

Oxford City Planning Committee

Application number:	23/02506/CT3		
Decision due by	19th March 2024		
Extension of time	N/A		
Proposal	Construction of pedestrian/cycle bridge across the River Thames from Grandpont Nature Park to Oxpens Meadows (additional information)		
Site address	South Side, Oxpens Road, Oxford, Oxfordshire – see Appendix 1 for site plan		
Ward	Osney And St. Thomas Ward		
Case officer	Sarah De La Coze		
Agent:	Mr Paul Comerford	Applicant:	Oxford City Council
Reason at Committee	Major Application and applicant is Oxford City Council		

1. RECOMMENDATION

1.1. Oxford City Planning Committee is recommended to:

1.1.1. **approve the application** for the reasons given in the report and subject to the required planning conditions set out in section 12 of this report and grant planning permission subject to:

- the satisfactory completion of a legal agreement under section.106 of the Town and Country Planning Act 1990 and other enabling powers to secure biodiversity offsetting which is set out in this report; and

1.1.2. **delegate authority** to the Head of Planning and Regulatory Services to:

- finalise the recommended conditions as set out in this report including such refinements, amendments, additions and/or deletions as the Head of Planning and Regulatory Services considers reasonably necessary; and
- finalise the recommended legal agreement under section 106 of the Town and Country Planning Act 1990 and other enabling powers as set out in this report, including refining, adding to, amending and/or deleting the obligations detailed in the heads of terms (including to dovetail with and where appropriate, reinforce the final conditions and informatives to be attached to the planning permission) as the Head of Planning and Regulatory Services considers reasonably necessary; and

- complete the section 106 legal agreement referred to above and issue the planning permission.

2. EXECUTIVE SUMMARY

- 2.1. This report considers the installation of a new cycle and foot bridge across the River Thames from Grandpont Nature Park to Oxpens Meadow. In addition the proposal seeks to provide improvements to the existing surrounding footpath/cycleway connections.
- 2.2. The application site is located in the West End of Oxford. The bridge is proposed be sited on land in Oxpens Meadow a non-designated heritage asset which is an area of open publicly accessible meadow adjacent to Oxford Ice Rink and Grandpont Nature Park.
- 2.3. Policy AOC1 of the Oxford Local Plan (OLP) designates the area in which the bridge is proposed as an 'Area of Change' and sets out the principles for development in the area, setting out its suitability to enhance connectivity throughout the area, including along and across waterways and enhance the pedestrian and cycling experience. Policy SP1 of the OLP States that planning permission will be granted for development that "*enhances connectivity to Osney Mead including future proofing the proposals so they do not prevent the landing of a foot/cycle bridge across the Thames and has regard to the Oxpens SPD.*" The West End Supplementary Planning Document also identifies the Oxpens River Bridge as a key infrastructure priority in relation to movement.
- 2.4. The proposed bridge has been designed and located to respond to its setting and surroundings as well as taking into account other allocated sites in the vicinity namely the Oxpens and Osney Mead allocation (referred to in the aforementioned policy, SP1). Officers consider that the bridge will sit comfortably within its setting and will not have an adverse impact on the visual amenity of the area.
- 2.5. The application was subject to pre application discussions and was reviewed by the Oxford Design Review Panel in September 2022 who were broadly in support of the proposal.
- 2.6. Officers consider that the development would be acceptable with regard to principle, design, impact on the heritage assets, highways, environmental health, biodiversity, trees and impact on neighbouring amenity.

3. LEGAL AGREEMENT

- 3.1. This application is subject to a legal agreement to secure the delivery of a minimum of 5% biodiversity net gain and a Landscape and Ecological Management Plan (LEMP) outlining the long-term ecological management of the site for a period of 30 years.

4. COMMUNITY INFRASTRUCTURE LEVY (CIL)

4.1. The proposal is not liable for CIL.

5. SITE AND SURROUNDINGS

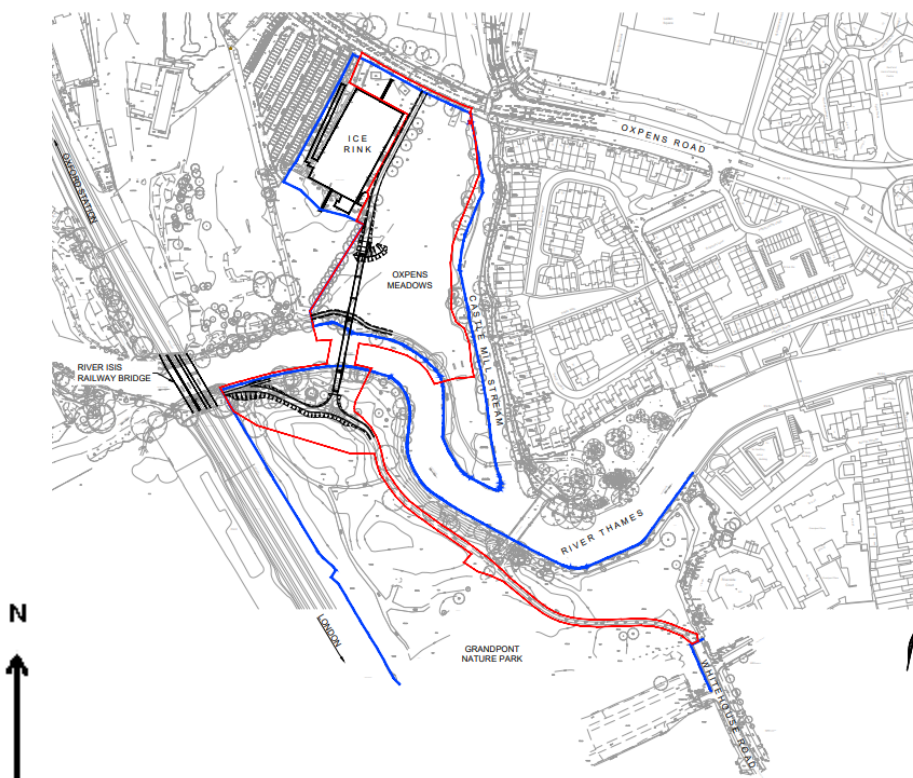
5.1. The site is located to the south west of the City Centre.

5.2. The bridge landing site north of the Thames sits between Oxpens Meadows and the Oxpens allocation site. Oxpens Meadows is bounded by Oxpens Road to the north, Castle Mill Stream to the East with St Ebbes beyond. To the south of the Thames is the pedestrian and cycle towpath which connects to Osney Mead and Osney Island. The Ice Rink and Oxpens allocation is to the west.

5.3. The landing site south of the Thames includes land part of Grandpont Nature Park, it also includes a pedestrian and cycle footpath.

5.4. The site is not located within a Conservation Area but sits within close proximity to the Osney and Central Conservation Areas.

5.5. See site plan below:



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Ordnance Survey 100019348

6. PROPOSAL

6.1. The application seeks permission for the construction of pedestrian/cycle bridge across the River Thames from Grandpont Nature Park to Oxpens Meadow comprising:

- i. a steel bridge structure with a total span of 98.90m with a river span of 23.39m;

- ii. associated access points;
 - iii. improvements to existing footpath/cycleway connections;
 - iv. ecological enhancements ; and
 - v. ancillary development including hard and soft landscaping.
- 6.2. The improvement works include addressing the gradient of the path to the south of the river, within the application boundary, where the pathway to the west will be realigned to provide a gentler gradient to facilitate walking and cycling. The path adjacent to the ice rink that leads on to the Oxpens Road will be widened to allow more space for pedestrians and cyclists to pass.
- 6.3. The bridge has been designed to be a shared space between pedestrians and cyclists and will have a deck width of 3.5m. The bridge will allow for a dry route over Oxpens Meadows to be created when the meadows are flooded.

7. RELEVANT PLANNING POLICY

7.1. The following policies are relevant to the application:

Topic	National Planning Policy Framework	Local Plan	Other planning documents
Design	135-141	RE1 - Sustainable design and construction RE2 - Efficient use of Land G5 - Existing open space, indoor and outdoor DH1 - High quality design and placemaking DH2 - Views and building heights	
Conservation/ Heritage	195-214	DH3 - Designated heritage assets DH4 - Archaeological remains DH5 - Local Heritage Assets	
Natural environment	180-194, 157-175	RE3 - Flood risk management RE4 - Sustainable and foul drainage, surface G1 - Protection of Green/Blue Infrastructure G2 - Protection of biodiversity geo-diversity G7 - Protection of existing Green Infrastructure G8 - New and enhanced	

		Green and Blue Infrastructure	
Transport	108-117	M1 - Prioritising walking, cycling and public transport M2 - Assessing and managing development	
Environmental	189-194	RE6 - Air Quality RE9 - Land Quality	
Miscellaneous	7-12	S1 - Sustainable development RE7 - Managing the impact of development AOC1 - West End and Osney Mead SP2 - Osney Mead SP1 - Sites in the West End	West End SPD

8. CONSULTATION RESPONSES

- 8.1. Site notices were displayed around the application site on 16th November 2023 and an advertisement was published in The Oxford Times newspaper on 16th November 2023.

Statutory and non-statutory consultees

Oxfordshire County Council

Highways

- 8.2. The bridge will provide improved east west connections between the city centre and Osney Mead as well as improving connections from the south where the current connections to Gasworks Bridge are poor quality.
- 8.3. The structure width is a balance of proposed use and both financial and environmental costs.
- 8.4. Details of the measures to manage the potentially significant construction impacts will be required.
- 8.5. No objection subject to conditions

Drainage

- 8.6. No objection subject to conditions

Environment Agency

8.7. No objection subject to conditions

Thames Valley Police

8.8. I have concerns with the parapet and railing/lean rail design, in that they appear to potentially provide a foothold for climbing up and over the side of the bridge.

8.9. It appears this bridge will create a formal and very well used connection to Osney Mead with a lot of footfall. There may be a number of more vulnerable users of the bridge, particularly students or those using the bridge at night. For this reason I would recommend the bridge is lit to enhance surveillance and aid in observation of people crossing the bridge from surrounding development. Lighting should be extended to include the footpath leading to Osney Mead and down the side of the ice rink connecting to Oxpens Road.

8.10. I strongly recommend this bridge is covered by additional formal CCTV surveillance that has a full view along the length of the bridge. This CCTV should be integrated into the existing city centre monitored network.

Natural England

8.11. No objection

Network Rail

8.12. No objection subject to informatives

Historic England

8.13. No comment

Cyclox

8.14. The cross sections now reveal that the designer has added internal lean rails (drg OXPEN-KNA-XX-ALL-DR-A-0005). These rails have semi-vertical supports which present a clash hazard for cycle handlebars. It appears that the designer by adding these rails has inadvertently reduced the available bridge width by 500mm on each side. This reduces the usable bridge width from 3.5m to 2.5m and the semi-vertical stanchions supporting the lean rails could cause accidents. In September 2022 we stated "Where there are vertical barriers greater than 600mm high (essential on the approaches and on the bridge itself) an additional 500mm needs to be added to the path width to avoid handlebar clashes with the barrier. (LTN 1/20 Table 5.3). We understand there is an intention to flare the barriers outward which may avoid the need for the buffer zone, but any and railing at or above handlebar height will be the determining criterion." We would be grateful if you could alert the design company of the DfT's LTN 1/20 Table 5.3 requirement for additional clearance where there are vertical projections and request a design change for this detail.

Oxford Preservation Trust

- 8.15. The proposed new bridge across the Cherwell at Oxpens, is a wonderful opportunity to connect the south and west of the city in a way that could act to integrate some of the wider and under-developed and used areas of the city into the centre for pedestrians and cyclists.
- 8.16. OPT would have liked to see a greater analysis of the wider connectivity the additional route could deliver, and how the bridge will link into other existing networks.
- 8.17. "One key concern that OPT would like to raise is lighting. Whilst we understand the decision to keep the bridge unlit due to its "transitional" location between an urban centre and a more rural setting, we believe a lack of lighting has the potential to dissuade pedestrians and cyclists from using the bridge, particularly during the Winter months where daylight hours are reduced, and paths can become treacherous.

9. Public representations

- 9.1. 3 letters of support and 23 letters of objection/comments were received from addresses in West Street, Marlborough Road, East Street, St Cross Road, Pixey Place, Oxford Road, Walton Bridge Moorings, Harley Road, Cowley Road, Campbell Road, South Street, Norreys Avenue, Buckingham Street, Stratfield Road, St Ebbe's New Development Residents' Association
- 9.1. The comments can be read in full on the Oxford City Council planning website. In summary, the main comments/objections/issues raised are:
- Ground will take ages to recover
 - Meadows will be unusable for a long period of time
 - Will adversely impact on biodiversity in the area
 - Other useable Bridges already exist in the locality
 - No requirement for this bridge
 - Unnecessary addition of infrastructure during a climate emergency
 - Who is paying for the bridge?
 - Who is maintain the bridge?
 - Footprint is enormous
 - Minimal effort made to blend in to the existing location
 - Trees will be lost
 - There will be a bottle neck under the railway bridge
 - There will be a conflict between pedestrians and cyclists
 - There should be transparency around the carbon footprint of the bridge
 - Will create anti social behaviour
 - Only able to meet the BNG requirements by providing offsite credits

- Only providing 5% biodiversity net gain
- Assessment of the grassland, meadow etc seems unlikely
- Aquatic survey is inadequate
- High loss of trees should be looked at as a group
- How does it fit in to the Council's commitment to addressing the climate emergency
- Bridge is too narrow
- Route under the bridge regularly floods
- The guide rail narrows the bridge
- Will require a large detour to get to bridge
- Already frequent clashes between pedestrians and cyclists on the footpath this will make it worse
- It is using public money for the benefit of a private developer
- This bridge is surplus to requirements and a waste of taxpayers money
- We should not be building in the floodplain
- Full support of the bridge
- Relieved that bridge will not be lit
- Any lighting will impact on biodiversity
- Increase in cycle traffic
- How will graffiti be managed
- Meadows is only access to green space for some
- New trees will take a long time to grow
- Not clear why this bridge is needed
- No consultation as to whether people wanted the bridge only on design
- City needs affordable housing not a bridge
- Will allow a safe route for cyclist and pedestrians
- Another bridge is unnecessary
- Bridge is too narrow for cyclists
- Bridge will be a positive contribution to the area
- Bridge will facilitate the success of the West End
- Will be a good alternative route to Botley Road
- Will provide a safe, direct and high quality route
- Will benefit the businesses in Osney Mead
- Bridge is elegant
- Does not comply with LTN1:20 – the width should be increased

- Trees have been removed prior to permission being granted
- Footpath works will further impact on the meadows

10. PLANNING MATERIAL CONSIDERATIONS

10.1. Officers consider the determining issues to be:

- a. Principle of development
- b. Design and Impact on the Historic Environment
- c. Neighbouring amenity
- d. Highways
- e. Sustainability
- f. Biodiversity
- g. Drainage and Flooding
- h. Environmental health
- i. Other matters

a. Principle of development

10.2. The principle of a new foot/cycle bridge over the Thames is set out in policies SP1, AOC1, M1 of the OLP as well as the West End SPD.

10.3. Policy SP1 of the OLP states that development coming forward in Oxpens should not prevent a new foot/cycle bridge coming forward. Policy SP2 further reiterates the requirement for a foot/cycle bridge to be delivered in order to provide better connectivity between sites such as Osney Mead with the city centre. Policy AOC1 further reiterates this desire to link the south west corner of the city with the west end and city centre.

10.4. Policy M1 of the OLP states that “Planning permission will only be granted for development that minimises the need to travel and is laid out and designed in a way that prioritises access by walking, cycling and public transport”. The West End SPD sets out that the bridge is one of the key infrastructure priorities in relation to movement.

10.5. Policy M1 of the OLP also refers to new pedestrian and cycle routes which are detailed on the local plan policies map. The policy sets out that proposals will be expected to deliver these links and where opportunities arise to secure improvements. The proposal seeks to improve the neighbouring paths alongside delivering the bridge. The improvement works include addressing the gradient of the path to the south of the river, within the application boundary, where the pathway to the west will be realigned to provide a gentler gradient to facilitate walking and cycling. The path adjacent to the ice rink, to Oxpens Road, will be widened to allow more space for pedestrians and cyclists to pass. Works also include improvements to surfacing of the paths to the north

and south with asphalt to create a smoother surface again increasing accessibility. This will also improve usability of paths.

- 10.6. Comments have been received asking why a bridge is required given that there are other bridges in the vicinity namely the Gasworks Rail Bridge and the Gasworks Pipe Bridge. The application sets out that repairs to the nearby Gasworks bridge were considered as an alternative route but were not taken forward due to the alterations required to the bridge and connecting paths to make them suitable for cyclists. The application sets out that the bridge would not offer a suitable dry route and the height of the parapets would need to be raised. The connecting path to the north would need to be increased in width and it would need a new raised path through Oxpens Meadow to make the bridge suitable for cyclists. In addition the existing bridges do not offer the same direct benefits in terms of access to the nearby allocated sites.
- 10.7. The principle of a new river bridge in this location is therefore supported in policy and is acceptable in principle subject to compliance with the other policies set out in the local plan.

b. Design and Impact on the Historic Environment

- 10.8. Policy DH1 of the OLP states that planning permission will only be granted for development which shows a high standard of design, and which respects the character and appearance of an area and uses materials appropriate to the site and surroundings.
- 10.9. Policy DH3 of the OLP refers to heritage assets and states that planning permission will be granted for development that respects and draws inspiration from Oxford's unique historic environment (above and below ground), responding positively to the significance character and distinctiveness of the heritage asset and locality. For all planning decisions affecting the significance of designated heritage assets, great weight will be given to the conservation of that asset and to the setting of the asset where it contributes to that significance or appreciation of that significance.
- 10.10. Policy DH5 of the OLP refers to local heritage assets and states that planning permission will only be granted for development affecting a local heritage asset or its setting if it is demonstrated that due regard has been given to the impact on the asset's significance and its setting and that it is demonstrated that the significance of the asset and its conservation has informed the design of the proposed development.
- 10.11. Oxpens Meadows is a non-designated heritage asset. The location and alignment of the bridge has been selected due to the site opportunities and constraints, together with the desire to provide a bridge that would correspond to natural desire lines as well as providing a dry route over the meadows. The proposed alignment crosses the river and lands to the side of the ice rink where the footpath then joins Oxpens Road. The location of the bridge seeks to integrate into any future development of the Oxpens allocation site whilst also being successful as a standalone piece of infrastructure.

- 10.12. The design of the bridge seeks to maximise transparency at mid span, the asymmetrical structural 'waves' have been designed to direct and guide views of the river and beyond for users of the bridge. Not only do the asymmetrical structures frame views, they also form part of the primary structure of the bridge.
- 10.13. The bridge has been designed with a slender deck with curved soffits. This allows for a softness to the bridge and allows for maximum light, encouraging people to cross under it on the towpath. The 'waves' allow for lean rails to be included which allow people the opportunity to rest and take in the views. The parapet comprises vertical posts with a railing to maintain transparency.
- 10.14. The inside of the bridge will have a darker grey painted finish and the outside will feature a lighter painted finish to allow for the inside and outside of the bridge to be legible in views. The bridge will be steel with concrete piers with steel railings and timber lean rails. A condition will be included requiring samples of the materials to ensure that an appropriate colour and finishes are selected for the bridge to ensure they are appropriate for the area.
- 10.15. The bridge has been designed to allow for a lightweight structure with a life span of 120 years. Comments have been received as to who will maintain the bridge in the future. The bridge is to be adopted by Oxfordshire County Council and therefore the materials selected have been done in consultation with the county to ensure its long term maintenance.
- 10.16. Officers consider that the design of the bridge responds positively to the character and topography of the site and context. The low and refined profile of the bridge, combined with the aim to allow for transparency through the bridge together minimises negative impact on landscape setting. The structural design has led the form of the bridge which reflects a response to the site context. The design team have employed 'approach spans' rather than large 'embankments'. This has the benefit of minimising the physical impact of the bridge where it lands on either side of the river, as well as allowing structure to be distributed away from the centre of the deck, achieving a more open section in the middle. By removing the structural mass from the middle of the bridge, a slender bridge deck is achieved directly over the river. Therefore, the sense of openness when looking down the river is retained as far as possible.
- 10.17. Shifting the structural mass to either end of the bridge, allows it to line up with the tree growth at which point views through are already much reduced. In addition, this structural mass is situated on opposite sides of the bridge so there is always one section that is open which maintains openness and outlook on one side or the other, when passing over the bridge and avoids a tunnel effect for users. Thames Valley Police have raised concerns with the design of the bridge which centre around people being able to use the lean rails and parapet to jump over the bridge. In addition, comments have been received with regard to the bridge attracting anti-social behaviour. Officers understand the concern relating to this but are of the opinion the lack of lean rails would not in itself stop people potentially from jumping from the bridge. In addition the

bridge has been designed to include some transparency and visibility which should help deter anti-social behaviour.

- 10.18. The bridge has been designed to achieve a clear deck width of 3.5m. A number of comments and concerns have been received regarding the decision to have a bridge of this width and the potential conflict between cyclists and pedestrians. Officers consider this is to be an acceptable width as it meets the minimum requirements set out in the design manual CD 353 Design criteria for footbridges. Officers understand people's desire to widen the bridge, but not only would this increase the bulk and impact of this bridge on this particularly sensitive site, it would also likely increase the speed of cyclists which, as well as on the bridge itself, would be particularly problematic at the ends of the bridge where the bridge path intersects with narrower footpaths and cyclists travelling at any significant speed would pose a high risk of clashing with pedestrians.
- 10.19. Furthermore, the applicant has put forward justification that the proposed width of the bridge allows for it to be built in full width sections. Allowing it to be fabricated in fewer sections and transported to site as single pieces minimises the overall embodied energy of the proposal.
- 10.20. The bridge is not proposed to be lit. There have been a number of comments both supporting this approach and objection to a non-lit bridge. The rationale for not lighting the bridge is that given the location, a lit bridge would still result in the bridge leading into unlit footpaths which could in itself be problematic for users of the bridge as well as impacting on the local wildlife. Officers are therefore satisfied that the bridge does not include lighting. Notwithstanding this, if a suitable lighting scheme comes forward in the future there would still be an option to retrofit lighting in to the bridge.
- 10.21. The application was supported with verified views which show that the bridge would sit comfortably within its setting and would not be highly visible in longer range views. Whilst the application site is located in close proximity to the setting of the neighbouring Osney and Central Conservation Area, the bridge is not considered to impact on them due its low profile and slender appearance.
- 10.22. The improvements to the surrounding footpaths would allow for a wider path alongside the ice rink whilst also creating smoother surfaces, these improvements are not considered to adversely impact on the visual amenity of the area.
- 10.23. The design of the bridge and associated works is therefore considered to sit comfortably within the site forming a visually appropriate relationship with its setting. The proposal would therefore comply with policies DH1, DH3 and DH5 of the Oxford Local Plan.
- 10.24. **Archaeology**
- 10.25. Policy DH4 of the OLP relates to Archaeological remains. NPPF paragraph 209 states that the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the

application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset. NPPF Paragraph 211 states that where appropriate local planning authorities should require developers to record and advance understanding of the significance of any heritage assets to be lost (wholly or in part) in a manner proportionate to their importance and the impact, and to make this evidence (and any archive generated) publicly accessible.

- 10.26. This application is of interest because it involves groundworks in a location that has general potential for prehistoric, medieval, post-medieval and Victorian remains. The site is located within the Thames floodplain on the first gravel terrace where there is general potential for Neolithic and Bronze Age activity on gravel islets located between the braided channels of the Thames. The bank of the Thames has general potential for water management features and Oxpens Meadow is known to contain Victorian and Edwardian bottle dumps.
- 10.27. Previous targeted evaluation for the Oxpens scheme suggests limited/moderate potential for the construction area, however the area of temporary works overlies the projected extent of the Civil War sconce (recorded as 'Harts Sconce on the 1644 De Gomme Map of the Royalist defences around Oxford). The sconce is part of a system of defences around the Royalist Civil War capital that can as a whole be assessed as of national significance.
- 10.28. The sconce has not been precisely located, a faint ditch recorded by geophysical survey may be the outline of the sconce however an evaluation trench by Oxford Archaeology placed across the north eastern boundary of the suggested location of the sconce did not identify a definitive outer ditch but instead features that produced 17th century pottery including two possible pit falls or man traps that may be related to the Royalist defensive scheme. These features were located approximate 300mm below the modern ground surface. As part of the construction of the bridge a crane support will be required which requires topsoil to be removed, this alongside flood compensation requirements means that archaeological monitoring and recording will be required. A condition has therefore been included to secure a methodology to protect the Civil War Sconce.
- 10.29. **Landscaping**
- 10.30. Policy G1 of the Oxford Local Plan states that planning permission will not be granted for development that would result in harm to the Green and Blue Infrastructure network, except where it is in accordance with policies G2- G8.
- 10.31. Policy G7 of the Oxford Local Plan requires that any unavoidable loss of tree canopy cover should be mitigated by the planting of new trees or introduction of additional tree cover. Policy G8 continues that development proposals affecting existing Green Infrastructure features should demonstrate how these have been incorporated within the design of the new development where appropriate.

- 10.32. A number of comments received refer to the loss of trees associated with the development as well as the fact that the development would make the meadows unusable for a prolonged period of time. A number of trees have been removed prior to this application being determined. The applicant has set out that the trees have been removed in advance of any planning permission in order to avoid bird nesting season. The trees that were removed were not subject to a tree preservation order and were not located within a Conservation Area therefore planning permission was not required for their removal.
- 10.33. As part of the application 21 B grade tree features, 9 C grade trees, and 1 U grade trees will require removal in order to facilitate the development proposals. The trees are to be removed in order to accommodate the improvements to the footpaths, landing of the bridge and landscaping. The alignment of the bridge has been informed by the natural environment and is situated in a position which would limit the number of trees required to be removed. In order to mitigate the loss of the trees additional tree planting is proposed. These include 6 native trees to the north and 3 to the south of the Thames, in addition 40 feathered trees will be integrated into the wider landscaping works.
- 10.34. In order to be compliant with Policy G7 of the OLP, there should demonstrably be no net loss in tree cover after 25 years from development versus a no development, as compared through analysis of counterfactual scenarios. An assessment outlining the retention and removal of trees at the time of construction is provided within the Arboricultural Impact Assessment. Proposals for new tree planting are provided in the Soft Landscape Design Plan. In order to satisfy policy G7 further information relating to the methodology of the submitted canopy cover assessment is required, which will be secured through a condition to ensure that the canopy cover requirements will be met.
- 10.35. With regard to the meadows being unusable, the meadows will be closed for the construction period in order to ensure that there is not a conflict between construction vehicles and people during construction and in order to carry out the required improvements. As with any construction project some level of disruption is inevitable. The meadows will be reseeded after the bridge is constructed and will then be open to the public, therefore officers consider that the closure will be temporary and is therefore acceptable.
- 10.36. As part of the development there will be some level changes to the meadows specifically in the location where the bridge lands due to the requirement for flood compensation. The change will be limited to this area and is not considered to adversely impact on the appearance of the meadows or its usability once the remedial work has taken place.
- 10.37. The landscaping design has been created to improve legibility around the new bridge and its landing position as well as helping identify different route options for users of the bridge. Officers are therefore of the opinion that whilst the proposal will see the loss of some trees, this would not include any category A trees and the proposed planting would be acceptable in terms of mitigating against the loss of the trees. Conditions will be included to secure tree

protection, canopy cover and any mitigation requirements. The proposal is therefore considered with the inclusion of these conditions to comply with policies G2, G7 and G8 of the Oxford Local Plan.

c. Neighbouring amenity

- 10.38. Policy RE7 of the Oxford Local Plan states that planning permission will only be granted for development that ensures that standards of amenity are protected. This includes the amenity of occupiers and neighbours is protected in addition to not having unacceptable, unaddressed transport impacts and provides mitigation measures where necessary.
- 10.39. The proposed bridge will be located more than 85m from the rear of the closest residential property. Either side of the bridge will be the connecting paths. Whilst the bridge may be visible from the neighbouring properties, it is considered that the bridge is sufficiently distanced from the neighbouring properties so not to have an adverse impact. The bridge is not proposed to be lit at this point, but provision has been made so it could be lit in the future. Notwithstanding this, it is considered that any lighting that may come forward in the future would be designed in a way to focus light on the bridge. Given the separation distance of the bridge and neighbouring properties the bridge is not considered to have an unacceptable impact.
- 10.40. The indirect amenity impacts arising from the development is associated with temporary construction activities, most notably construction traffic, noise disturbance and dust generation. To address matters arising from the construction phase of the development a Construction Environmental Management Plan (CEMP) is recommended to be required as a condition. With regard to traffic a construction traffic management plan (CTMP) would be required as a condition which would deal with construction traffic. The development is therefore considered to accord with Policies RE7 of the Oxford Local Plan.

d. Highways

- 10.41. Policy M1 of the Oxford Local Plan states that “Planning permission will only be granted for development that minimises the need to travel and is laid out and designed in a way that prioritises access by walking, cycling and public transport”. The supporting text further reiterates the Local Plan’s role in promoting sustainable travel. It recognises that cycling and walking contribute towards reducing carbon emissions and improving air quality.
- 10.42. Policy M2 of the Oxford Local Plan relates to assessing and managing development. The supporting text recognises that development will bring with it transport impacts and these must be considered and where appropriate include measures to mitigate development impacts. The Local Plan policies map also sets out where new or improved pedestrian and cycle routes should be delivered. The policy map highlights the area around the Oxpens site as well as Osney as locations where improvements to the routes should come forward.

- 10.43. Policy RE7 of the Oxford Local Plan states that planning permission will only be granted for development that ensures that standards of amenity are protected. This includes the amenity of occupiers and neighbours is protected in addition to not having unacceptable unaddressed transport impacts and provides mitigation measures where necessary.
- 10.44. The local plan promotes sustainable travel and encourages high quality connections. Both the City Council and County Council recognise that Oxford needs to shift away from people relying on the use of private cars towards more sustainable modes of transport. Oxfordshire County Council has been consulted on the application and raises no objection. In their consultation response they state *“The County Council’s Local Transport and Connectivity Plan (LTCP) sets out ambitious targets including, reducing 1 in 4 car trips by 2030 and delivering a net-zero transport network by 2040. Supporting this the council’s Oxford (Local Cycling and Walking Infrastructure Plan (LCWIP) sets out to increase the number of all cycle journeys in Oxford by 50%. The Central Oxfordshire Travel Plan (COPT) identifies a number of transport interventions including measures like the trial traffic filters and enhancing and delivering new active travel routes with the aim of meeting these targets. A new pedestrian/cycle bridge at Oxpens would complement wider improvements to off road routes across South and West Oxford over recent years enhancing sustainable accessibility to key destinations like the city centre and train station. It would also support identified development opportunities across the wider West End, helping to unlock sustainable travel routes and development locations in the heart of the city which alongside other measures can help to address some of the congestion and wider accessibility issues that are currently challenges”*.
- 10.45. On the south side of the river the bridge works include addressing the gradient of the path to the south of the river, within the application boundary, where the pathway to the west will be realigned to provide a gentler gradient to facilitate walking and cycling.
- 10.46. On the north side, the path adjacent to the ice rink leading to Oxpens Road, will be widened to allow more space for pedestrians and cyclists to pass. The County Council recognises that the proposed bridge will be a significant improvement over the existing connection which is provided by the Gasworks Bridge.
- 10.47. Comments have been received setting out concerns with the proposed width of the bridge deck which is proposed to be 3.5m. As set out previously the width of the bridge is in compliance with the National Guidance on the design of infrastructure (CD 353 Design criteria for footbridges). Cyclox has queried the choice of width given the inclusion of handrails and the guidance that is available.
- 10.48. The applications sets out that *“The proposed 3.5m footpath width and vertical elements (handrails and/or other) on opposite sides is compliant with the*

Design Manual for Roads and Bridges (DRMB) CD353 design standard. Whilst the project team acknowledges LTN 1/20 is a good guidance to strive for, LTN1/20 is a guidance document rather a design standard. Additionally, separate requirements from the LTN1/20 guidance note should not be applied in addition to a minimum as specified for shared facilities on bridges specified within the DRMB standards.”

- 10.49. Comments have been received with regard to existing bottleneck areas such as under the railway bridge and the potential further conflict the bridge will cause. LTN1/20 sets out that *“Research shows that cyclists alter their behaviour according to the density of pedestrians – as pedestrian flows rise, cyclists tend to ride more slowly and where they become very high cyclists typically dismount. It should therefore rarely be necessary to provide physical calming features to slow cyclists down on shared use routes”*
- 10.50. The bridge will allow for good visibility and for those on the bridge and those approaching the bridge allowing for users to adjust their speed accordingly. Officers understand the desire for a wider bridge, but the proposed width is policy compliant and Oxfordshire County Council raise no objection to the proposal. The bridge and associated works are therefore considered acceptable in compliance with policies M1 and M2 of the Oxford Local Plan.

e. Sustainability

- 10.51. Policy RE1 of the Oxford Local Plan relates to sustainable design and construction and states that planning permission will only be granted where it can be demonstrated that sustainable design and construction principles have been incorporated, where relevant. The planning statement sets out how the application seeks to comply with these principles.
- 10.52. A predominantly steel bridge is proposed due to its span as well as ensuring it can be adequately maintained and managed by Oxfordshire County Council.
- 10.53. Its main overall impact is to encourage a shift towards walking and cycling, linking key sites and areas to the city centre. The application states that *“The bridge design seeks to limit the use of concrete which reduces the embodied carbon associated with it. Prioritising steel for the bridge form over concrete also maximises the opportunity for recycling of the bridge structure at the end of its working life, as well as supporting ease of management and maintenance which would extend its working life. Where concrete is proposed, alternatives within the content of the concrete to cement will be considered to reduce embodied carbon”*.
- 10.54. The use of steel allows for the bridge to be more easily recycled at the end of its life as well as allowing for easier maintenance which may then have the potential to extend its working life. The design and materials of the bridge allow for larger proportions of the bridge to be fabricated offsite within a factory minimising waste. The chosen width of the bridge also reduces its carbon

footprint over a wider bridge, therefore allowing for a balance between competing design considerations.

- 10.55. During the construction the repurposing of topsoil will be encouraged as well as exploring the potential to recycle any organic clearance materials for mulching and repurposing ecological features where feasible. The construction of the bridge incorporates flood resilience measures, in addition it seeks to adapt to future user needs in compliance with local plan policies such as the Osney allocation.
- 10.56. Officers acknowledge that the fabrication and construction of a steel bridge is an energy intensive process. Whilst other materials could have been considered, there are benefits to having the bridge in steel such as cost, maintenance and durability. These factors combined must be weighed against the carbon impact. The proposed bridge in this design, using these materials allow for a bridge to come forward in line with the local development plan aspirations to deliver a foot and cycle bridge over this part of the river. In addition it will allow for better connectivity and more importantly improve alternative routes to those that require a private motor vehicle in line with promoting sustainable modes of travel. The development is therefore considered to accord with policy RE1 of the Oxford Local Plan.

f. Biodiversity

- 10.57. Policy G2 of the Oxford Local Plan states that development that results in a net loss of sites and species of ecological value will not be permitted. Policy G2 also identifies that compensation and mitigation measures must offset the loss and achieve an overall net gain for biodiversity. For all major developments proposed on greenfield sites or brownfield sites that have become vegetated, this should be measured through use of a recognised biodiversity calculator. To demonstrate an overall net gain for biodiversity, the biodiversity calculator should demonstrate an improvement of 5% or more from the existing situation.
- 10.58. The application is accompanied by an Ecological Impact Assessment and a Biodiversity Net Gain Report. The report sets out *“The proposed development will result in the loss of some areas of woodland within the Grandpont Nature Park area and areas of grassland to the north of the Thames, with the bridge crossing over the River Thames. The landscape design for the proposals have sought to enhance the areas of retained woodland and grassland and the bankside habitat of the River Thames, through additional tree planting, woodland planting and removal of non-native invasive species as set out within the proposed landscape design”*.
- 10.59. The revised biodiversity metric indicates that proposed development would result in a net loss 0.33 habitat units on-site (-3.86%), a loss of 0.47 hedgerow units (-73.13%), and a loss of 0.01 watercourse units (-0.14%). The applicant is proposing to deliver the required offsetting to reach a net gain of 5% in all unit types through a third-party provider such as the Trust for Oxfordshire’s Environment (TOE). Government guidance sets out biodiversity net gain. *“For*

the purposes of BNG, biodiversity is measured in standardised biodiversity units. A habitat will contain a number of biodiversity units, depending on things like its size, quality, location and type. Biodiversity units can be lost through development or generated through work to create and enhance habitats. There is a statutory (official) biodiversity metric, which is a way of measuring how many units a habitat contains before development and how many units are needed to replace the units of habitat lost and to achieve the 5% BNG”.

- 10.60. The applicant stated that they wished to register the site under the District Level Licence held by the planning authorities in Oxfordshire and administered by NatureSpace (WML-OR112). The applicant has submitted a NatureSpace report to this end in support of the application that confirms the proposed development would be eligible for this.
- 10.61. Regarding protected species, the site was assessed to have the potential to support great crested newts (GCN) due to the presence of suitable waterbodies within 500m and suitable terrestrial habitat on-site. GCN are a European protected species. The species is protected under the Wildlife and Countryside Act 1981 (as amended) and the Conservation of Habitats and Species Regulations 2017 (as amended).
- 10.62. The local planning authority must consider the likelihood of a licence being granted when determining a planning application. This requires consideration of the “three tests” development must pass to qualify for a licence, as set out in The Conservation of Habitats and Species Regulations 2017 (as amended):
- 10.63. a) The purpose of the development must be preserving public health or public safety or another imperative reason of overriding public interest (including those of a social or economic nature);
- 10.64. b) There must be no satisfactory alternative; and
- 10.65. c) The development will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range.
- 10.66. According to the NatureSpace report, the application site contains both a green zone and a white zone, which are respectively defined as an area where GCN may be present, and where there is a low probability of presence. This indicates there is a relatively low risk of an impact arising as a result of the proposed development, which the applicant is seeking to address through registration of the site under the District Level Licence.
- 10.67. Officers are satisfied that the development meets the 3 tests. For the first test, it complies with planning policy and provides public benefits in the form of a new sustainable route being provided linking allocated sites with the city centre, with regard to the second test there would be no alternative than to deliver this bridge in this location given the specific reference and requirements of the

bridge that is set out in the local plan with regard to the location. In addition, based on the findings of the NatureSpace report, officers are satisfied that the third test would be met. The NatureSpace report requires a condition to be included which specifies the requirement for the development to take place in accordance with the licence.

- 10.68. Comments have been received suggesting that the scheme should deliver more than 5% and that offsetting would not benefit the scheme locally. 5% net gain is required for developments submitted prior to 12 February 2024 therefore the 5% net gain proposed is acceptable in policy terms. In addition policy allows for offsetting to be provided. Offsetting has been proposed due to the site conditions given as it is a grassed area. A number of conditions will be included to ensure that the development secures ecological enhancements and accords with policy G2. Officers are therefore satisfied that the proposal complies with policy G2 of the Oxford Local Plan and the net gain can be secured through offsetting through a S106 agreement.

g. Drainage and Flooding

- 10.69. Oxford Local Plan Policy RE3 requires applications for development within flood zones 2 and 3 and sites over 1ha in Flood Zone 1 to be accompanied by a Flood Risk Assessment (FRA) demonstrating that the proposed development will not increase flood risk on or off site; and safe access and egress in the event of a flood can be provided; and details of the necessary mitigation measures to be implemented have been provided.
- 10.70. Local Plan Policy RE4 requires all development proposals to manage surface water through Sustainable Drainage Systems (SuDS) or techniques to limit run-off and reduce the existing rate of run-off on previously developed sites. Surface water runoff should be managed as close to its source as possible.
- 10.71. The land north of the Thames is in Flood Zone 3 but the bridge landing location is at the edge of Flood Zone 2 with the section between the landing to Oxpens Road within Flood Zone 1.
- 10.72. Any new development located in the vicinity of a watercourse should be constructed such that it does not detrimentally impact on flow routes or reduce the available floodplain storage over a site; either of which could potentially cause an increase in flood levels on-site or elsewhere.
- 10.73. The associated Flood Risk Assessment sets out that *“The proposed bridge is an open span structure across the Thames channel and open floodplain on the north side of the channel, with the impacts within the floodplain area limited to the modifications to existing footpath levels and the bridge support pillars – the effect of which is negligible to flood flows. The north bridge abutment encroaches into the floodplain at severe events, but lies on the edge of this floodplain in an area utilised for storage, rather than as a flow route.”*

- 10.74. The FRA identifies three locations within the red line boundary where local land scrapes are required to provide flood compensation. The areas being where the bridge lands on the north side, an area of the towpath near the bridge pier and an area of footpath on the south side.
- 10.75. The Environment Agency have been consulted on the application and raise no objection subject to conditions. The proposal is therefore considered to accord with policies RE3 and RE4 of the Oxford Local Plan.

h. Environmental Health

Contaminated Land

- 10.76. Policy RE9 of the Oxford Local Plan relates to land quality. The submitted Phase 1 Ground Condition Assessment acknowledges that the site has had several previous potentially contaminative uses, including as gasworks and railway sidings. The Phase 1 Ground Conditions Assessment has identified the above contamination risks and recommends that an intrusive site investigation is completed to ensure that all potential contamination risks at the site are risk assessed appropriately. This is considered an acceptable approach and the results will determine whether or not contamination risks require mitigation. Conditions will therefore be included requiring a phased risk assessment to be completed to ensure that any contaminated risks can be mitigated.

Air Quality

- 10.77. Policy RE6 of the Oxford Local Plan refers to air quality in a development's operation and construction phases. The bridge itself is not considered to adversely impact on air quality. There would be an increase in construction traffic associated with the development. During the construction phase of the proposal the development may give rise to dust impacts during earthworks and construction. Therefore a condition has been included requiring them to follow the specific dust mitigation measure for a "Low Risk" site, as identified on the IAQM Guidance on the assessment of dust from demolition and construction, which is considered an acceptable approach.

i. Other matters

- 10.78. *Integration with the Oxpens development*
- 10.79. There are currently two other planning applications in for consideration that relate to land affected by this proposal and which share a red line application boundary.
- 10.80. An outline application for the redevelopment of Oxpens;
- 10.81. ***Outline application (with all matters reserved except for access) for a mixed-use scheme comprising residential and student accommodation (Class C2, Class C3 and Sui Generis), commercial, business and service (Class E), and Hotel (Class C1) uses, with public realm, landscaping,***

associated infrastructure and works, including pedestrian and cycle routes ref: 22/02954/OUT ;

- 10.82. and a full application for the:
- 10.83. ***Implementation of flood mitigation scheme and the reinstatement of the Oxpens Meadow, demolition and installation of interim boundary treatments including fencing, alongside ground works and installation of sheet piling to regrade areas of public realm, including works to the existing towpath to allow for outfall pipes ref: 22/02955/OUT.***
- 10.84. All three applications share the same red line application boundary. They have all been designed to integrate with each other but also allow for consideration and determination on their own merits. There is an aspiration that if planning permission was achieved for all the developments, then they would be built out in a coordinated fashion in order for them to minimise disruption for the shortest time possible. Notwithstanding this, each application is considered and determined on its own merits.
- 10.85. Other comments relate to where, how and who is paying for the bridge. These comments are not considered material to this planning application.
- 10.86. The red line area of the application is not all solely in the ownership of the applicant, therefore an updated application form has been provided and the applicant has served notice to all other landowners. Any decision therefore cannot be issued until the required notice period has passed.

11. CONCLUSION

- 11.1. Having regards to the matters discussed in the report, officers would make members aware that the starting point for the determination of this application is in accordance with Section 38 (6) of the Planning and Compulsory Purchase Act 2004 which makes clear that proposals should be assessed in accordance with the development plan unless material considerations indicate otherwise.
- 11.2. The NPPF recognises the need to take decisions in accordance with section 38 but also makes clear that it is a material consideration in the determination of any planning application. The main aim of the NPPF is to deliver Sustainable Development, with paragraph 11 detailing the key principle for achieving this aim. The NPPF also goes on to state that development plan policies should be given due weight depending on their consistency with the aims and objectives of the NPPF. The relevant development plan policies are considered to be consistent with the NPPF.

Compliance with Development Plan Policies

- 11.3. Therefore in conclusion it is necessary to consider the degree to which the proposal complies with the policies of the development plan as a whole and whether there are any material considerations, such as the NPPF, which are

inconsistent with the result of the application of the development plan as a whole.

- 11.4. The proposal is considered to comply with the development plan.

Material considerations

- 11.5. The principal material considerations which arise are addressed below, and follow the analysis set out in earlier sections of this report.
- 11.6. National Planning Policy: The NPPF has a presumption in favour of sustainable development. NPPF paragraph 11 states that proposals that accord with the development plan should be approved without delay, or where the development plan is absent, silent, or relevant plans are out of date, granting permission unless any adverse impacts would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole; or specific policies in the framework indicate development should be restricted.
- 11.7. Officers consider that the proposal would accord with the overall aims and objectives of the NPPF for the reasons set out within the report. Therefore in such circumstances, Paragraph 11 is clear that planning permission should be approved without delay. This is a significant material consideration in favour of the proposal.
- 11.8. The proposals submitted under this full application comprise the erection of a new cycle and foot bridge and associated footpath improvements. The proposal will not have an unacceptable impact on flooding, highways, neighbouring amenity, the historic environment, biodiversity or trees as well as the other matters discussed in the report and conditions have been included to ensure this remains in the future.
- 11.9. It is therefore recommended that the Committee resolve to grant planning permission for the development proposed subject to the conditions set out in section 12 below and to the prior completion of a legal agreement made pursuant to section 106 of the Town and Country Planning Act 1990 and other enabling powers to secure the planning obligations set out in the recommended heads of terms which are set out in this report.

12. CONDITIONS

Time limit

1. The development to which this permission relates must be begun not later than the expiration of three years from the date of this permission.

Reason: In accordance with Section 91(1) of the Town and Country Planning Act 1990 as amended by the Planning Compulsory Purchase Act 2004

Approved Plans

2. Subject to other conditions requiring updated or revised documents submitted with the application, the development permitted shall be constructed in complete accordance with the specifications in the application and approved plans listed below, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To avoid doubt and to ensure an acceptable development as indicated on the submitted drawings in accordance with policy S1 of the Oxford Local Plan 2016-2036.

Materials

3. Prior to the installation of the bridge, a schedule of materials together with samples exterior materials to be used shall be submitted to and approved in writing by the Local Planning Authority and only the approved materials shall be used unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure high quality development and in the interests of the visual appearance in accordance with policies DH1 of the Oxford Local Plan 2016-2036.

Contaminated Land 1

4. Prior to the commencement of the development a phased risk assessment shall be carried out by a competent person in accordance with relevant British Standards and the Environment Agency's Land Contamination Risk Management (LCRM) procedures for managing land contamination. Each phase shall be submitted in writing and approved in writing by the Local Planning Authority.

Phase 1 shall incorporate a desk study and site walk over to identify all potential contaminative uses on site, and to inform the conceptual site model and preliminary risk assessment. THIS ELEMENT OF THE RISK ASSESSMENT HAS BEEN COMPLETED AND APPROVED.

Phase 2 shall include a comprehensive intrusive investigation in order to characterise the type, nature and extent of contamination present, the risks to receptors and to inform the remediation strategy proposals.

Phase 3 requires that a remediation strategy, validation plan, and/or monitoring plan be submitted to and approved in writing by the Local Planning Authority to ensure the site will be suitable for its proposed use.

Reason: To ensure that any ground and water contamination is identified and adequately addressed to ensure the site is suitable for the proposed use in accordance with the requirements of policy RE9 of the Oxford Local Plan 2016 - 2036.

Contaminated Land 2

5. The development shall not enter into first use until any approved remedial works have been carried out and a full validation report has been submitted to and been approved in writing by the Local Planning Authority.

Reason: To ensure that any ground and water contamination is identified and adequately addressed to ensure the site is suitable for the proposed use in accordance with the requirements of policy RE9 of the Oxford Local Plan 2016 – 2036

Construction Traffic Management Plan (CTMP)

6. A Construction Traffic Management Plan (CTMP) shall be submitted to and be approved in writing by the Local Planning Authority prior to the commencement of development. This should identify as a minimum;
 - The CTMP must be appropriately titled, include the site and planning permission number.
 - Routing of construction traffic and delivery vehicles is required to be shown and signed appropriately to the necessary standards/requirements. This includes means of access into the site and should account for the proposed traffic filter trial.
 - Details of and approval of any road closures needed during construction.
 - Details of and approval of any traffic management needed during construction.
 - Details of wheel cleaning/wash facilities – to prevent mud etc, in vehicle tyres/wheels, from migrating onto adjacent highway.
 - Details of appropriate signing, to accord with the necessary standards/requirements, for pedestrians during construction works, including any footpath diversions.
 - The erection and maintenance of security hoarding / scaffolding if required.
 - Arrangements for delivery of abnormal loads
 - Detailed drawings of temporary construction access points and their reinstatement

The approved CTMP shall be adhered to during the carrying out of the development unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of highway safety and to mitigate the impact of construction vehicles on the surrounding highway network, road infrastructure and local residents, particularly at morning and afternoon peak traffic times in accordance with policy M2 of the Oxford Local Plan 2016-2036.

Oxpens Road connection

7. Prior to work commencing on the bridge structure full details of the junction of the connecting path and Oxpens Road shall be submitted to and approved in writing by the Local Planning Authority. This should include proposals for dropped kerbs, tactile paving requirements and measures to prevent

unauthorised vehicle access. The works shall be completed in accordance with the approved details prior to the bridge being opened to public use.

Reason: In the interests of highway safety and in accordance with policy M1 of the Oxford Local Plan 2036.

Landscape Proposals

8. Prior to commencement of development a landscaping proposals plan and canopy cover assessment shall be submitted to and approved in writing by the Local Planning Authority. The approved landscape proposals plan shall then be implemented no later than the first planting season after first use of the development hereby approved unless otherwise agreed in writing beforehand by the Local Planning Authority.

Reason: In the interests of visual amenity in accordance with policies G7, G8 and DH1 of the Oxford Local Plan 2016-2036.

Landscape Proposals Reinstatement

9. Any existing retained trees, or new trees or plants planted in accordance with the details of the approved landscape proposals plan that fail to establish, are removed, die or become seriously damaged or defective within a period of five years after first occupation or first use of the development hereby approved shall be replaced. They shall be replaced with others of a species, size and number as originally approved during the first available planting season unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of visual amenity in accordance with policies G7, G8 and DH1 of the Oxford Local Plan 2016-2036.

Landscape Management Plan

10. Prior to first use of the development hereby approved a landscape management plan, including long term design objectives, management responsibilities and maintenance schedules and timing for all landscape areas shall be submitted to, and approved in writing by, the Local Planning Authority. The landscape management plan shall be carried out and adhered to as approved in writing by the Local Planning Authority following implementation of the approved landscaping proposals plan.

Reason: In the interests of visual amenity in accordance with policies G7, G8 and DH1 of the Oxford Local Plan 2016-2036.

Landscape Surface Design – Tree Roots

11. No development shall take place until details of the design of all new hard surfaces and a method statement for their construction shall first have been submitted to and approved in writing by the Local Planning Authority and the hard surfaces shall be constructed in accordance with the approved details

unless otherwise agreed in writing beforehand by the Local Planning Authority. Details shall take into account the need to avoid any excavation within the Root Protection Area of any retained tree and where appropriate the Local Planning Authority will expect "nodig" techniques to be used, which require hard surfaces to be constructed on top of existing soil levels in accordance with the current British Standard 5837: "Trees in Relation to Design, Demolition and Construction – Recommendations".

Reason: To avoid damage to the roots of retained trees in accordance with policies G7, G8 and DH1 of the Oxford Local Plan 2016-2036.

Underground Services Tree Roots

12. No development shall take place until details of the location of all underground services and soakaways have been submitted to and approved in writing by the Local Planning Authority. The location of underground services and soakaways shall take account of the need to avoid excavation within the Root Protection Areas of retained trees as defined in the current British Standard 5837 "Trees in Relation to Design, Demolition and Construction - Recommendations". Works shall only be carried out in accordance with the approved details unless otherwise agreed in writing beforehand by the Local Planning Authority.

Reason: In the interests of visual amenity in accordance with policies G7, G8 and DH1 of the Oxford Local Plan 2016-2036.

Tree Protection Plan (TPP)2

13. The development shall be carried out in strict accordance with the tree protection measures contained within the planning application details shown on drawing number **OXPEN-STN-GEN-ALL-DR-J P04** , unless otherwise agreed in writing beforehand by the Local Planning Authority. The Local Planning Authority shall be informed in writing when physical measures are in place, in order to allow Officers to make an inspection prior to the commencement of development. No works or other activities including storage of materials shall take place within designated Construction Exclusion Zones unless otherwise agreed in writing beforehand by the Local Planning Authority. Reason: In the interests of visual amenity in accordance with policies G7, G8 and DH1 of the Oxford Local Plan 2016-2036.

Arboricultural Method Statement (AMS) 1

14. No development, including demolition and enabling works, shall take place until a detailed statement (the Arboricultural Method Statement (AMS)) has been submitted to and approved in writing by the Local Planning Authority. The AMS shall detail any access pruning proposals, and shall set out the methods of any workings or other forms of ingress into the Root Protection Areas (RPAs) or Construction Exclusion Zones (CEZs) of retained trees. Such details shall take account of the need to avoid damage to the branches, stems and roots of retained trees, through impacts, excavations, ground skimming, vehicle

compaction and chemical spillages including lime and cement. The development shall be carried out in strict accordance with of the approved AMS unless otherwise agreed in writing beforehand by the Local Planning Authority.

Reason: To protect retained trees during construction in accordance with policies G7, G8 and DH1 of the Oxford Local Plan 2016-2036.

Arboricultural Monitoring Programme (AMP)

15. Development, including demolition and enabling works, shall not begin until details of an Arboricultural Monitoring Programme (AMP) have been submitted to and approved in writing by the Local Planning Authority (LPA). The AMP shall include a schedule of a monitoring and reporting programme of all on-site supervision and checks of compliance with the details of the Tree Protection Plan and Arboricultural Method Statement, as approved in writing by the Local Planning Authority. The AMP shall include details of an appropriate Arboricultural Clerk of Works (ACoW) who shall conduct such monitoring and supervision, and a written and photographic record shall be submitted to the LPA at scheduled intervals for approval in writing in accordance with the approved AMP. The development shall then be carried out in accordance with the approved AMP unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of visual amenity in accordance with policies G7, G8 and DH1 of the Oxford Local Plan 2016-2036

CEMP

16. A Construction Environmental Management Plan (CEMP) for the development shall be submitted to and be approved in writing by the Local Planning Authority prior to construction works commencing on site. The CEMP shall detail and advise of the measures, in accordance with the best practicable means, to be used to minimize construction noise, vibration and dust. The development shall be carried out in accordance with the approved CEMP.

Reason: To minimise the impact of construction works on neighbouring amenity in compliance with policy RE7.

Method Statement

17. No development shall take place until the applicant, or their agents or successors in title, has submitted a detailed method statement for the construction and removal of temporary works in compliance with the Balfour Beatty method parameters (February 2024) All works shall be carried out and completed in accordance with the approved method statement, unless otherwise agreed in writing by the Local Planning Authority.

Reason: Because the development may have a damaging effect on known or suspected elements of the historic environment of the people of Oxford and their

visitors, including post medieval remains in accordance with Policy DH4 of the Oxford Local Plan 2016-2036

Archaeology

18. No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the Local Planning Authority. All works shall be carried out and completed in accordance with the approved written scheme of investigation, unless otherwise agreed in writing by the Local Planning Authority.

Reason: Because the development may have a damaging effect on known or suspected elements of the historic environment of the people of Oxford and their visitors, including prehistoric, medieval, post medieval and early modern remains in accordance with Policy DH4 of the Oxford Local Plan 2016-2036

Great Crested Newts

19. No development hereby permitted shall take place except in accordance with the terms and conditions of the Council's Organisational Licence (WML-OR112, or a 'Further Licence') and with the proposals detailed on plan "Oxpens Bridge: Impact plan for great crested newt District Licensing (Version 1)", dated 14th February 2024.

Reason: In order to ensure that adverse impacts on great crested newts are adequately mitigated and to ensure that site works are delivered in full compliance with the Organisational Licence (WML-OR112, or a 'Further Licence'), section 15 of the National Planning Policy Framework, Circular 06/2005 and the Natural Environment and Rural Communities Act 2006.

Great Crested Newts 2

20. No development hereby permitted shall take place unless and until a certificate from the Delivery Partner (as set out in the District Licence WML-OR112, or a 'Further Licence'), confirming that all necessary measures regarding great crested newt compensation have been appropriately dealt with, has been submitted to and approved in writing by the Local Planning Authority and the Authority has provided authorisation for the development to proceed under the district newt licence. The delivery partner certificate must be submitted to this Local Planning Authority for written approval prior to the commencement of the development hereby approved.

Reason: In order to adequately compensate for negative impacts to great crested newts, and in line with section 15 of the National Planning Policy Framework, Circular 06/2005 and the Natural Environment and Rural Communities Act 2006. In order to ensure that adverse impacts on great crested newts are adequately mitigated and to ensure that site works are delivered in full

compliance with the Organisational Licence (WMLOR112, or a 'Further Licence'), section 15 of the National Planning Policy Framework, Circular 06/2005 and the Natural Environment and Rural Communities Act 2006.

Compliance with existing detailed biodiversity method statements

21. The development hereby approved shall be implemented strictly in accordance with the measures stated in Section 4 of the report 'Ecological Assessment Report' by Stantec and dated 1st March 2024, or as modified by a relevant European Protected Species Licence.

Reason: To comply with The Wildlife and Countryside Act 1981 (as amended) and The Conservation of Habitats Regulations 2017 (as amended) and enhance biodiversity in Oxford City in accordance with the National Planning Policy Framework.

Construction Environmental Management Plans (Biodiversity)

22. No development shall take place (including demolition, ground works, vegetation clearance) until a construction environmental management plan (CEMP: Biodiversity) has been submitted to and approved in writing by the Local Planning Authority. The CEMP (Biodiversity) shall include the following.

a) Risk assessment of potentially damaging construction activities on the River Thames and surrounding habitats.

b) Identification of "biodiversity protection zones".

c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts on the River Thames and surrounding habitats during construction (may be provided as a set of method statements).

d) The location and timing of sensitive works to avoid harm to biodiversity features.

e) The times during construction when specialist ecologists need to be present on site to oversee works.

f) Responsible persons and lines of communication.

g) The role and responsibilities on site of a qualified ecological clerk of works (ECoW) or similarly competent person.

h) Use of protective fences, exclusion barriers and warning signs.

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To comply with the Wildlife and Countryside Act 1981 (as amended) and Conservation of Habitats and Species Regulations 2017 (as amended).

Ecological Enhancements

23. Prior to occupation of the development, details of ecological enhancement measures including at least four bat roosting devices and three bird nesting devices shall be submitted to and approved in writing by the Local Planning Authority. Details shall include the proposed specifications, locations, and arrangements for any required maintenance. The approved devices shall be fully constructed under the oversight of a suitably qualified ecologist prior to occupation of the approved development, and evidence of installation provided to the Local Planning Authority. The approved devices shall be maintained and retained in perpetuity unless otherwise agreed in writing by the Local Planning Authority.

Reason: To enhance biodiversity in Oxford City in accordance with paragraph 174 of the National Planning Policy Framework.

Limitation of Lighting

24. No lighting shall be installed in association with the consented development without prior written consent from the Local Planning Authority. For clarity, this would include lighting on the bridge or in association with the footpaths.

Reason: To prevent impacts on bats arising from illumination of the riparian corridor or proposed roosting devices, and to comply with the Wildlife and Countryside Act 1981 (as amended) and Conservation of Habitats and Species Regulations 2017 (as amended).

Flood Risk Assessment

25. The development shall be carried out in accordance with the submitted flood risk assessment (ref OXPEN-STN-GEN-ALL-RP-C-0001-P03, dated 29th February 2024) and the following mitigation measures it details:

- The soffit height of the bridge shall be set at a minimum height of 58.20 metres above Ordnance Datum (mAOD), in accordance with section 6.1.2 of the submitted flood risk assessment.
- 84.6m³ of compensatory storage shall be provided, in accordance with section 6.2.6 of the submitted flood risk assessment and detailed in the flood compensation scheme in Appendix D (drawing reference OXPEN-STN-GENALL-DR-L-3001-P04, dated 26th February 2024). At no point during the construction of the proposed development result in a temporary loss in floodplain storage.

These mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the scheme's timing/phasing arrangements. The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.

Reasons: In accordance with paragraph 170 of the NPPF: • To prevent an increase in the risk of flooding elsewhere by ensuring that compensatory storage of flood water is provided. • To prevent an increase in flood risk elsewhere by ensuring that the flow of flood water is not impeded, and the proposed

development does not cause a loss of floodplain storage. • To prevent obstruction to the flow and storage of flood water, which would lead to an increase in flood risk elsewhere. This condition is supported by local plan policy NE3 of the Oxford Local Plan 2036.

Dust Mitigation

26. The development shall be constructed in accordance with the specific dust mitigation measures as identified on the IAQM Guidance on the assessment of dust from demolition and construction.

Reason: To minimise the impact of construction works on neighbouring amenity in compliance with policy RE7 of the Oxford Local Plan

Informatives

1. Storm/surface water must not be discharged onto Network Rail's property or into Network Rail's culverts or drains. Network Rail's drainage system(s) are not to be compromised by any work(s). Suitable drainage or other works must be provided and maintained by the Developer to prevent surface water flows or run-off onto Network Rail's property / infrastructure. Ground levels – if altered, to be such that water flows away from the railway. Drainage does not show up on Buried service checks.
2. Any works on this land will need to be undertaken following engagement with Asset Protection to determine the interface with Network Rail assets, buried or otherwise and by entering into a Basic Asset Protection Agreement, if required, with a minimum of 3 months notice before works start. Initially the outside party should contact assetprotectionwestern@networkrail.co.uk
3. Please note that this consent does not override the statutory protection afforded to species protected under the terms of The Wildlife and Countryside Act 1981 (as amended) and The Conservation of Habitats and Species Regulations 2017 (as amended), or any other relevant legislation such as the Wild Mammals Act 1996 and Protection of Badgers Act 1992.
4. The Environmental Permitting (England and Wales) Regulations 2016 require a permit or exemption to be obtained for any activities which will take place: • on or within 8 metres of a main river (16 metres if tidal) • on or within 8 metres of a flood defence structure or culverted main river (16 metres if tidal) • on or within 16 metres of a sea defence • involving quarrying or excavation within 16 metres of any main river, flood defence (including a remote defence) or culvert • in a floodplain more than 8 metres from the river bank, culvert or flood defence structure (16 metres if it's a tidal main river) and you don't already have planning permission

13. APPENDICES

- **Appendix 1** – Site location plan
- **Appendix 2** – ODRP letter

14.HUMAN RIGHTS ACT 1998

14.1. Officers have considered the implications of the Human Rights Act 1998 in reaching a recommendation to approve this application. They consider that the interference with the human rights of the applicant under Article 8/Article 1 of Protocol 1 is justifiable and proportionate for the protection of the rights and freedom of others or the control of his/her property in this way is in accordance with the general interest.

15. SECTION 17 OF THE CRIME AND DISORDER ACT 1998

15.1. Officers have considered, with due regard, the likely effect of the proposal on the need to reduce crime and disorder as part of the determination of this application, in accordance with section 17 of the Crime and Disorder Act 1998. In reaching a recommendation to grant planning permission, officers consider that the proposal will not undermine crime prevention or the promotion of community.

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