

<b>ApplicationNo:</b> 09/00713/ADJ	<b>Ward:</b> Outside Cherwell Area	<b>Date Valid:</b> 29.05.09
<b>Applicant:</b>	Environment Agency	
<b>Site Address:</b>	Land to the north of the M40 and along the A361 in Chacombe parish	
<b>Proposal:</b>	<p>Engineering works to form Banbury Flood Alleviation Scheme including construction of embankment and floodwalls, excavation of material, realignment of sections of the River Cherwell and raising of section of the A361 (Includes Environmental Statement)</p> <p>Revised application site boundary to include all temporary working areas, works compounds, access routes and routes to local highway network (the scheme proposals remain unchanged)</p>	

## 1. Site Description and Proposal

- 1.1 This application is related to a wider flood alleviation scheme for Banbury which seeks to provide flood defences and flood storage areas to the north of the town to mitigate flooding from the River Cherwell. The majority of the works involved with this wider scheme fall within the administrative boundaries of Cherwell District Council, with a small element falling with South Northamptonshire Council area, particularly around the A361. The proposed flood alleviation scheme is intended to reduce flooding to the 1:200 year level for a number of residential and commercial properties within Banbury.
- 1.2 The majority of the works within Cherwell District is covered under application 09/00570/F, and it was your officers intention to run the two application together for determination, however, an Addendum to the Environmental Statement has been made late in the day, which needed to be re-consulted upon. Essentially the Addendum covers an area of land known as CPO no. 4 and also Cropredy Bridge Registered Historic Battlefield. This information has been re-consulted upon, the final date for comments is 3<sup>rd</sup> December 2009, and therefore the application will be presented to Members at the next meeting.
- 1.3 The development falling within SNC includes;
- raising a section of the A361 highway for 650m, just beyond the crossing of the dismantled railway, and to provide an access track from this section of highway to a temporary floodwater storage area adjacent to the River Cherwell and temporary access tracks alongside the proposed altered section of the A361. This raising is necessary to avoid the road flooding more frequently as a result of the flood storage area.
  - to provide temporary working and storage areas
  - to realign part of the Huscote Link Channel including the provision of a 4.5 metre high earth flood embankment and environmental mitigation area alongside with a permissive footpath along the top of the flood embankment.

- part of the works associated with the Hardwick flow control area, which is positioned adjacent to the M40 close to Banbury. These extend and support the current arrangements and will extend the length of the existing concrete walls which enable water flow along this section of the river to be controlled and slowed.

- 1.4 In combination these works will enable a flood storage area to be created, north of Banbury, to realign parts of the River Cherwell route and to introduce a control arrangement to the flow of water along the river. The river flow control structures will restrict water in the river channel the flood water will 'back up' and flood approx. 260 ha grazing land on the existing floodplain. The flood waters are then released in managed fashion by the control structures. An earth embankment will prevent water entering the Oxford Canal and flooding Banbury

## **2. Application Publicity and consultations**

- 2.1 None

## **3. Relevant Planning Policy**

### **3.1 South East Plan Policies:**

CC2: Climate Change

NRM1: sustainable Water Resources and Groundwater Quality

NRM4: Strategic Flood Management

C4: Landscape and Countryside Management

SP3: Urban focus and urban renaissance

### **3.2 Adopted Cherwell Local Plan, 1996 saved policies:**

TR11 –Oxford Canal

R7 – Protection and enhancement of the recreational roles of the Oxford Canal and River Cherwell

C1 – Nature conservation

C2 - Protection of species

C4 - Creation of new habitats

C5 - Protection and enhancement of ecological value

C7 – Landcsape Conservation

C9 - Prevention of inappropriate development in rural area

C10 - Historic landscapes, parks and gardens and historic battlefields

C13 – Areas of High Landscape Value

C14 – Trees and landscaping

C17 – Enhancement of landscape

ENV7 – Water quality

ENV 12 – Contaminated land

**3.3 The following Non Statutory Local Plan policies:**

S5 – Banbury Redevelopment Sites

S5a – Banbury Cultural Quarter

ENV14 – Flood Defence

R14 – Oxford Canal and the River Cherwell

EN12 – Water quality

EN14 – Flood defence

EN15 – Surface water run-off and source control

EN17 – Contaminated land

EN22 – Nature conservation

EN23 – Ecological surveys

EN24 – Protection of sites and species

EN25 – Protection of species

EN27 – Creation of new habitats

EN28 – Protection and enhancement of ecological value

EN31 – Prevention of inappropriate development in rural area

EN34 – Landscape character

EN36 – Landscape enhancement

EN37 – Trees, hedges and landscaping

EN44 – Setting of listed building

EN47 – Archaeology and the built heritage

EN48 – Historic landscapes, parks and gardens and historic battlefields

### 3.4 **National Policy Guidance**

PPS1, PPS7, PPS9, PPG13, PPG15, PPS16, PPG17, PPS23 and PPS25

## 4. **Appraisal**

4.1 The application has been submitted in conjunction with 09/00570/F which seeks consent from Cherwell District Council for the majority of the development works proposed. The full assessment of that scheme is still to be reported to the Planning Committee for determination. The elements relative to South Northamptonshire's district is therefore being reported however, there is some overlap in respect of need, impact on character and appearance of landscape and construction phase of the proposed development.

### 4.2 Need

Banbury, which is located on the River Cherwell, has acknowledged flooding issues, which were highlighted in the 1998 floods. This area is identified as a flood risk area, level 2 and 3 at present. Following the 1998 floods the Environment Agency sought to bring forward a flood protection scheme in accordance with PPS25 advice and its own remit to reduce flooding to populated areas nationally. Both Cherwell District Council and South Northamptonshire Council have already granted planning permission for the flood protection works but these have either already lapsed or will do so imminently before development can commence. In respect of the regional and development plan policies relevant to the consideration of the proposed works both national guidance and the development plan support flood protection measures. The Council therefore does not dispute that a flood relief scheme is required. The information supplied is sufficient to show that the development will not lead to increased flooding risks elsewhere within the District.

### 4.3 Impact on character and appearance of landscape

In respect of the physical works, the main visual impacts relate to the raising of a section of the A361 highway, the provision of the earth embankment to the side of the river and remodelling of the river, the provision of access routes to the working area and the provision of concrete gabions to two areas adjacent to the M40 highway.

4.4 The A361 highway at present is at a lower level generally than the surrounding countryside and would be raised. Whilst this would elevate the surface of the road and allow longer views of the road, for this short length, the proposal overall is mitigated by the inclusion of a comprehensive landscaping scheme and it is considered that in this respect the visual impact of raising the road would not be seriously detrimental to visual amenity in the long term or at conflict with the development plan.

4.5 A number of hedges and trees (including standard trees of high quality grades) will need to be felled to allow construction but replacement planting will be carried out. In addition, some canopy raising and crown reduction of other trees will be necessary.

4.6 A more significant impact occurs with the proposed realigning works and the embankment. In respect of the river realignment, north of Banbury this is an area of flat land with short and relatively long views. The river divides into two

arms with the main river channel gently sweeping in a curve to the north of this specific area and a secondary smaller arm of the river meandering along the southern boundary, running parallel with the route of the M40 motorway. This part of the area lies close to the Oxford Canal and can therefore be viewed from public footpaths, the towpath and the canal itself. This is therefore an area that requires careful consideration in respect of the visual impact on the rural landscape.

- 4.7 The area at present has a quiet rural character, albeit with the M40 flyover passing overhead, and the meandering second arm of the river and low lying nature of the area adds to the quality of this environment. The proposed realigning of the smaller arm of the river retains this character but places an earth embankment along this section with a 1 in 3 gradient for the sides. This is positioned between 2 flow control structures to the main river channel. The area immediately around the realigned river is shown as an environmental mitigation area laid to grazing and wetland planting. This area, around the realigned section of river, will form part of the flood storage area and planting is proposed to take account of this periodic flooding. This will not differ from the flooding that occurs currently over this land but will enable controlled flooding to designated areas to take place.
- 4.8 The proposed embankment extends along this section of river and the M40. It also runs alongside a section of the Oxford Canal. The embankment is earth constructed with sloping sides and flat topped to enable a footpath to be created to link at the southern end to the A361 public right of way and the towpath, partway along the embankment's length. The main visual impact relates to the loss of the long views from the adjacent footpaths across the river to the canal, the views from the canal itself eastwards, the views from the M40 motorway and the longer views from the A361. The topography of this landscape, which is largely flat, will be artificially interrupted by the embankment. However, this will be mitigated by the sloping sides of the embankment and its construction, earth mounding with extensive natural planting onto the top and sides and around it.
- 4.9 Over time it is considered that the planting will establish and integrate visually with the natural rural landscape surrounding the site and the embankment will become less noticeable other than as a means to emphasise the new planting. The embankment will also have a secondary role to provide a new footpath and during periods of flooding will act as a refuge area for cattle and sheep grazing. On balance weighing up the need for the development against visual impact, it is considered that this raises no conflict with development plan policies in relation to impact on the character of the area.
- 4.10 However, two pairs of concrete gabions are required to be provided as a part of the flow control mechanism for the river. Both will be clearly visible and prominent in the landscape once the works have been completed as they physically dissect the embankment. However their design is constrained by the need to accommodate river flows at peak flow rates during flood periods and therefore requires them to be of substantial construction and utilitarian in appearance. Their design accords with the role that these concrete sections of walling will have in slowing water flow and water pressure in times of flooding. On balance whilst these will be noticeable in the landscape, particularly at close proximity in the immediate years following their construction, at longer views they will, to an extent, be hidden once the landscaping is established. Again, weighing up the need for the development against the visual impact it is considered that this aspect of the proposals is acceptable.

#### 4.11 Ecology/Archaeology

The EIA makes reference to the effect on flora and fauna and various surveys that have been carried out. Further surveys in advance of works will ensure that any protected species are translocated. Nesting habitat will be felled outside the bird nesting season. The EIA also concludes that there will be no impacts on features of archaeological importance.

#### 4.12 Construction

Temporary storage and working areas are proposed with new accesses created to the working and storage areas. These are proposed to be removed on completion of the scheme and the areas landscaped over. Again whilst this will result in some loss of the rural landscape in the short term the restoration and landscaping of these areas will mitigate against the short term impacts in the longer term.

4.13 There is the potential for the development to generate temporary noise, vibration, pollution and dust. However, there are very few residential properties near the development site and the EIA includes measures for appropriate levels of mitigation.

#### 4.14 Conclusion

The proposal forms part of a comprehensive flood relief scheme for Banbury. The works are mitigated by an extensive landscaping scheme. The impact of flooding onto the A361 is considered acceptable whilst the raising of the road will provide some mitigation and the comprehensive landscaping of the site will enhance the character of the rural landscape. The proposal is not considered to conflict with the development plan policies and accords with national planning advice in respect of reducing flood risk as set out in PPS25. Furthermore the proposal is considered to contribute to the character of the area and landscape as set out in PPS1 Delivering Sustainable Development and PPS7 Sustainable Development in Rural Areas and enhancing the ecology of the area in accordance with PPS9. Subject to appropriate conditions (similar to those provided with the 09/00570/F), the application is considered acceptable.

### **RECOMMENDATION**

That South Northamptonshire Council be advised that :

Cherwell District Council raise no objection subject to appropriate conditions.

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