



**Canal &  
River Trust**

Making life better by water

Cherwell District Council  
Bodicote House  
Bodicote  
Banbury  
Oxfordshire  
OX15 4AA

Your Ref 22/01611/OUT

Our Ref CRTR-PLAN-2022-36728

Tuesday 23 August 2022

Dear Mr Campbell

**Proposal: Outline planning application for up to 118 no dwellings (all matters reserved except for access) with vehicular access from Oxford Road**

**Location: Stratfield Farm, 374, Oxford Road, Kidlington**

**Waterway: Oxford Canal**

Thank you for your consultation.

We are the charity who look after and bring to life 2000 miles of canals & rivers. Our waterways contribute to the health and wellbeing of local communities and economies, creating attractive and connected places to live, work, volunteer and spend leisure time. These historic, natural and cultural assets form part of the strategic and local green-blue infrastructure network, linking urban and rural communities as well as habitats. By caring for our waterways and promoting their use we believe we can improve the wellbeing of our nation. The Trust is a statutory consultee in the Development Management process.

The main issues relevant to the Trust as statutory consultee on this application are:

- a) The visual impact of the proposal on the character and appearance of the Oxford canal corridor
- b) The impact of the proposal on the ecology of the canal corridor
- c) Accessibility in relation to the towpath of the Oxford Canal

Based on the information available our substantive response (as required by the Town & Country Planning (Development Management Procedure) (England) Order 2015 (as amended)) is to advise that suitably worded **conditions and a legal agreement are necessary** to address these matters. Our advice and comments follow:

The visual impact of the proposal on character and appearance of the Oxford canal corridor

Design & layout

It is noted that the proposal is made in outline only although an indicative layout plan has been provided. The proposed site is located adjacent to the Oxford Canal but that no development is shown adjacent to the canal.

Each waterside location needs to be considered individually, with no single design approach being appropriate in all locations. If in due course development is proposed adjacent to or closer to the canal the following guiding principles should be considered.

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Where appropriate, new waterside development should:

- positively address the water.
- open access to the water and create access points to any existing towpath.
- link waterside space and the waterspace.
- use the waterspace itself.
- incorporate access and other improvements.
- engage with and tease out the qualities and benefits of being by water.
- reflect the scale of the local waterway corridor to the wider neighbourhood.

The masterplan shows pathways leading to the canal but no paths along or across the canal to join the canal towpath. A new bridge is shown over the canal, but this is not included within the site boundary. It is alluded to in various documents and is required by the Development Brief for the site, however there is no reference to it being funded or provided as part of this development, nor with any mention of a contribution towards towpath improvement.

## Heritage

The canal is a linear conservation area as it passes the site. The heritage assessment mentions the possibility of glimpsed views, particularly as a result of the ground rising away from the canal, and this is not unacceptable or necessarily harmful to the conservation area. The proposed landscaping to be submitted at reserved matters stage should provide additional screening if necessary, using native planting rather than attempt to obliterate all such views by the provision of planting buffer. The Conservation area could however be better linked to the site by the provision of improved waterside access paths and by linking across to the canal towpath.

If outline permission is forthcoming, it is strongly suggested that the applicant is encouraged to enter further discussions with the Trust regarding the treatment of the canal and bridge prior to the submission of a reserved matters application.

## The impact of the proposal on the ecology of the canal corridor

### Landscaping

The LVIA states that there are no Conservation areas in the vicinity of the site despite the Canal Conservation area running adjacent to the western boundary. Furthermore, the impact of the proposal on the users of the canal itself has not been considered, just user of the Oxford Greenbelt Way, or canal towpath as perhaps it is better known.

The low impact of the proposal on the canal corridor is dependant to a large degree on the retention of the western boundary tree and scrub area at the side of the canal. If this area is removed long distance views of the site will be very different. The existing landscaping should be preserved and protected during the course of building works. The position of any new bridge should take into account the loss of existing landscaping but needs to be agreed with the Trust in due course.

Any new landscaping adjacent to the canal and additional planting to the east of the site should maximise opportunities for the creation of wildlife habitat and foraging routes leading to the canal.

The Ecological survey has not properly considered the proximity to the canal corridor and the possibility of protected species such as bats, water voles and otters using the western part of the site, despite the site extending to the canal edge. It is noted that the canalside trees and shrub area is not specifically annotated as being retained in Appendix 5176/1 (page 66) of the Survey, unlike other areas of existing landscaping. The mitigation measures suggested however are welcomed in relation to the protection of existing planting areas and the need for careful lighting design. Further survey information and a more detailed mitigation plan for this area should be provided.

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Details of the proposed external lighting for the development should be submitted to and approved in writing by the Local Planning Authority to ensure that the location, luminance, and direction of any external lighting does not have an adverse impact on the species using the canal corridor as a habitat or for foraging. A zero lux is required along the Canal corridor.

## Drainage

It is noted that the intention is to discharge to an existing watercourse. This watercourse eventually flows through the inverted siphon below the canal. The LLFA are asked to satisfy themselves of the condition of this infrastructure, its ability to take the likely flows and its on-going maintenance regime in order to ensure the protection of the Oxford canal.

## Pollution

The site slopes down towards the canal, however, due to the distances shown on the illustrative masterplan the risk of pollution to the canal is relatively low. Protection measures for all watercourses within and adjacent to the site should be required by way of a suitably worded CEMP.

## Construction Environmental Management Plan (CEMP)

The submitted ecological assessment makes recommendations regarding various protected species and the need for a CEMP. The Trust request that this is required by way of a suitably worded pre-commencement condition to ensure that any safeguarding measures are put in place prior to construction commencing. The CEMP should particularly consider the impact of the proposal on the canal corridor and the protected species which may be found there.

## Accessibility

Paragraph 108 of the NPPF require development to promote sustainable transport options. The canal towpath is not properly recognised as important, multi-functional Green Infrastructure which provides off-road active travel routes from the site in both directions to for both commuter journeys and recreational purposes.

The canal towpath is part of the long-distance path network, the Oxford Green Belt Way as well as bring a public footpath. The Trust and Oxfordshire County Council have worked in partnership to improve accessibility for pedestrians and cyclists along the canal towpath leading out from the city as far as Kings Bridge, to the South of the site. Previously discussions, have taken place regarding the need to extend the length of improved towpath north, past this site. This is set out in the Development Brief along with the aspiration to secure a new canal crossing adjacent to this site.

It is noted that the bridge and towpath improvements are not shown in this application. As previously mentioned, a new bridge cannot be erected without the agreement of the Canal & River Trust, will need a commercial agreement and DEFRA consent. Any new bridge will be required to comply with detail design guidance which can be provided by the Trust on request to protect both navigational safety and the safety of towpath users. The Trust will not take ownership or maintenance liabilities for the bridge. The Trust has also made it clear that no new crossing will be permitted without improvement to the towpath. Regardless of the provision of a new bridge an increase in housing in the area will increase usage of the towpath as other access routes to the canal towpath are available.

It is understood that the aspiration is that several new development sites adjacent to the canal may be required to contribute to a new crossing towpath improvements and Oxfordshire County Council should consider how best to achieve this.

The towpath immediately adjacent the site is not in a condition that could readily support additional footfall generated by the proposed development. The Canal & River Trust generally seeks to maintain its assets in a "steady state", and in the case of towpath maintenance, this is based on current usage. Where new development has the likelihood to increase usage the Trust's maintenance liabilities will also increase, and we consider that it is reasonable to request a financial contribution from developers to either cover increased maintenance costs, or

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to upgrade the towpath surface to a standard which is more durable and thus able to accommodate increased usage without adding to the Trust's future maintenance costs.

The Canal & River Trust have not estimated the cost of improvements to the towpath width and its surfacing, but it is suggested that the project team from the earlier phase of improvement work could consider this as a next phase, once the length and specification is agreed. The costs from earlier phases may not provide a suitable comparison due to differences in the base line condition and width of the towpath.

It is noted that the Oxford County Council Response dated 14th July 2022 supports the need for a contribution to achieve the surfacing and widening improve the towpath, linking up the most recent phase of improvement. Again, it is not clear how the costs of this improvement should be split between the various local development sites.

The Trust suggest a meeting is set up with Cherwell and OCC to discuss this matter in order to jointly suggest a suitable contribution method, and in due course a likely contribution figure. A further response will be provided following that meeting.

In order to comply with national planning policy, local policy and the development brief for the site we request that a **S106 contribution** is made to allow the improvement of an agreed section of towpath to be widened where possible and re-surfaced in a robust material, to be fit for purpose. The Trust will work with OCC to provide an updated figure after a decision is taken by all involved on what should be provided.

The Trust considers that the principle of this request meets the requirements of the tests for a S106 obligation as set out in paragraph 56 of the NPPF. Policy 52 of the Core Strategy. If the applicants are not willing to agree a suitable contribution to improve the towpath, please advise the Trust to allow further discussions to take place.

## Other matters

It is noted that Policy ESD 5 Renewable Energy states that a feasibility assessment for onsite renewable energy provision will be required for residential developments over 50 dwellings in off-gas areas. The Oxford Canal adjacent to the site may be suitable to provide net zero heating and cooling by the use of canal water. The applicant is requested to contact Maurice Bottomley, Utilities Business Development Manager with the Trust to discuss this further and it is expected that any future feasibility assessment will consider this type of renewable energy provision. Maurice can be contacted by email; [Maurice.Bottomley@canalrivertrust.org.uk](mailto:Maurice.Bottomley@canalrivertrust.org.uk)

## Conditions

Should the contribution toward the mitigation of the impact of the proposal on the towpath be secured then the Canal & River Trust ask that the following conditions are imposed should permission be forthcoming.

### Pre-commencement conditions

1. Prior to the commencement of development, a Construction Environmental Management plan shall be submitted and approved in writing by the Local Planning Authority. This shall particularly include measures to protect the canal and the protected species which use it. All works shall comply with the details so approved.
2. Reason: To accord with the requirements of paragraph 170 of the NPPF and because the ecological environment in this location is sensitive and should be protected from disturbance, dust, run off, waste etc. entering the canal.

### Other conditions

3. Details of any proposed boundary treatment with the waterway (showing height, specification, and materials and/or planting) shall be submitted to and agreed in writing by Local Planning Authority and thereafter implemented in accordance with the agreed details.

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Reason: To comply with the requirements of section 170 of the National Planning Policy Framework and ensure that the external appearance of the development is satisfactory. The boundaries adjacent to waterside developments should provide an attractive façade and poor design can affect how the waterway is perceived.

The construction of foundations for fencing has the potential to impact on the integrity of the waterway therefore development approved should prevent damage to the waterway structure and protect users on the towpath.

4. Prior to the commencement of development, details of a landscape management plan for the public open space area adjacent to the boundary of the canal shall be submitted to and agreed in writing by the Local Planning Authority and thereafter implemented in accordance with the agreed details unless otherwise agreed in writing.

Reason: To accord with the requirements of paragraph 170 of the NPPF. Landscaping should enhance the biodiversity of an area and provide screening. Landscaping and trees also have the potential to impact on the integrity of the waterway and it is necessary to assess this and determine future maintenance responsibilities for the planting.

5. Prior to the commencement of development details of the proposed lighting for the development shall be submitted to and approved in writing by the Local Planning Authority and thereafter implemented in accordance with the agreed details unless otherwise agreed in writing.

Reason: To comply with paragraph 180 of the National planning policy framework as the lighting at waterside developments should be designed to minimise the problems of glare, show consideration for bats and unnecessary light pollution should be avoided by ensuring that the level of luminance is appropriate for the location, is sustainable and efficient, and protect the integrity of the waterway infrastructure.

6. Details of the proposed surface water drainage, including details of the condition and maintenance regime for the siphon under the canal, shall be submitted to and agreed in writing by the Local Planning Authority prior to the commencement of development and thereafter implemented in accordance with the agreed details unless otherwise agreed in writing.

Reason: To comply with paragraph 170 of the National Planning Policy Framework and to determine the potential for pollution of the waterway and likely volume of water. Potential contamination of the waterway and ground water from wind blow, seepage or spillage at the site, and high volumes of water should be avoided to safeguard the canal environment and integrity of the canal infrastructure.

## Informative

Should planning permission be granted we request that the following **informative** is appended to the decision notice:

1. The applicant is advised to contact [Gareth.Morgan@canalrivertrust.org.uk](mailto:Gareth.Morgan@canalrivertrust.org.uk) in order to ensure that any necessary consents are obtained and that the works comply with the Canal & River Trust "Code of Practice for Works affecting the Canal & River Trust".

For us to effectively monitor our role as a statutory consultee, please send me a copy of the decision notice and the requirements of any planning obligation.

Please do not hesitate to contact me with any queries you may have.

Yours sincerely,

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**Jane Hennell MRTPI**  
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