

To: Council

Date: 17th December 2012

Item No:

Report of: Head of Law and Governance

**Title of Report: PETITIONS SCHEME – PORT MEADOW, OXFORD –
DAMAGED VIEW**

Summary and Recommendations

Purpose of report: To advise on the procedure that Council needs to follow under the Council's Petitions Scheme in respect of large petitions, and to provide information specifically on the petition entitled 'Port Meadow, Oxford – Damaged Views'.

Report Approved by:
Legal: Michael Morgan

Policy Framework: Not applicable

Recommendation(s): Council is RECOMMENDED to follow the procedure for large petitions in the Council's Petitions Scheme by hearing the head petitioner for the petition entitled "Port Meadow, Oxford – Damaged view" and to then debate the petition and decide how to advise the Executive.

Introduction

1. A petition entitled "Port Meadow, Oxford – Damaged view" was handed in to the Council. The petition contains 1666 signatures. The petition reads as follows:-

"Port Meadow comprises 400 acres of common land within the Oxford ring road.

It is a Scheduled National Monument (rated above an SSSI) and is a spiritual and environmental haven which has been used by the people of Oxford for centuries.

It's place of outstanding beauty, greatly valued by all residents of Oxford, and is particularly noted for its open aspect. Up to now, its views have been sensitively protected.

But now the people who should have been protecting it on our behalf (Oxford City Council) have damaged views by allowing the building of a series of massive blocks around the perimeter of the south east corner of Port Meadow.

The historic 'dreaming spire' view from the Meadow of the grade 2 listed St Barnabas Church tower has been all but obliterated from sight. Previously, when Waterways was developed close to the perimeter of Port Meadow, care was specifically taken to protect the view from Port Meadow from this destructive type of massing. The current build completely changes the character of the Meadow.*

for images see: www.portmeadow.org/damaged_views

Given that:

- 1. Oxford City Chief Planning Officer signed a form saying no Environmental Impact Assessment (EIA) was needed as Port Meadow is "not a sensitive area and mitigation can be provided"*
- 2. No detailed landscaping/mitigation has been proposed.*
- 3. Oxford City Council failed to consult widely about this.*

We ask that you sign our petition to request:

- A retrospective EIA is urgently carried out now and recommendations made which the City Council would have to ensure are carried out.*
 - Details of landscaping should be agreed which would hide the buildings in summer and soften their impact in winter.*
 - Oxford City Council should be given training in proper consultation, and how to carry it out effectively"*
2. Council adopted a Petitions Scheme (as required by the Local Democracy, Economic Development and Construction Act 2009) in July 2010. The scheme says that petitions containing over 1,500 signatures will be debated by full Council. The 2009 Act says that in order for signatures on a petition to count, they must give the signatories name and address and those people so signing must live, work or study in the authority's area. A sufficient number of signatures to achieve the 1,500 mark have accompanying names and addresses. It is not of course possible to check whether any signatories from outside Oxford work or study in the City.
 3. Our Petitions Scheme says that the petition organiser will be given five minutes at Council to present the petition and that Council will then

debate the petition. Where the issue is one on which the Council's Executive is responsible for reaching the final decision, the Council will decide whether to make recommendations to inform that decision. The petition, the subject of this report is not one for the Executive to consider.

Comments from the Head of City Development

Public Consultation

4. The planning application was received in November 2011 and normal consultation procedures undertaken. This involved consulting various statutory undertakers accordingly, namely Thames Water, The Environment Agency, Oxfordshire County Council, Natural England and Thames Valley Police. An advertisement appeared in the Oxford Times and 6 site notices were erected at various locations along Roger Dudman Way: at the Youth Hostel located at the junction with Botley Road; on the sign advertising the Coop Nursery; opposite the Thames Wharf flats; at the entrance to the existing Castle Mill student accommodation; and at the gates leading to the cycle path north towards Walton Well Road. A site notice was also placed on the northern gate to cycle path from Walton Well Road car park. In addition subscribers to the planningfinder notification system would have been informed whilst a weekly list of all planning applications received is produced and circulated to subscribers including the Oxford Civic Society, Oxford Preservation Trust, Wolvercote Commoners and other individuals.
5. Lastly, prior to the planning application being submitted the University held an exhibition of its proposals at the Castle Mill student accommodation on 24th October 2011 which it reported to be well attended. Invitations to the exhibition were sent to ward councillors, interested parties such the Oxford Preservation Trust, Oxford Civic Society, Jericho Community Association, West Oxford Community Association, Waterways Residents' Association, Eagle Works Residents' Association, Network Rail, Cripsey Road Allotment Association and all occupiers of Venneit Close and Castle Mill.
6. Each of the statutory agencies consulted responded but none raised objection. Network Rail also commented, but again did not raise objection. Comments from others were received from the Cripsey Road Allotment Association, (who also addressed the West Area Planning Committee when it considered the planning application indicating their concerns had been met); two residents of Alexandra Road; two residents of Castle Mill; and one resident of Venneit Close. Their main concerns related to the loss of the cycle route during construction and the need for alternative routes; existing access arrangements from Roger Dudman Way; issues arising during construction; that views across the allotments would be lost; and that the development was overambitious. All comments were made publicly available and

summarised in the officers' report to committee on 15th February 2012 when the application was approved on a vote of 8 to 1.

Environmental Impact Assessment

7. The requirement for an Environmental Impact Assessment (EIA) is set out in the Town and Country Planning (Environmental Impact Assessment) Regulations 2011. The Regulations set out 2 Schedules of development. The development at Roger Dudman Way did not fall within any of the categories of development within Schedule 1 where an EIA would always be required. The relevant types of development within this schedule are installations such as oil refineries, nuclear power stations, steelworks, ports, waste disposal installations etc. Schedule 2 describes developments which may require an EIA in certain circumstances. This schedule covers a wide variety of developments, only one category of which could conceivably apply to this site, and that is category 10(b): *Urban Development Projects*. Examples of Urban Development Projects listed in the Regulations are shopping centres with car parks, sports stadiums, leisure complexes etc exceeding a size of 0.5ha.
8. Although the Roger Dudman Way site exceeds that minimum size, that does not mean an EIA is necessarily required. Rather guidance on the requirement is given elsewhere in the Regulations and in Department of Communities and Local Government Circular 2/99. Specifically in relation to Urban Development Projects the Circular states at paragraph A.19 that: "*Development proposed for sites which have not previously been intensively developed are more likely to require an EIA if the site area for the scheme is more than 5 ha; or it would provide a total of more than 10,000 sq m of new commercial floorspace; or the development would have significantly urbanising effects in a previously non – urbanised area (eg a new development of more than 1000 dwellings).*" In this case the development area is 1.2ha; the development is not of commercial floorspace; it is less than 10,000 sqm; and consists of brownfield former railway sidings and railway operational land.
9. Whilst this is a significant development, that does not mean that an EIA was automatically required to be submitted. Port Meadow bears designations as a site of Special Scientific Interest (SSSI) and Scheduled Ancient Monument (SAM). However these designations relate to its nature conservation and below ground archaeological interest, which officers assessed as not being significantly impacted by the development. In assessing that no EIA was required, regard was also had to a similar extant planning permission for student accommodation approved in outline in 2000 and in detail in 2002, of which only the first phase was constructed as the existing Castle Mill development, and which had a similar relationship to Port Meadow.

10. There are no provisions within the EIA Regulations to require the applicant to undertake an Environmental Impact Assessment following the grant of planning permission.

Landscaping and Mitigation

11. A condition of planning permission was that a landscaping scheme be submitted and approved, whilst the accompanying legal agreement secured a sum of £10,000 towards off site planting. Other mitigation was achieved in reducing the overall height of the development from that originally proposed in the planning application, and in the choice of more subdued colours and tones for external finishes than those originally proposed.

Recommendation

12. Council is being recommended to follow the procedure for large petitions in the Council's Petitions Scheme and decide how it wishes to proceed.

Name and contact details of author:

Mathew Metcalfe
Democratic and Electoral Services Officer
Oxford City Council
Town Hall
Oxford
OX1 4BX
Tel 01865 252214
Email address mmetcalfe@oxford.gov.uk

Background papers: None

Version number: 1

This page is intentionally left blank