

North Area Committee

9<sup>th</sup> January 2003

**Application Number:** 02/00821/OUT

**Decision Due by:** 24th June 2002

**PROPOSAL:** Outline application (seeking means of access) for 45 residential units (13 x 2 bed, 18 x 3 bed, 2 x 4 bed and 2 x 5 bed houses plus 10 x 1 bed flats) on 2 and 3 floors as social housing in rented and shared ownership. Provision of 60 parking spaces, together with turning area and 10 short-term parking spaces to serve proposed new school to the south. (Access from the north via spine road from Woodstock Road).

**Site Address:** Land North Of School Site, Aristotle Lane, Appendix 1

**Agent:** The Oxford Architects

**Applicant:** Oxford Citizens Housing Association Ltd.

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**Recommendation:** Committee is recommended to support the proposals in principle but defer the application to allow a legal agreement to be drawn up in the terms indicated below, and delegate to officers the issuing of the Notice of Planning Permission subject to conditions on its completion.

**Conditions**

1. Reserved Matters within 3 years.
2. Development begun within 5 years.
3. Details of siting, design, external appearance and landscaping to follow as Reserved Matters.
4. Development in accordance with application as submitted.
5. Development restricted to 45 units.
6. Materials.
7. Protection of retained trees.
8. Elimination of pest species (Giant Hogweed, Japanese Knotweed)
9. Landscape plan to be submitted, to include hedgerows along edge of reedbeds SLINC..
10. Implementation of landscaping scheme.
11. Method statement to protect habitats at reedbeds SLINC during construction.
12. No site clearance or main construction during bird breeding season.
13. Provision of wildlife corridor.
14. Details of lighting scheme to minimise light spillage.
15. Submission of bat survey.
16. Submission of strategy to protect access to site by badgers.

17. Details for measures to reduce possible wildlife casualties.
18. Feasibility study for possible extension of reed beds into wet woodland area.
19. Cross sectional drawings of spine road.
20. Retention and enhancement of ditch to western boundary.
21. Provision of bat and bird nesting boxes.
22. Details of means of enclosure.
23. Means of enclosure before occupation.
24. Details of on and off site foul and surface water drainage, including sustainable drainage strategy.
25. Ground remediation and validation.
26. Details of oil / petrol interceptors.
27. Parking limited to 60 spaces.
28. Control of parking spaces.
29. Withdrawal of "Permitted Development" rights.
30. Noise insulation measures.
31. Facilities for wheel washing during construction.
32. No raising of ground levels or importation of fill except for slab for finished floor level of individual houses and flats.

### **Legal Agreement**

A legal agreement under the terms of s.106 of the Town and Country Planning Act 1990 securing:

- (i) a species translocation strategy for common lizards and slow worms, to be submitted for approval by the Local Planning Authority prior to the commencement of the development, together with details of a future management regime, monitoring and any subsequent remedial action required, plus a financial contribution of £30,000 for the costs of translocation and associated works.
- (ii) a comprehensive habitat management plan for the Trap Grounds SLINC and Burgess Field, to be submitted for approval by the Local Planning Authority within 3 months of the commencement of the development, together with annual reviews and a financial contribution of £36,000 towards its implementation and future maintenance.

**NB:** As a turning area and dropping off facilities are provided on the application site to serve the replacement primary school for SS Phillip and James on the site to the south, no contribution to educational facilities is sought by the County Education Authority in this instance.

### **Main Local Plan Policies:**

|             |  |
|-------------|--|
| <b>GEN1</b> | Minimising demand for travel                               |
| <b>EN11</b> | Planting of more trees                                     |
| <b>EN12</b> | Tree surveys   |
| <b>EN13</b> | Protection of trees and hedgerows                          |
| <b>EN15</b> | Sites of Local Importance for Nature Conservation (SLINCs) |
| <b>EN16</b> | Local nature reserves                                      |
| <b>EN17</b> | Wildlife corridors   |
| <b>EN18</b> | Wildlife and geological features                           |
| <b>EN19</b> | Ecological survey  |

|       |  |
|-------|--|
| EN20  | Plant & animal species protected by law          |
| EN21  | Nature conservation and habitat replacement      |
| EN22  | Habitat creation                                 |
| EN23  | River management and land drainage               |
| EN45  | Residential - standard of environment            |
| EN46  | Residential - appropriate density                |
| EN47  | Residential - privacy                            |
| EN50  | Residential - character of area                  |
| EN53  | Residential - daylight and sunlight              |
| EN54  | Residential - security and enclosure             |
| EN55  | Residential - new development traffic management |
| EN58  | Residential - car parking provision              |
| EN67  | Residential - maintenance of open space          |
| EN68  | Residential - provision of public open space     |
| EN69  | Residential - private open space                 |
| EN76  | Development - character of surroundings          |
| EN95  | Energy conservation in buildings                 |
| EN96  | Visual pollution                                 |
| EN101 | Maintenance of water courses                     |
| EN102 | Groundwater or surface water courses             |
| EN103 | Former landfill sites & contaminated land        |
| EN105 | Noise  |
| HO6   | Other large housing sites - social housing       |
| RE25  | Footpaths, bridleways and rights of way          |
| TR10  | Parking standards                                |
| TR26  | Cycle parking                                    |

**Other Material Considerations:** First Draft of the Oxford Local Plan 2001 to 2016.

**Access Issues:** None at this stage. Planning application submitted in outline only.

**Summary of Site History:** The planning application site consists in the main of a densely vegetated area of bushes, small trees and scrubland with areas of exposed "Made Ground" or waste tipping. Uncontrolled tipping of a variety of materials has taken place over a number of years to the extent that the site is underlain by between 1m and 2m of Made Ground. In the past applications have been made for derelict land grants to clear land of waste materials, and in 1970 an application for an "Established Use Certificate" was granted for the use of part of this and adjacent land off Frog Lane for "the breaking and dismantling of motor vehicles including lorries." In 1976 the application site plus the Trap Grounds reed beds to the east were purchased from St. John's College by the City Council for the purpose of residential development and was held by the Council's Housing Committee for that purpose for many years.

In 1980 outline planning permission for residential use was granted for the whole of the Trap Grounds area including the reed beds but was not implemented and the permission lapsed. In recent years the bulk of the Trap Grounds has been designated as a Site of Local Interest for Nature Conservation (SLINC), including

an extension in 2002 to include land immediately north of the application site. As such approximately 2/3 of the land purchased from St. John's for residential purposes is now protected as a SLINC.

The current planning application relates to approximately the remaining 1/3 of the site alongside the railway lines which are not as significant in nature conservation terms. In recent years indiscriminate tipping on the application site has declined and the area become more densely vegetated and overgrown.

In June 2002 an application was made by a local resident to Oxfordshire County Council to register the Trap Grounds as a "Town Green" under the provisions of the Commons Registration Act 1965. As the registration authority the County Council held a public inquiry into the application in November but at the time of writing the Inspector's report and the County Council's decision are still awaited.

**Consultations:** English Nature, Berks Bucks and Oxon Naturalists Trust, Oxford Urban Wildlife Group, Oxford Ornithological Society, Oxford Green Belt Network, Environment Agency Thames Region, Thames Water Utilities, British Rail Property Board, Thames Trains, Railtrack Great Western, Thames Valley Police, Canal Walk Residents Association, North Oxford Defence Assoc, Hayfield Road Residents Assoc, Polstead Road Residents Association, Trap Grounds Allotments Association, Bainton Road and District Residents Assc, Oxford Waterside Residents Association, Jericho and St Barnabas Community Assoc, Lower Wolvercote Allotments Assoc, Port Meadow Protection Group, Oxford Preservation Trust, Oxford Civic Society, Oxfordshire County Council, British Waterways Board, , Chalfont Road Residents Association, Oxford Urban Wildlife Group, 1-31 (Odds) Bainton Road, 33-99 (Odds) Bainton Road, 2-14 (Evens) Bainton Road, Phoebe Court (1-7) Bainton Road, 21A Bainton Road, 1-19 (Odds) Brindley Close, 2-10 (Evens) Brindley Close, 1-37 (Odds) Burgess Mead, 2-13 (Evens) Burgess Mead, 44-126 (Evens) Frenchay Road, 45-141 (Odds) Frenchay Road, 1-43 (Odds) Frenchay Road, 2-42 (Evens) Frenchay Road, 8 (1-7) Frenchay Road, 1-73 (Odds) Hayfield Road, 2-90 (Evens) Hayfield Road, 1A Hayfield Road, 1B Hayfield Road, 1C Hayfield Road, 6A (1-2) Hayfield Road, 4A (1-3) Hayfield Road, 1-13 (Odds) Navigation Way, 2-26 (Evens) Navigation Way, St Edwards Court 1-5 (All) Oakthorpe Road, 251-265 (Odds) Woodstock Road, 200-220 (Evens) Woodstock Road, 222-238 (Evens) Woodstock Road, Basement Flat 202 Woodstock Road, 202 (1-6) Woodstock Road, Basement Flat 206 Woodstock Road, 208 (1-3) Woodstock Road, Ground Floor Flat 210 Woodstock Road, Top Floor Flat 210 Woodstock Road, 220A Woodstock Road, 228 (1-10) Woodstock Road, 230 (1-5) Woodstock Road, 234A Woodstock Road, 234B Woodstock Road, 234C Woodstock Road, Basement Flat 234 Woodstock Road, 251 (1-5) Woodstock Road, Estates Manager Unipart Group, Unipart House, Berkeley Homes The Old House, 4 Heath Road, Laing Homes Ltd Pages Street, London, S A Lunn 54 Rosamund Road, Wolvercote, Estates Manager Oxford Dicesan Board, Church House, Ms.C M Jackson- Houlson 41 Netherwoods Road, Oxford, Bursar Keble College, Oxford, Bursar St Anns College, Oxford, Bursar St Edwards School, Woodstock Road, Bursar Nuffield College, Oxford, Gill Edmonds Walnut Tree Cottage, Swan Lane, Councillor Jim Campbell 24 Frenchay Road, Oxford, Councillor Tony Hollander 23 Chalfont Road, Oxford, Dr. Janet Keen 7 Norwood

Avenue, Southmoor,

**Representations Received:** A summary of the comments received in response to public consultation is attached as **Appendix 2** to this report plus the first page of a petition initiated by the Friends of the Trap Grounds containing 79 signatures. The principle concerns relate to the possible impact on local wildlife, potential for flooding, and traffic and access issues. In addition a public meeting was held at the Town Hall on 27<sup>th</sup> May 2002. A note of that meeting when many of the same issues were raised is attached as **Appendix 3** to this report.

## **OFFICERS' ASSESSMENT**

1. The planning application was submitted in April 2002 and has generated considerable interest locally. Although it was accompanied by supporting information and technical reports, the public consultation procedure raised a number of issues of detail which the applicant wished to respond to more fully. In order to do so further research had to be commissioned, the evaluation of which by officers has delayed the proposals being brought forward to Committee. In the text that follows the planning application is considered under the following headings:

- Proposals
- Planning Policy
- Highways, Traffic and Parking
- Housing Need
- Biodiversity
- Landscaping
- Ground Contamination
- Flooding Issues

## **PROPOSALS**

2. The planning application relates to some 1.23 ha. (3.0 acres) of land to the east of the main line railway, and north of the replacement primary school for SS Phillip and James now under construction. To the west are the Trap Grounds reed beds SLINC, recently extended to now incorporate a square parcel of land immediately north of the proposed housing site. A site plan is attached as **Appendix 1**. The application site represents one of the last to come forward for development in the "canal corridor" and attached as **Appendix 4** is a plan which indicates the application site in the context of these other developments.
3. The application itself is submitted in outline with only the points of access from the Berkeleys and Laings developments to the north and south respectively fixed at this stage. If outline permission were granted a further "Reserved Matters" application would therefore be required in due course which would provide the remaining details of layout, design, architectural treatment, landscaping etc. That said, illustrative material is submitted in support of the outline application which indicates an intention to construct

a development of some 45 units entirely to the west of an access road linking the Berkeleys and Laings developments. This illustrative material indicates a layout of 3 short cul de sacs running east – west from the access road with a turning and dropping off point for the new school at the southern end. The 35 houses and 10 flats are intended to be of traditional brick and tile construction and entirely for social housing purposes. 70% of them would be provided at affordable rents with the remaining 30% being for shared ownership. Some 60 parking spaces would serve the development plus 10 spaces at the dropping off point for the school. The mix of units would be:

- 13 x 2 bedroom houses;
- 18 x 3 bedroom houses;
- 2 x 4 bedroom houses;
- 2 x 5 bedroom houses; and
- 10 x 1 bedroom flats.

4. Accompanying the planning application when submitted was a request from the applicant for a "screening opinion" under the provisions of the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999 as to whether an Environmental Impact Assessment (EA) would be required to support the proposals.
5. The European legislation on Environmental Impact Assessments was introduced as a result of a European Community Directive in 1988. In 1997 amendments were made to the EU Directive and as a result new Environmental Assessment Regulations came into force in on 14<sup>th</sup> March 1999. The new regulations confirmed under Schedule 1 those major projects for which an environmental assessment was always required. These included projects such as oil refineries, steel works, storage and disposal of nuclear waste etc. The range of Schedule 2 "discretionary" projects where the Local Planning Authority considers whether an Environmental Impact Assessment *may* be required was broadened to include projects such as wind farms, theme parks, shopping centres, sports stadia, leisure centres, caravan sites, and multiplex cinemas if over a certain size. Full lists of Schedule 1 and Schedule 2 projects are attached as **Appendices 5 and 6** to this report.
6. To date very few projects in Oxford have required a formal Environmental Impact Assessment to be made and an examination of the legislation leads Officers to conclude that one was not required in this case. Clearly the proposals did not constitute a Schedule 1 development for which an EA would always be required. For proposals to require an EA under Schedule 2, DLTR Circular 2/99 provides guidance which indicates that even where a development falls within one of the categories listed, (which this planning application does not), then the development would normally need to be:
  - a major development of more than local significance;
  - affect an environmentally sensitive location (such as a Site of Special Scientific Interest, National Park, Area of Outstanding Natural Beauty, World Heritage Site, or Scheduled Monument); or
  - be of a complex and hazardous nature.

7. Whilst it was recognized that the development potentially affected an environmentally sensitive area, the Trap Grounds reedbeds SLINC, this bears a designation of local importance only and is not of the higher status which would require an EA. Port Meadow to the west and Hook Meadow to the north both bear the status of Sites of Special Scientific Interest, but these are located across the railway lines from the application site, and some 800m to the north respectively. As such there was no reasonable expectation that these sites could be adversely affected by the proposed housing development. Indeed the only possible category under which the application could be considered for an EA under Schedule 2 appears to be as an *Urban Development Project* but here the Circular advises that such a development would need to have a significantly urbanising effect in a previously non-urbanised area, for example a new development of more than 1000 dwellings.
8. In this context, having taken legal advice, and having regard to all other material considerations including all relevant Statutory Instruments, Planning Policy Guidance Notes and Government Circulars, it was concluded that no EA was required in this instance. That is not to say that the nature and sensitivity of the site did not justify the submission of detailed technical reports in support of the proposals however which were indeed submitted, and which (as indicted above) have been supplemented since the application was first received.

## PLANNING POLICY

9. The planning application raises a number of complex issues where a large number of planning policies are relevant. Those policies of the approved Local Plan relevant to the case are listed in brief above. More particularly Appendix H of the Plan sets out alternative development options for this and other sites along the "canal corridor". A copy is attached for ease of reference as **Appendix 7**. In the event developments along the corridor, of which this is one of the last, have generally been in compliance with the residential option indicated there. The current proposal is consistent with this approach as well as that of the emerging Plan 2001 to 2016 where the application site is more specifically identified as a residential development site where 100% affordable housing is proposed.
10. The emerging housing policies of the new Local Plan stem in particular from the guidance within Planning Policy Guidance Note No. 3 of March 2000. This document represents a cornerstone of Government policy on housing and requires Local Planning Authorities, amongst other things, to bring forward sites for development which make the best use of scarce urban land; encourages good design; restricts parking levels; and urges the use of previously developed land rather than greenfield sites which should be regarded as the least favoured option. In the section of the PPG on definitions however, excluded from the definition of *previously developed land* is land that:

"was previously developed but where the remains of any structure or



activity have blended into the landscape in the process of time.....and where there is a clear reason that should outweigh the re-use of the site – such as its contribution to nature conservation.....”

11. On a strict interpretation of this advice it could be argued that the current application site therefore represents a greenfield site in the terms of the PPG which should be excluded from development proposals. However officers believe that to apply such a definition to the land in question in this instance would be to misunderstand the realities of a site which was tipped for many years; where there is now up to 2m of fill over the land as a consequence; where there is some pollution of the land; and where examples of waste and debris still exist on the surface. Nor, for the reasons indicated elsewhere in this report, do officers believe that the nature conservation interest which has developed in the recent past is so important as to prevent valuable development from taking place with appropriate mitigation. They are drawn to the conclusion therefore that it could not have been the intention of the PPG to exclude suitable housing sites such as this from coming forward in these circumstances, but rather it was likely that the intention was to encourage them. Moreover the definition of previously developed land in PPG 3 is somewhat ambiguous in relation to this site given the fact that waste disposal sites are considered previously developed land and in this case the land will remain so unless restoration takes place. The dumping of waste at the site was never authorised, and the land has never been restored but remains contaminated.
12. Furthermore the Government's policy is that 60% of new housing should be provided on previously developed land which means that up to 40% could be on greenfield sites. The emerging Local Plan polices CP5 and HS3 make it clear however that planning permission will only be granted in Oxford for development on greenfield sites where they have been specifically allocated in the Plan. For the reasons indicated it remains the officers' view that the application site should not be considered as such a greenfield site. Granting planning permission would not therefore set a





precedent for greenfield development in the future. Indeed in 2000 / 01, 100% of all housing completions in Oxford were on previously developed land.

13. Since the planning application was registered in April of this year a further Planning Policy Guidance Note was published in July as PPG 17: "Planning for Open Space, Sport and Recreation". This guidance advises Local Planning Authorities to undertake assessments of needs and opportunities in their area, set local standards, and maintain an adequate supply of open space and sports and recreational facilities. It advises that existing open spaces and land should not be built on, particularly if they benefit wildlife and biodiversity.
14. However, again officers do not believe that the land in question here constitutes open space in the terms required for its retention by the PPG. None of the land the subject of the planning application has ever intentionally been available for public access and officers believe that such access as there has been, has been severely curtailed by the very thick vegetation which has overgrown the site in recent times with any access (other than for the purposes of tipping etc) confined to the relatively recent past. The consequence is that much of the Trap Grounds and the adjacent land now proposed for housing has often been impenetrable, save for a circular route which in part passes through the application site. Similarly whilst the site is clearly of some nature conservation interest, officers believe that the balance of advantage lies with measures to mitigate the loss of the species present, and its development instead for urgently needed housing for families and others in temporary accommodation.

## **HIGHWAYS, TRAFFIC AND PARKING**

15. The application site occupies a location between the Phase 2 Berkeleys development on the former OAC factory site to the north, and the recently completed Laings development and well advanced new school on the former Aristotle Lane Industrial Estate to the south. **Appendices 1 and 4** refer. Both the Berkeleys and Laings developments have been designed such that if planning permission were to be granted on the current application site, then the developments would all be linked by a single spine road accessed from Woodstock Road to the north. Indeed the current access to the Laings development via the listed canal bridge and Aristotle Lane are intended to be temporary arrangements only as it remains a requirement of that development that when the spine road is available from the north, then vehicular access from Aristotle Lane would cease. As the spine road also gives access to the new school, then this would allow Aristotle Lane to be closed to vehicular traffic other than for occasional access needs, for example maintenance of Aristotle Lane Recreation Ground. It would of course remain an important access route for pedestrians and cyclists.
16. The access road for the development therefore represents a continuation



of the spine road and marks the eastern boundary of the development which is formed into a series of short cul de sacs to its west. It is proposed to be traffic calmed to prevent excessive speeds in the vicinity of the school and a turning area and dropping off point constructed at the southern end to serve the school. A footway would be provided to the western side of the road but not to the east where it would serve less of a need, and where its absence would serve to discourage inappropriate access to the reedbeds SLINC to the east as discussed elsewhere in this report. The Highway Authority raise no objections to these arrangements though detailed designs for the traffic calming and turning areas would require further work if outline planning permission were granted.

17. Parking for the development would be set at 60 spaces to serve 45 units, at about the same ratio as other developments in the locality. At 60 units traffic generation is not expected to be great from the development and with the County Highway Authority also in the process of drawing up a Travel Plan for the new school, then the Authority calculate the capacity of both the spine road and its junction with Woodstock Road to be adequate to meet the needs of all the developments accessed from it. The following table produced by the Highway Authority summarises the position in relation to traffic generation at the Woodstock Road junction:

|                               |              | <u>Peak Vehicular<br/>Flows (in / out)</u> |
|-------------------------------|--------------|--|
| All residential developments: | 575 units    | 290  |
| New school:                   | 420 pupils   | 140  |
| Ruskin College:               | staff        | <u>50</u>                                  |
|                               | <b>Total</b> | <b>480</b>                                 |

## HOUSING NEED

18. One of the major roles of the planning function for Local Planning Authorities is to ensure that housing provision is made available during the lifetime of its Local Plans. It is a function which extends beyond the Council as Planning Authority and requires close working arrangements with a variety of agencies, including SEERA, (South East England Regional Assembly), the County Council as Structure Plan Authority, housing associations and the Council itself as Housing Authority. Within the highly constrained circumstances of Oxford with its high land values and where development land for all purposes is in short supply, one of the key elements of this provision has been in meeting the housing requirements for those groups most in need of accommodation through the provision of social housing. In recent years the evolving policies of the existing and emerging Local Plans and Supplementary Planning Guidance have made an increasingly important contribution to such provision whilst still falling well short of current need. As the draft Local Plan 2001 to 2016 emerges, the Housing Authority estimates there is a potential to develop between 950 and 1100 new social housing units in the period to 2010. Although this is a significant number it still falls well short of need and



demonstrates the importance of developing appropriate sites such as the current Trap Grounds site when the opportunity arises.

19. In this context the most recent Housing Needs Survey for the period 1998 to 2001 indicated an overall shortfall of 4,326 social housing units. This figure reflects the fact that there were few development opportunities to increase the amount of social housing in the City. As such the focus for development during this period was on the replacement of substandard social housing and relets of dwellings within the Council and housing association stock which was identified as the principle means of addressing the need for affordable housing. A further study is commissioned for the period 2002 to 2005 but it is already evident that the overall level of need has increased and the pressure to rehouse those in the greatest need is now acute. The number of households registered with the Council for housing is consistently around 4,000 and the number of homeless households in temporary accommodation has risen by just over 15% per year since 1998 with the current number standing at about 1000.
20. The Council as Housing Authority allocates social housing to meet a variety of needs with the major pressure at the moment being to house homeless people from temporary accommodation. Some 75% of all lettings are made to this group. This is principally an issue which affects families, typically the main reasons for homelessness being family breakdown, divorce, domestic violence or loss of private sector tenancies. On average, a family household could expect to spend two to two and a half years in temporary housing before permanent housing is available for them. Such households may be accommodated anywhere in the City but the lack of a permanent home makes it difficult for families to take long term decisions on matters such as children's schooling and health needs. 20% of the remaining allocations are made to existing social housing tenants requiring transfers but it is only high priority cases where there are pressing health needs or domestic factors which can be considered. The last 5% of allocations are made to applicants from the general register. Such is the scale of need however that there is little prospect for the majority of those registered in this category being housed from this list because of the scarcity of social housing available.
21. In terms of the Trap Grounds, the application envisages a mix of tenure with 70% being at affordable rents and the remaining 30% for shared ownership, the latter of which could potentially benefit key workers in particular. Such a mix is important in creating diverse and stable communities whilst meeting the most pressing housing needs, for mostly 2 and 3 bedroom houses, (including up to one quarter for single people), with a 10% minimum of larger 4 and 5 bedroom family houses.
22. Nor is it the case that other sites are readily available for the sort of social housing provision now sought. In its submission in response to public consultation NODA indicated for example that the following sites should be considered:
  - Jericho Boatyard;
  - Phillip and James School site, Leckford Place;

- Former Toyota garage, Summertown;
  - BMW garage, Summertown;
  - Oxford Station site;and
  - Elsfield Way
23. Of these sites none are available to the applicant to develop however as some are already subject to separate development proposals by others; have not been marketed for development (and may not be so); or are inappropriate as they are allocated for other uses in the existing and emerging Local Plans. Some of the sites may make a welcome *contribution* to social housing however, though for the reasons indicated in the preceding text they would not, and should not, relieve the requirement for the current site to be developed for this purpose.
24. Taken together with the other recent commercial housing developments in the canal corridor area which have also secured a proportion of social housing, and the construction of the replacement primary school for SS Phillip and James on the adjacent site to the south, the opportunity now exists at the application site to create much needed social housing for families and others in need of accommodation in a new community close to older residential areas and accessible to other facilities.

## BIODIVERSITY

### The Trap Grounds Site of Local Importance for Nature Conservation and the Oxford Local Plan

25. In the adopted 'Oxford Local Plan 1991-2001' the reedbed is designated as a Site of Local Importance for Nature Conservation (SLINC) with the rest of the site being allocated for development. However, paragraph 13 of Appendix H to the Local Plan, reproduced as **Appendix 7** to this report also states that the reedbed: "will be protected from development and the impact from adjoining development will be minimised in terms of pollution and the effect on water levels. In order to ensure that there will be no significant adverse effects from the development of adjoining sites the Council will require an assessment to be carried out of its possible impact on the reedbeds and the need for mitigation measures, including defining the precise boundary between Sites C and D [the SLINC and adjoining land allocated for development], the size of any buffer zone required and the possibility of maintaining a link to open land to the west free of buildings and with suitable planting etc."
26. 'The First Draft Oxford Local Plan 2001-2016' as currently drafted modifies these proposals by providing a very substantial buffer zone to the reedbeds, between 20 and 60 metres wide, together with a 40 metre wide wildlife corridor at the north end of the site. The buffer zone and wildlife corridor have been given SLINC status in the plan as they include an area of wet woodland and remnant reedbed which are rare habitats both in the city and county. The remainder of the site has been allocated for 100% affordable housing. The current application is consistent with these guidelines.



27. The Oxfordshire Nature Conservation Forum, which has a wide range of member organisations including the City Council, has set up a panel to determine which sites in Oxfordshire are in their view of county importance for nature conservation. The Friends of the Trap Grounds wrote to the panel asking them to determine whether the whole Trap Grounds site was of county importance for nature conservation. The panel found:-

'that the existing data indicates considerable diversity in the reedbed, some of which also utilises the scrub and grassland. There are also many species such as warblers and the common lizard which are dependent on the scrub and grassland. However, after careful consideration, the County Wildlife Sites selection panel felt that the reedbed and adjacent scrub was not of county importance.

Nevertheless, the panel recommends that Oxford City Council consider extending the existing SLINC status on the reedbed to the adjacent scrubland, up to the railway line.'

28. A copy of their assessment of the site is attached as **Appendix 8**. Their recommendation has been adopted in part in the 'First Draft Oxford Local Plan 2001-2016' as it extends the SLINC designation to nearly half of the land to the west of the reedbed. While officers acknowledge that the scrub/grassland contains some species of nature conservation interest including slow worms, common lizard, a good population of breeding birds and several uncommon invertebrates, they also considered that as the habitat predominantly consists of common shrub and tree species which have developed relatively recently on former tipped land, then it would be possible to retain much of the Trap Grounds nature conservation interest on the area to be protected, and that the SLINC status should not be extended to the current application site.

29. In coming to this decision regard was given to the pressing need for the provision of social housing in Oxford, the lack of suitable alternative sites and the advice in paragraph 18 of Planning Policy Guidance Note 9 on Nature Conservation which states that local planning authorities:-

'should only apply local designations to sites of substantive nature conservation value, and take care to avoid unnecessary constraints on development.'



30. Since the submission of the planning application and the Ecological Impact Assessment carried out by the Waterman Group it has been possible to give a more detailed assessment of the impact of the proposed development on the biodiversity of the Trap Grounds and this is outlined below.

### **Impact of the Proposed Scheme on Biodiversity**

31. From the survey work carried out by the Friends of the Trap Grounds and the Waterman Group it is evident that the Trap Grounds comprising both the reedbed and the scrub/grassland supports a number of species of nature conservation interest. In their objection to the application the North Oxford Defence Association compiled a list of species which they describe as being found at the site and being of at least city importance for nature conservation. This table has been used as the basis for the schedule at **Appendix 9** which lists these species; the use which they make of the Trap Grounds; the potential adverse effects from the proposed development and a summary of the mitigation measures which will be necessary to minimise any impact if the development were to proceed.
32. As the proposed development will result in the loss of all the grassland and a substantial part of the scrub on the Trap Grounds site, then inevitably it will have some ecological impact. There is, however, the opportunity to mitigate many of the impacts by habitat enhancement measures on the much larger Burgess Field site to the west of the railway line. Burgess Field was used as a tip until about 1980. It is now managed as one of the city's nature parks and predominantly consists of grassland, but with developing belts of trees and scrub habitat. It has already developed its own distinctive wildlife supporting species such as the short-eared owl and jack snipe. As it covers an extensive area, however, it also has the potential to support a variety of different grass, scrub and woodland habitats which can all compliment each other. Officers consider that as this site contains an extensive area of rough grassland it could provide a good replacement site for the common lizards and slow worms currently found on the Trap Grounds site. There is also the potential to further enhance the scrub habitat in order to provide replacement-breeding habitat for birds.
33. As the Trap Grounds supports a number of species which are legally protected and others which are UK Biodiversity Action Plan (BAP) Priority Species, and the reedbed in the adjoining SLINC is a UK BAP Priority Habitat, then it is necessary to consider more particularly the likely impact which the proposed development would have on these species/habitat. Consideration is also given to the issue of whether it is necessary to retain the scrub/grassland in order to retain the nature conservation interest of the adjoining reedbed/wet woodland.

### **Protected Species**

34. There are seven protected species, which either live or forage on the development site. The species present are: the noctule, common pipistelle and soprano pipistrelle bats, the badger, grass snake, slow worm and common lizard. In addition the water vole is found along the stream which flows through the adjoining SLINC and a *Myotis* species of bat (probably a Daubenton's) has also been observed feeding over the reedbed. Full details of the protection afforded to each of these species is set out in the table in **Appendix 9**. In each case the

Waterman Group have undertaken an assessment to determine what use the species make of the site and the likely impact of the development upon them.

35. **Bats.** The Waterman Group have visited the site on three evenings in October 2001; May 2002 and June 2002 to survey for bats. On each occasion small numbers were seen foraging over the site and the adjoining reedbed. The surveys did not record any signs of bats roosting within the site. However, it is possible that bats may occasionally roost in the more mature trees in the northern part of the site at certain times of the year. While there will therefore be some minor loss of bat foraging potential the development is unlikely to have a major adverse impact, as a substantial area of suitable habitat would be retained. The effect on flight lines will also not be great, as the railway line and canal corridors will be unaffected, and the wildlife corridor at the north end of the site will provide a vegetated route into the site. Mitigation measures which will be required to reduce the impact include the use of low level directional lighting adjacent to foraging habitats and the erection of bat boxes. All mature trees must be surveyed for roosts prior to felling. If bats are found then English Nature will need to be notified and their advice sought.
36. **Badgers.** A badger survey was undertaken in September 2002. Three badger setts were found, all on the south-west and south-central part of the site. All three were outlying rather than main setts and appeared to be abandoned. There was, however, other evidence of badgers using the site including badger latrines, two recently excavated wasp nests and several holes dug to disinter earth worms. Two badgers were also observed on the site by a local resident on 17th June 2002, who also found a tunnel under the fence on the western boundary of the site. It is likely therefore that badgers are utilising at least part of the site for foraging. It is probable, however, that their main sett is located off site and that the badgers are moving along the railway line and into the site in the south-west corner. It is not known why the badger setts have been abandoned, but this may be because the underlying material is unsuitable. The majority of the ground within the parts of the site where the setts were found contains a large amount of rubble, glass and industrial rubbish in the underlying substrate. Disturbance from construction of the new school in Aristotle Lane may also have caused abandonment of the sett in the south-west corner. There is a chance that there may be another sett within dense areas of scrub within the site, but the general unsuitability of the ground for sett construction makes it unlikely that this is a large permanently occupied sett.
37. The proposed development would result in the loss of two of the setts with one of them being outside of the area to be developed. A licence from English Nature may be required if it cannot be proven that the setts have been abandoned for a period of at least 12 months. The setts should in any event be checked immediately prior to their destruction to ensure that there is no evidence that badgers have resumed their occupation. As badgers are currently accessing the site from the south-west corner an alternative badger tunnel would need to be provided further north into the wildlife corridor. The 40 metre wide wildlife corridor will provide cover, foraging and access into the site. In order to reduce vehicle speeds and ensure the safe movement of badgers across the site traffic calming or a tunnel should be provided on the spine road.

38. **Grass Snakes, Slow Worms, and Lizards.** Three reptile species are present on the site. The grass snake is relatively common in Oxford and has a widespread distribution in the city's river corridors. The slow worm and common lizard are much less common. Slow worms, have apparently been recorded on the allotments at the rear of Ulfgar Road in Wolvercote, and one was found this year in a survey of a field in the Cherwell Valley, but the nearest recorded sites for common lizard are at Shotover and Sydlings Copse north of Barton. Suitable habitat for reptiles includes the open grassland and scattered scrub while grass snakes also utilise the wetland areas. Dense scrub and the wet woodland are unsuitable.
39. The Waterman Group undertook a survey of the site for reptiles between April and June 2002. Artificial refugia, comprising sheets of roofing felt were laid within grassland and scrub areas of the site. The survey resulted in small numbers of slow worm and common lizard being recorded, with 4 slow worms being recorded on 23rd April 2002; 1 common lizard and 5 slow worms on 9th May 2002 and 2 common lizard and 8 slow worms on 6th June 2002. While all the lizards present on the site will not have been recorded this suggests a population of around 80 slow worms and 20 common lizards. The existing habitat for slow worms and common lizards would be lost if the development proposals proceed. A translocation exercise would therefore be needed to move the reptiles before construction begins. The reptiles would need to be caught and the habitat then destroyed to prevent recolonisation. This would need to take place in the summer months when the reptiles are active, but the habitat destruction could not take place until September at the close of the bird nesting season. The reptiles would then need to be relocated to a suitable area. Translocation within the Trap Grounds would necessitate creating suitable habitat elsewhere which would involve removal of scrub and the creation of grassland. This would involve the loss of more scrub habitat which is also valuable in its own right for providing breeding habitat for birds and necessitate waiting for new grass areas to develop. In addition the reptiles would be on small isolated areas surrounded by other habitats and close to the spine road which would create a risk of future extinction.
40. In the view of officers the preferred option would be to translocate the slow worms and common lizard off site to Burgess Field. This site contains an extensive area of rough grassland with patches of scrub and trees. The Council has commissioned a report by Rod d'Ayala, a reptile specialist, who considers that it would provide a suitable receptor site subject to appropriate management. Officers have spoken to Herpetofauna Consultancy who have experience of translocating reptiles and they state that provided the receptor site is suitable the operation should be successful. English Nature would prefer to see the reptiles retained on site, but agree that if the development proceeds their habitat would be lost and translocation to Burgess Field is therefore the best option.
41. **Water Voles.** Water voles have been observed along the watercourse which adjoins the reedbed. Water voles remain close to watercourses and would not therefore use the part of the site allocated for development. Adverse impacts could potentially arise from bank works required for drainage pipes, changes to the sites hydrology or increased predation from cats. These impacts can be mitigated by using sustainable drainage systems and not discharging any water directly into drainage channels. There may also be opportunities to enhance the





habitat along the stream by encouraging the establishment of emergent vegetation along the west bank.

42. Breeding Birds. It is an offence to kill, injure or take any wild bird (apart from pest species) or take, damage or destroy its nest whilst in use or being built or to take or destroy its eggs. Given that the site provides extensive breeding habitat for birds it will be necessary to avoid site clearance during the breeding season from March to August inclusive. This would be dealt with by condition to any permission granted.
43. English Nature have been consulted on the proposed measures to deal with the protected species and, while they remain concerned that the proposed development will have an adverse impact on local wildlife, they consider that the proposed mitigation measures for the protected species are satisfactory.

### **Biodiversity Action Plan Priority Species**

44. The UK Biodiversity Action Plan (BAP) was drawn up in response to the 1992 Biodiversity Convention agreed at the Earth Summit in Rio. The plan contains Species and Habitat Action Plans designed to protect and enhance national biodiversity. 400 species have been designated as Priority Species on the basis either that they are globally threatened or they are species which have declined by more than 50% in the UK in the last 25 years.
45. The Friends of the Trap Grounds records indicate that there are nine species which have been recorded on the application site which are UK BAP Priority Species. These are linnet, reed bunting, spotted flycatcher, turtle dove, bullfinch, skylark, song thrush and buttoned snout moth. In addition the water vole occurs in the adjoining SLINC, while the reedbed is a UK BAP Priority Habitat. Of these species the skylark and spotted flycatcher have not been recorded breeding and the site does not provide suitable habitat for resident skylarks. The turtle dove formerly bred at the Trap Grounds, but has not been recorded breeding there during the last 4 years. Data supplied by the Oxford Ornithological Society confirms that the other species still breed at the Trap Grounds, while a survey by Mike Townsend in July 2001 found 3 larvae of the buttoned snout moth.
46. The proposed development will result in a loss of breeding habitat for the linnet, reed bunting, bullfinch and song thrush as they all breed in shrubs and hedgerows. However, it is important to note that while all of these species are declining nationally they are still relatively numerous in the Oxford area and they are known to be present and breeding on other sites in the city. The traditional agricultural areas found within the city provide suitable habitat for these species which have disappeared from many other parts of the country. In a city wide context the loss of part of the Trap Grounds scrubland, while undesirable, is not considered likely to have a significant impact on the breeding population of these birds, especially as there is some other suitable habitat in the vicinity, along the west bank of the railway line. Areas of scrub and bramble habitat are also developing at Burgess Field and over time will develop into valuable replacement habitat for the BAP priority species currently found at the Trap Grounds. By retaining some scrub habitat, on site, planting native hedgerows and trees as part of the development and taking a contribution towards the enhancement of scrub habitat at Burgess Field it is considered therefore that over the long term the



development would not have a significant adverse impact on breeding opportunities for these BAP Priority Species.

47. The button snout moth's larvae feed on hops which grow in the adjoining SLINC over the scrub and willow carr adjoining the central ditch. The adults feed on ivy blossom and blackberries, some of which would be retained on site and which are plentiful in the surrounding area. There is also the opportunity to plant more hops, thus expanding the potential breeding opportunities for this species. It is not considered therefore that the development would have a significant adverse impact on this species.

#### **Biodiversity Action Plan Priority Habitat**

48. Adjoining the development site, the SLINC contains a reedbed which is a UK BAP priority habitat. Reedbeds are wetlands dominated by stands of the common reed, wherein the water table is at or above ground level for most of the year. Reedbeds are among the most important habitats for birds in the UK, supporting many distinctive species. Examples at the Trap Grounds include the water rail, reed warbler, sedge warbler and reed bunting. Reedbeds can also be important for invertebrates with some species such as the large wainscot moth, found at the Trap Grounds utilising common reed as a food plant. The grass snake is a common inhabitant of reedbeds as are water voles and water shrews.
49. Reedbeds are a rare habitat with surveys suggesting there are 22 hectares in West Oxfordshire and 5,000 hectares nationally. The proposed development would not result in the loss of any of this habitat, but concern has been expressed that development would have an adverse impact on the reedbed. A related argument is that development would adversely affect the biodiversity of the reedbed because many species utilise both the reedbed and the scrub/grassland. Potential adverse impacts could come from a number of sources, which are outlined below:-
50. Contamination. Exposure of the contaminated soils during construction could increase the amount of contaminated run-off entering the reedbeds or the underlying minor aquifer. In order to prevent this happening it is essential that during construction appropriate measures are taken, such as perimeter bunding, to control any contaminated run-off. It is possible that both during and following completion of the development polluted contaminants could potentially be leached into the wetland habitats. It is therefore important that a condition is imposed requiring a leach analysis and details of any remedial measures required. Petrol interceptors would also be used to prevent contaminated run-off from the road. Concern has been expressed that salt from the road could have an adverse impact on water quality. However it is not considered likely that this would have a significant impact, especially as it is an Environment Agency requirement that there is no direct outfall from the spine road into the stream.
51. Hydrology. Development on the Trap Grounds site could potentially have an adverse impact if it affected water levels in the reedbed. In order to prevent this happening it is essential that the development incorporates a sustainable drainage system so that water is recharged gradually through the use of porous materials and soak-aways rather than rapid run-off through piped drainage systems. Given the proximity of the proposed development to the wetland areas it



is also important that water levels and water quality in the stream and reedbed are monitored throughout the construction process so that if there is any evidence that they are being adversely affected appropriate remedial action can be taken. Should evidence come to light of any adverse impacts it is essential that the developers notify the City Council immediately together with details of the remedial measures which they propose to take to overcome the problem.

### **Likely Impact of the Development on the Wildlife of the Reedbed**

52. Objectors to the proposed development have argued that much of the conservation value of the reedbed is inextricably linked to that of the adjacent scrubland. They point out that in ecological science there is a well proven relationship between size/diversity of habitats and species-richness/diversity. Reference is made to three particular types of wildlife which utilise both habitats.
53. Firstly it is stated that many of the bird species that occupy the reedbed also use the scrubland for breeding or feeding. This is true of some species,(for example the reed bunting and the sedge warbler), and undoubtedly there will be a loss of some suitable breeding habitat. However, these species are not just confined to the Trap Grounds, and there is also a good breeding population along the west bank of the railway line where there is also scrub habitat and a ditch with aquatic vegetation. By retaining all of the wetland habitat and also a corridor at the north end of the site linking with the railway corridor it is considered that the isolation of the Trap Grounds reedbed can be prevented and that it will continue to support breeding populations of these birds.
54. Another concern is that increased disturbance from the development site would lead to the water rail no longer breeding in the reedbed. The water rail is a rare breeding bird in Oxfordshire and only breeds at a handful of sites in the county. The water rail requires a mixture of fresh water, flat usually muddy ground, and dense, fairly tall aquatic vegetation. Often the water rail can survive on relatively small areas of suitable habitat so it is not considered that they would be adversely affected by loss of habitat. Disturbance during construction could be avoided through timing the habitat clearance and main construction works to avoid the breeding season of March to August (inclusive). On completion of the development it would be necessary to minimise disturbance by seeking to discourage large numbers of people from walking along the edge of the reedbed. This could be achieved by preventing any short cut footpaths being created across the SLINC by extending the reedbed into the wet woodland as outlined later in this report and creating a dense native hedgerow along the eastern edge of the spine road and by not constructing a pedestrian footway there. The risk of water rail becoming road casualties would be reduced by the provision of traffic calming. It cannot be said for certain that this would enable water rail to continue to breed at this site. However, the water rail has been heard calling during the 2002 breeding season despite the proximity of the Laings development. There seems therefore reason to believe that the species would have a future on the Trap Grounds should the development proceed.
55. The scrubland also supports the adult stages of uncommon invertebrates which breed in and around the margins of the reedbed. Of particular importance are the brambles which provide blackberries, an important source of sugar for insects in the autumn. Examples include the buttoned snout moth, scarlet tiger moth,



blackneck moth and large wainscot moth. While it cannot be said that there will not be any impact on these species, the retention of some scrub/bramble habitat on site and others in the vicinity in the railway corridor and at Burgess Field will, in the opinion of officers, enable these species to continue to survive on this site.

56. Finally the toads and smooth newts which breed in the reedbed and hibernate beneath debris on the scrubland. However it would be possible to provide logs and stones to compensate for the loss of hibernation sites.
57. Thus in the view of officers many of the species which utilise both parts of the site such as the bats, grass snake, reed bunting, sedge warbler, the moths and amphibians together with species more closely confined to the reedbed/stream habitats such as reed warbler, water vole and water shrew would continue to feed and/or breed provided there is appropriate mitigation to ensure that they would not be adversely affected by contamination.

### **Likely Impact of the Development on the Wildlife of the Scrubland/Grassland**

58. The species which utilise the scrub/grassland include the badger, protected reptiles and BAP Priority Bird Species discussed earlier in this report. Other species include seven species of breeding warbler; some plants which are uncommon in Oxford including the nettle leaved bellflower, the keeled-fruited cornsalad, the pyramidal orchid and common twayblade, and various invertebrates such as glow worm, red green carpet moth and wall brown butterfly. The proposed development will result in many of these species losing their current habitat and some of them will disappear from the site. However whilst all of these forms of wildlife are of interest, many of them are not rare. The nettle leaved bellflower, pyramidal orchid and common twayblade are, for example, common in other parts of the county. Similarly while there is a good range of breeding warbler on the site, there are also good populations of each of these species elsewhere in the county. Loss of their habitat at the Trap Grounds is unlikely therefore to have a significant impact on their populations in the county, though it is desirable wherever possible to provide replacement habitat so that the overall diversity of local wildlife is not lost. It is therefore proposed that they should be translocated to a suitable alternative site where possible or the provision of replacement habitat should be encouraged at Burgess Field.
59. The wall brown butterfly is one exception as this species has disappeared from much of central England. However, it utilises rough grassland, a similar habitat to that favoured by common lizard and slow worm. If this species is still present in the area, suitable habitat could therefore be created for it as part of the suggested habitat enhancement measures at Burgess Field.

### **Possible Extension of the Reedbed**

60. Within the wet woodland at the Trap Grounds there is a remnant reedbed which is surrounded by woodland and is isolated from the main area of reedbed to the east of the stream. The low lying area between it and the main reedbed is not considered to be of high nature conservation interest as it is largely devoid of ground vegetation and is characterised by goat willow which is a common species not of particular conservation interest. This is already a low lying area which floods in the winter months. If the goat willow is removed to let in further light and



it should prove possible to carry out limited and sensitive excavation in this area it would be possible to connect the two areas of reedbed and expand the total area occupied by this habitat on the site. This would be beneficial for the distinctive forms of wildlife which use this habitat. It would also reduce human pressure on the reedbed and wet woodland as it would create a barrier half way along the existing path, preventing people using it as a short cut across the site. However, it would need to be undertaken sensitively to avoid having a detrimental impact on the existing reedbed habitats found on the site, by spreading contamination, for example. It would also be necessary to ensure that the surrounding wet woodland habitats and mature trees were retained. It is therefore considered that if permission is granted a feasibility study should be carried out to ascertain whether this project is practicable and if so financed by the development as a habitat mitigation measure.

### **Enhancement of Ditch on the Western Boundary of the Site**

61. On the western boundary of the site is a ditch which contains water during wet periods. Especially at the northern end the ditch contains reeds and other aquatic vegetation, but further south it is also blocked in places by soil, debris and trees. If the development is granted permission this ditch should be unblocked and created into an attractive aquatic feature with appropriate wetland plants. A landscaped buffer of 3/4 metres wide should also be created between the development and the ditch.

### **Public Access / Involvement**

62. Public access has never been officially authorised at the Trap Grounds although there has been some informal use. Officers consider that informal access for observing nature and enjoying the wildlife habitats that exist on the site is compatible with conserving the sites nature conservation interest. To this end it would be undesirable to exclude the public from the SLINC entirely and it is considered that the informal path along Frog Lane Ditch to the northern edge of the Trap Grounds should be retained. Members of the public and domestic pets would be discouraged from disturbing nesting birds on parts of the site by both retaining and encouraging the development of dense areas of native thorn shrubs together with bramble. Damage would, however, be likely to occur if large numbers of people were to use the informal path adjoining the reedbed as a short cut through the site. In order to prevent this it is suggested that a thick native hedge is provided along the eastern edge of the spine road and that, if feasible, the reedbed is extended into the western part of the site.
63. Many local residents and wildlife enthusiasts have a close interest and knowledge of this site. Officers consider that they could make a very valuable contribution to the future management of the retained habitats and also of the translocated species. It is therefore proposed that in drawing up a management strategy for these areas and reviewing its operation in future years, the applicant should be required to consult and involve the local community and other people with a knowledge of the Trap Grounds' wildlife in this process. Involvement of residents of the new housing development, and perhaps the new school would also help to create an interest and appreciation of the wildlife habitats found on the site. Public enjoyment and appreciation of the site could be further encouraged by the provision of interpretation boards about the wildlife interest of the site; the



provision of seats around the edge of the site and the provision of a pond dipping platform at the edge of the new pond.

### **Giant Hogweed and Japanese Knotweed**

64. In addition to species of conservation concern the Trap Grounds also contains two non-native alien plants namely giant hogweed and Japanese knotweed which it is illegal to spread under the Wildlife and Countryside Act 1981. Japanese knotweed is a highly invasive pest species while giant hogweed is a potential danger to public health as it can cause lasting skin problems to those who come into physical contact with it. It is important that if planning permission is granted a strategy is agreed for the elimination of these species from the site and that appropriate measures are taken to ensure that they are not accidentally introduced elsewhere.

### **Overall Assessment**

65. The Trap Grounds is a relatively small, sensitive site in the canal corridor which although tipped in the past has now developed as an area of nature conservation interest. However, the acute shortage of affordable housing in Oxford, the need to reduce the number of people without permanent accommodation, the lack of suitable alternative sites and the need to provide a vehicular link to the Laings housing development and the new school in Aristotle Lane without using the narrow bridge over the canal have led officers to conclude that in this instance the balance of advantage lies with releasing the less important area to the west for social housing provision with appropriate mitigation.
66. In coming to this decision officers have had regard to the advice in paragraph 27 of Planning Policy Guidance Note 9 on Nature Conservation which states that:
- “local planning authorities should not refuse planning permission if development can be subject to conditions that will prevent damaging impacts on wildlife habitats or important physical features, or if other material factors are sufficient to override nature conservation considerations”.
67. It is also worth noting that the application site does not consist of ancient semi-natural habitat where the species richness, soil structure and the genetic characteristics of the flora and fauna have developed over many hundreds of years, but contains pioneer species which have colonised the site since the relatively recent cessation of tipping. While it is appreciated that the site adjoins an important reedbed habitat and that many of these opportunist species are now also declining because of the intensification of agricultural and other forms of land use in Britain, the habitats found are not irreplaceable in the sense that ancient habitats are, but can be replaced over a relatively short period of time. In this context it is considered likely that with suitable management the habitats on Burgess Field will have developed much of the richness of the Trap Grounds scrub and grassland areas in 20 years time. Because Burgess Field also occupies a much larger area of land it should also enable successful translocation of species so that the population of slow worms and common lizard can potentially expand to greater numbers than could ever be accommodated on the Trap Grounds.



68. Nevertheless, it is fully recognised that the habitats on the remaining part of the Trap Grounds are of considerable value for nature conservation, and that it is important that they are conserved. It is therefore essential that appropriate mitigation measures are in place to ensure their long term survival. It is therefore proposed that the following conditions and legal obligations are applied to any planning permission granted:

- A comprehensive habitat management plan shall be drawn up in conjunction with the local community and submitted to the Local Planning Authority for its written approval within 3 months of the commencement of development and the plan shall relate both to the adjoining Site of Local Importance for Nature Conservation and the provision of appropriate replacement habitats on Burgess Field for the species to be displaced from the Trap Grounds. Provision must be made for monitoring the success of the plan and an annual review must be carried out in conjunction with the local community. The agreed management measures must be applied in perpetuity (apart from any adjustments required arising out of the annual review) and a contribution will be required under the terms of a Section 106 agreement to cover the cost of implementing the measures outlined in the plan together with the first 10 years of maintenance. The City Council's Countryside Service estimate that the cost of carrying out this work would be £36,000.
- A comprehensive method statement shall be drawn up and submitted to the Local planning Authority for approval prior to the commencement of development outlining measures to ensure that during construction the habitats on the adjoining Site of Local Importance for Nature Conservation are not adversely affected. This shall include:-
  - appropriate measures to protect the water environment from contamination or a change in water levels and shall include provision for monitoring during the development process.
  - measures to prevent access or the dumping of materials on the adjoining Site of Local Importance for Nature Conservation.
  - No site clearance or main construction works shall take place during the bird breeding season from March to August (inclusive).
  - Provision shall be made for the retention of a wildlife corridor of at least 40 metres wide from the Trap Grounds reedbed to the railway line at the north end of the site in order to provide habitat linkage between the habitats found along the railway corridor and the reedbed.
  - Prior to the commencement of development a sustainable drainage strategy shall be submitted to the Local planning Authority and approved in writing outlining the measures required to ensure that the development will not have an adverse impact on the hydrological regime of the reedbed or cause pollution.



- Prior to the commencement of development details shall be submitted to and approved in writing by the Local planning Authority of a lighting scheme designed to minimise light spillage into adjoining habitats.
- Prior to the commencement of development a translocation strategy for the common lizards and slow worms shall be submitted to and approved in writing by the Local Planning Authority. The strategy must outline the methods to be used for catching all of the reptiles currently found on the application site and the habitat enhancement measures to be applied to the receptor site in order to ensure that it is suitable for the lizards. Details shall also be supplied of the future management regime to be applied to the receptor site and for monitoring in order to assess the success of the scheme and to enable remedial action to be taken if there is evidence that the measures taken are not working well. It is estimated that the cost of all the measures associated with lizard relocation are likely to be about £30,000 and this contribution would also be paid under the terms of a Section 106 agreement.
- Immediately prior to the commencement of development a comprehensive bat survey shall be carried out of all trees which are to be felled and details submitted to the Local Planning Authority. In the event that bats are found details shall be submitted to English Nature and appropriate mitigation measures agreed before any tree felling takes place.
- A strategy shall be drawn up to protect any badgers using the site and to enable them to continue to gain access to the Trap Grounds Site of Local Importance for Nature Conservation and safely move across it. Details of the strategy shall be submitted to and approved in writing by the Local planning Authority prior to the commencement of development.
- Prior to the commencement of development details of appropriate measures to reduce the risk of wildlife casualties on the spine road shall be submitted to and approved in writing by the Local planning Authority.
- A feasibility study shall be carried out and submitted to and approved in writing by the Local Planning Authority within 3 months of the commencement of development assessing the practicality of extending the reedbed into the wet woodland area without having an adverse environmental impact on the adjoining habitats.
- A comprehensive planting scheme for the application site involving the planting of native trees and shrubs characteristic of the area and including the provision of a thick native hedgerow along the eastern boundary of the spine road where there are any gaps in the existing native shrubs, shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development.
- Prior to the commencement of development cross sectional drawings of the spine road showing its relationship to the adjoining Site of Local Importance for Nature Conservation shall be submitted to and approved in writing by the Local Planning Authority.





- Prior to the commencement of development details of a scheme for the retention and enhancement of the existing ditch on the western boundary of the application site shall be submitted to and approved in writing by the Local Planning Authority.
- Details of the provision of bat boxes and bird nest boxes within the application site and adjoining Site of Local Importance for Nature Conservation shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development.

## **LANDSCAPING**

69. The application site contains a mix of closed canopy scrub woodland and more open grassland habitats that have developed through natural colonisation and ecological succession. Tree species present include typical early colonisers that have been wind transported such as goat willow, crack willow, ash and sycamore and also some species where animals, most probably birds, will be responsible for seed transportation, such as hawthorn and horse chestnut. The plants are growing in soils that have derived from brick rubble and landfill materials, although it is possible that at some stage in the past a thin layer of topsoil has been applied across the site. The composition of the soils means that trees are not firmly rooted and there is evidence of wind throw of trees across the site.
70. There are few trees within the application site that merit consideration as individual specimens. Rather the trees and scrub woodland has a collective value making a contribution to the appearance and character of the site and providing a range of habitats for flora and fauna. Retention of existing vegetation within the application site is not likely to be possible however because of the need to remediate the contamination across the site as described elsewhere in this report.
71. Whilst the removal of trees will change the appearance of the site, (for example from the Laings development to the south where they are difficult to retain due to the need to remove the contaminated substrate material), new planting will in part compensate for these losses. In addition the area of retained scrubland provides an adequate visual barrier to the reed beds to the east and the new hedgerows described to the eastern side of the access road would further protect the reedbeds and adjacent wetland area. Views gained to the north from the new development would also be retained by the retention of trees on both sides of the access road which it is suggested elsewhere in this report should be realigned near the northern end of the site from that shown in the illustrative layout so that the several valuable crack willows and two early mature sycamore trees remain and are supplemented by new planting in the wildlife corridor.

## **GROUND CONTAMINATION**

72. As indicated in the above text much of the land the subject of the planning application has been subject to tipping of waste materials over many years



such that there is now between 1m and 2m of "Made Ground" over the site. A site investigation report by consulting engineers and dated November 2001 was submitted with the planning application and more recently a further supplementary report dated November 2002 has been received.

73. The findings of the various site investigations reveal only low levels of metals, sulphate and hydrocarbons and at levels not considered to represent any immediate threat to human health. The reports also concluded that within the Made Ground the contaminants were non-leachable and there was no evidence of significant contamination within the groundwater in the underlying alluvium. Gas monitoring detected no methane concentrations above the detection limit, but as an elevated carbon dioxide gas level was detected in one of the boreholes, the consultants did recommend that further gas monitoring take place to confirm the prevailing ground gas regime. To the southern end of the site the projected garden areas showed elevated levels of arsenic and hydrocarbons as well as phytotoxic metals. There were also volatile organic compounds in small quantities present in the ground water. The consultants therefore recommended that 1m of the Made Ground be removed from projected garden and other areas and replaced by 1m of clean topsoil for gardens etc. In addition a "litter pick" operation was recommended to be undertaken to remove any other exposed fill materials from here and elsewhere on the site, such as large pieces of metal and plastic.
74. Environmental Health Officers have examined these findings and recommend that an appropriate condition be imposed on any planning permission granted requiring that detailed remediation measures should be submitted for approval plus a validation report in due course to ensure that all the required works have been correctly undertaken. Specifically in relation to the wildlife area at the northern end of the application site but beyond the area of housing itself, the results of further soil and water investigations undertaken there indicate the land has elevated levels of phytotoxic heavy metals only, which are not thought to be of risk to humans. Other contaminants which might be a risk were not found at levels that would be considered unacceptably high for public open spaces. The consultants conclude that no remediation would therefore be necessary for this wildlife area.

## FLOODING ISSUES

75. A significant concern to local residents is that development of the Trap Grounds could lead to an increased risk of flooding in the locality. This concern was expressed in detail in the submission made by the North Oxford Defence Association. In order to ensure that these concerns were fully addressed the applicants have, at officers' request, commissioned the Waterman Group to carry out a critique of their submission. This is attached as **Appendix 10** and makes it clear that the Waterman Group consider that with the incorporation of sustainable drainage techniques the site will neither



be at risk from flooding nor increase the likelihood of other developments in the vicinity being at risk.

76. The Environment Agency have also carefully considered this proposal and, while initially making a holding objection, after the submission of further details they have subsequently stated that they would have no objection on flooding grounds to the development proposals subject to the following:-
- i. That there is an available flow route from the Trap Grounds into the canal before flood levels reach the predicted 1/100 year flood level of 57.86 metres AOD. They state that 'if this can be demonstrated there would appear to be minimal flood risk to the development from the stream'. This can be demonstrated as the Site Survey submitted with the Laings development provided levels for the canal towpath at the southern end of the Trap Grounds, indicating that its height in this location is between 57.55 and 57.74 metres AOD.
  - ii. That, as a precautionary measure, ground floor levels in the houses are constructed substantially above the 1/100 year flood level.
  - iii. That the Environment Agency are consulted on the detailed design of the road to ensure that there is no detrimental impact on potential flow routes.
  - iv. That there should be no increase in run off to the stream that flows through the Trap Grounds from the pre-development situation and this must be safeguarded by a condition on any planning consent. In order to achieve this objective it will be necessary to carefully design a sustainable drainage system and there must be no direct outfall to the stream.
77. The Environment Agency's Conservation Officers, however, still object to the development as they consider that it would have a significant negative impact on the ecological value of the Trap Grounds. The paragraphs below do not repeat the material covered in **Appendix10**, but provide some further information on particular aspects.

### **Sustainable Drainage Systems**

78. It is important that the development proposed at the Trap Grounds does not alter the existing hydrological regime, both in order not to increase flows downstream and also to avoid having an adverse impact on the adjoining wetland habitats. The principle of sustainable drainage systems is to slow down the run off from hard surfaces and to distribute it onto and into the ground so as to mimic an undeveloped site. For the Trap Grounds, the Waterman Group are suggesting that the following techniques are used:-
- i. Driveway and pathway areas will be surfaced with porous materials which will allow rainfall to percolate down into a sub surface storage facility.



- ii. Rainfall from roofs will be discharged to water butts and used for watering gardens in dry periods. The overflow from the water butts will be discharged to small soak-aways in the gardens.
  - iii. The spine road could either discharge to a linear soak-away, running parallel to the road or be collected by a normal gully drainage system and discharged to a larger soak-away. It might be possible for the development to incorporate a pond or swale at the north end of the site. Should this be possible the road drainage could discharge to this feature as generally the road falls from south to north.
79. Officers consider that these techniques could form the basis of an acceptable scheme which would maintain site run off at greenfield rates. These techniques, however, depend on the groundwater level being sufficiently far beneath the surface. If groundwater levels are close to the surface the amount of run off that can be stored in the soil is reduced. The Waterman Group are confident that there are gravel layers beneath the site, which have the capacity to accept run off from the surface. However, the Environment Agency consider that planning permission should be conditional on further investigations to verify that this is the case. It is essential also that the details are worked up into a fully designed scheme which satisfies the Environment Agency's requirement that there should be no increase in run off to the stream from the pre-development situation.
80. One feature of the scheme which will need particularly careful attention is the run off from the spine road. It would not be desirable to have a linear soak-away running along the eastern side of the spine road as this would result in the loss of more scrub habitat within the Site of Local Importance for Nature Conservation. The creation of a pond or wetland area at the north end of the site within the wildlife corridor is a preferable option and, if suitably designed with aquatic and emergent plants could form an additional area of wetland habitat. There is an existing low lying area close to the western perimeter of the site and it may be possible to enlarge this area to meet this requirement. However, it would need to be designed so as not to have an adverse impact on any existing features of interest and, in order to meet the Environment Agency's requirement, it will be necessary to ensure that there is no direct hydrological connection to the Trap Grounds stream. The sustainable drainage system must also be designed to accommodate the anticipated increased rainfall arising from climatic change.

### **The Level of the Spine Road**

81. In their submission the North Oxford Defence Association states that the submitted scheme takes the road through the wettest part of the Trap Grounds, through areas below the level of the flood plain. Given that the spine road would go closer to the low lying wetland areas than any other part of the development, officers considered it to be important that a level survey should be carried out along the route of the road. This survey indicates that most of the spine road would be above 58.00 metres AOD which is higher than the anticipated 1/100 year flood level of 57.86 metres AOD. At the north



end of the site the currently proposed route would, however, pass through a lower area with the lowest point recorded being 57.45 metres AOD. This is where the route currently proposed would necessitate felling several mature trees, which officers consider it is desirable to conserve.

82. If the road is moved several metres to the west in this location this would not only enable the trees to be retained, but also make it possible for the road to be moved to slightly higher land to the west. In this area height levels are generally between 57.61 metres AOD and 57.83 metres AOD, which are still below the 1/100 year flood level. The Waterman Group point out that the Environment Agency does not have this site within the Thames Water flood plain according to their current flood risk maps. Nevertheless, as a precautionary measure it is considered that details of the road design in this area should be agreed with the Environment Agency and make provision for seepage under the road.
83. There is also an existing ditch with water in it at the northern boundary. A culvert will need to be provided at this point underneath the road and this will need to be of a sufficient size to accommodate possible flood flows across this part of the site.

### **Historic Rainfall**

84. As it is known that the whole of the Trap Grounds flooded in March 1947, the North Oxford Defence Association in their comments on the planning application have used the rainfall patterns of that winter to establish a benchmark. As it is the combination of intense rainfall with saturated ground that causes river flooding, they have taken the rainfall in March 1947 to set an 'intensity threshold' of 130 mm in a given month, and the quarterly rainfall in January to March 1947 to set a 'saturation threshold' of 210 mm. They have then counted every month and quarter in the past 100 years (1900-2000) which equals or exceeds these thresholds. They have found that in 23 years the rainfall in the peak month exceeded that in March 1947, and in 13 of these cases the peak month coincided with a quarter that passed the saturation threshold. They use these figures to argue that 1947 was not an exceptional year in rainfall terms.
85. However Committee should be mindful of the fact that the application site has been raised in height since 1947, and that this analysis makes no reference to the very exceptional circumstances which led to flooding that year. It occurred at the end of one of the coldest and snowiest winters on record, where the flooding was caused by a combination of a rapid thaw of deep snow, frozen ground and heavy rainfall. The rainfall figures from 1947 cannot therefore be used as a benchmark to indicate the likelihood of flooding in other winters. Indeed the particular circumstances which led to this flood are less likely to occur with global warming in the future.

### **Summary and Conclusions**



86. The planning application site represents one of the last to come forward for development along a mile long corridor between the Oxford canal and railway lines north of the City centre. The development of these sites has in the main been at brownfield locations on former industrial or waste land and has allowed inappropriately and poorly accessed sites to be redeveloped for beneficial residential and related purposes. Such an approach is squarely in line with Government advice to bring forward previously developed land in preference to greenfield sites. Indeed failure to develop greenfield sites here and elsewhere in the Oxford circumstance would most certainly have resulted in greater pressure to develop in the Green Belt instead.
87. Moreover the shortage of development land of all sorts in the Oxford area has resulted, amongst other things, in a pressure on the local housing stock which has in turn has contributed to levels of homelessness which have been amongst the most difficult social and planning problems to address. The current site had been purchased as long ago as 1976 for housing purposes and has been allocated in both the existing and emerging plan accordingly, in the latter specifically for social housing. The delay in undertaking such development on this formerly tipped site has meant, however, that the site has now developed a degree of nature conservation interest that it would not have possessed even in the relatively recent past. Nevertheless it is fully recognised that there is such a nature conservation interest now and as such officers would not lightly seek to recommend its development for other purposes. That said the land of greater interest to the east is now fully protected from development as a SLINC, to the extent that of the land purchased for housing development in 1976 some 2/3 is set aside for nature conservation purposes. In this context it should also be borne in mind that the completion of other developments within the canal corridor will have immeasurably improved the quality of the environment and safeguarded and improved watercourses and created new habitats for wildlife, all of which will also have a relationship to the retained SLINC site.
88. The City Council as both Planning and Housing Authority have a responsibility to address the issue of homelessness which remains one of Oxford's most intractable planning and social problems, and it is therefore incumbent upon it to make the best use of available sites in doing so, as advised by central Government. In this case officers are persuaded that the mitigation measures suggested above can address the loss of wildlife from the planning application site so that the development can proceed and deliver much needed accommodation for families awaiting housing. Officers would therefore commend the proposals to Committee subject to the conditions and legal obligations outlined in full in the preceding text.

## Human Rights Act 1998

Officers have considered the Human Rights Act 1998 in reaching a recommendation to grant planning permission, subject to conditions. Officers have considered the potential interference with the rights of the owners/occupiers of surrounding properties under Article 8 and/or Article 1 of the First Protocol of the Act and consider that it is proportionate.

Officers have also considered the interference with the human rights of the applicant under Article 8 and/or Article 1 of the First Protocol caused by imposing conditions. Officers consider that the conditions are necessary to protect the rights and freedoms of others and to control the use of property in accordance with the general interest. The interference is therefore justifiable and proportionate.

**Background Papers:** Planning application No. 02/821/OUT and technical documents submitted in support of the application.

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**Date:** 12th December 2002

