

## **Response to Mr Feeney's oral address to Council on 18<sup>th</sup> February regarding agenda item 22**

Mr Feeney raises two specific concerns about whether the City Council has taken into account all 'existing environmental problems' in carrying out its duty under the Strategic Environmental Assessment (SEA) Directive. These concerns relate firstly to the condition of the Creeping Marshwort on Port Meadow, and secondly to the alleged loss of around one-third of the hay meadows which are part of the Oxford Meadows Special Area of Conservation (SAC).

The City Council has undertaken an assessment of the Sites and Housing Plan and published a Sustainability Appraisal, which includes a SEA, and which was informed by the Habitats Regulations Assessment (HRA). The HRA for the Sites and Housing Plan includes an Appropriate Assessment. The HRA was undertaken to ensure that the policies in the Sites and Housing Plan do not harm sites designated as being of European importance for biodiversity, which included the Oxford Meadows SAC. This concluded that given the mitigation measures, there are not likely to be any adverse impacts on the integrity of Oxford Meadows SAC. These mitigation measures are included within the Sites and Housing Plan. As such, the duties under the SEA Directive and the Habitats Directive have been discharged.

The City Council worked on a constructive and ongoing basis with Natural England throughout the production of the Sites and Housing Plan. The City Council responded to their advice by making amendments to the Plan which included commissioning a visitor's survey to provide information to inform the HRA in relation to potential recreational impacts. During the Examination into the Sites and Housing Plan, the City Council and Natural England agreed a Statement of Common Ground which confirmed that Natural England were satisfied that any outstanding matters regarding the Plan, the HRA and SEA had been satisfactorily resolved.

The Oxford Meadows SAC consists of four SSSIs:

- Pixey and Yarnton Meads
- Cassington Meadows
- Wolvercote Meadows
- Port Meadow and Wolvercote Common and Green

Cassington Meadows and the main part of Pixey and Yarnton Meads lie within Cherwell district. Three of the SSSI's are designated as part of the SAC because of their importance as lowland hay meadows and the fourth (Port Meadow and Wolvercote Commons and Green) is designated as part of the SAC because it contains the rare plant species *apium repens* (Creeping Marshwort).

The latest available assessment regarding the condition of Port Meadow with Wolvercote Common & Green SSSI and Wolvercote Meadows SSSI is from July/August 2010. This is available on Natural England's website

<http://www.sssi.naturalengland.org.uk/Special/sssi/reportAction.cfm?report=sdrt13&category=S&reference=1000153>. It indicates that the vast majority of both SSSIs are in a favourable condition with a small area recovering. Different parts of Pixey and Yarnton Meads SSSI were assessed in July 2010 and December 2012, and were judged to be in favourable condition. The latest information on Cassington Meadows SSSI is from August 2011 and shows it to be in favourable condition.

### Creeping Marshwort

Mr Feeney refers to a study that identifies the Creeping Marshwort on the Oxford Meadows SAC had been “killed”. A first hand site visit undertaken by the Oxford Rare Plants Group with an officer of the City Council in 2011, confirmed that the plant remains on Port Meadow. In fact, Natural England have advised that they believe it may be spreading, rather than declining. Mr Feeney also refers to work that the Environment Agency and Dr Gowing have been undertaking to assess why the groundwater levels at Port Meadow have been high in recent years. In connection with this, it is understood that a breach of the canal has recently been fixed by the Environment Agency, and the results of this are being awaited. Natural England has also been looking at clearing the ditches around Port Meadow, and both of these projects may help with water levels on the meadow. This work is not complete and therefore cannot inform the City Council’s assessments for the Sites and Housing Plan.

### Hay Meadow

Mr Feeney appears to have misinterpreted or misunderstood the information provided to him by Natural England. They do not state that there has been a loss in the coverage of hay meadow as suggested by Mr Feeney. Rather they state that the previous higher coverage figure was the “best available estimate” at the time and that their knowledge has improved since then such that the more recent assessment “is considered to be more accurate”. This does not mean that there has been an actual reduction in hay meadow coverage. In fact, it is understood from Natural England that since 2008 the sites have been in Higher Level Stewardship land management which has resulted in them coming into much better management than before, so the sites will be improving. The December 2012 assessment concludes that the Pixey and Yarnton Meads SSSI has maintained its favourable condition. It is the City Council’s view that there has been no significant change in the evidence base which would warrant any reassessment under the HRA or SEA regulations.

### Compliance with relevant Directives and Regulations

The SEA Directive and Regulations require the preparation of an environmental report identifying the likely significant effects on the environment of implementing the plan or programme, and of reasonable alternatives taking into account the objectives and the geographical scope of the plan or programme. The information to be given includes, any existing

environmental problems which are relevant to the plan or programme including, in particular, those relating to any areas of a particular environmental importance such as a special area of conservation (article 5(1) of the Directive, regulations 5 and 12 of the Regulations).

The environmental report is to include the information that can reasonably be required taking into account current knowledge and methods of assessment, the contents and level of detail in the plan or programme, its stage in the decision making process and the extent to which certain matters are more appropriately assessed as different levels in that process in order to avoid duplication of the assessment (article 5(2) of the Directive, regulation 12(3) of the Regulations).

Prescribed bodies (the Countryside Agency, English Heritage, Natural England and the Environment Area) and the public are to be given an early and effective opportunity within appropriate time frames to express their opinion on the draft plan or programme and the accompanying environmental report before adoption or submission to legislative procedure (article 6(2) of the Directive, regulation 13 of the Regulations). The Council has fully complied with these requirements with such consultation having been executed at all relevant times dating back to mid 2011.

For the purposes of compliance with the Habitats Directive and Regulations the Plan has been subjected to appropriate assessment. In the form recommended for adoption the Independent Examination Inspector specifically concluded that the impact of the plan upon the natural environment has been soundly addressed noting that Natural England had no outstanding objection (paras 97 and 98).

The Independent Examination Inspector specifically considered the legality of the Sites and Housing Plan. She concluded that the Plan met all the legal requirements (para 140).

The Sites and Housing Plan is therefore considered to be fully compliant with the Habitats Directive and Regulations and the SEA Directive and Regulations.

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