the development should not be approved.

The Oxford SFRA document dates from 2011, so it would be advisable to check with the Council directly for an up to date definition of Flood Zone 3b.

I note that the Flood Zone 3b spatial definition from the SFRA is larger than the current (2020) EA spatial definition of Flood Zone 3. Irrespective of the Flood Zone 3b delineation, the developers Flood Risk Assessment must contain a suitable Flood Compensation Scheme for this site. In my opinion this could be problematic to achieve for this location.

[NB. Due to technical difficulties NMRA was unable to upload the maps from the consultant's email – probably a capacity problem. We list the map appendices below.

**Appendix A** Flood Zone Map fro Oxford (derived from Environment Agency Flood Map for Planning Services).

**Appendix B** Delineation of Flood Zone 3 (derived from Oxford Strategic Flood Risk Assessment (SFRA) dated 2011)

**Appendix C** Flood Risk Assessment map centre on Site 462 New Marston: and, 1% + 35% CC AEP Hazard map centred on Site 462 New Marston (sourced from EA)

**Appendix D** Historic Flood Map centred on Site 462 New Marston (sourced from EA)]