



Canal & River Trust

Making life better by water

Cherwell District Council
Bodicote House
Bodicote
Banbury
Oxfordshire
OX15 4AA

Your Ref 23/02098/OUT

Our Ref CRTR-PLAN-2023-39567

Thursday 24 August 2023

Dear Andrew Thompson,

Proposal: Outline application, with all matters reserved, for a multi-phased (severable), comprehensive residential-led mixed use development comprising: Up to 215,000 square metres gross external area of residential floorspace (or c.1,800 homes which depending on the housing mix could result in a higher or lower number of housing units) within Use Class C3/C4 and large houses of multiple occupation (Sui Generis); Supporting social infrastructure including secondary school/primary school(s) (Use Class F1); health, indoor sport and recreation, emergency and nursery facilities (Class E(d)-(f)). Supporting retail, leisure and community uses, including retail (Class E(a)), cafes and restaurants (Class E(b)), commercial and professional services (Class E(c)), a hotel (Use Class C1), local community uses (Class F2), and other local centre uses within a Sui Generis use including public houses, bars and drinking establishments (including with expanded food provision), hot food takeaways, venues for live music performance, theatre, and cinema. Up to 155,000 net additional square metres (gross external area) of flexible employment uses including research and development, office and workspace and associated uses (Use E(g)), industrial (Use Class B2) and storage (Use Class B8) in connection with the expansion of Begbroke Science Park; Highway works, including new vehicular, cyclist and pedestrian roads and paths, improvements to the existing Sandy Lane and Begbroke Hill road, a bridge over the Oxford Canal, safeguarded land for a rail halt, and car and cycle parking with associated electric vehicle charging infrastructure; Landscape and public realm, including areas for sustainable urban drainage systems, allotments, biodiversity areas, outdoor play and sports facilities (Use Class F2(c)); Utility, energy, water, and waste water facilities and infrastructure; together with enabling, site clearance, demolition and associated works, including temporary meanwhile uses. The Proposed Development affects the setting of a listed building and includes potential alterations to public rights of way. The application is accompanied by an Environmental Statement

Location: Begbroke Science Park, Begbroke Hill, Begbroke, Kidlington

Waterway: Oxford Canal

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 Conservation Area.
- b) Accessibility in relation to the towpath of the Oxford Canal
- c) Impact of the ecology on 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:

Canal & River Trust Planning Team

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

It is noted that the proposal is made in outline only although an indicative layout plan has been provided. The built element of the proposed site is located at some distance from the Oxford Canal although they greenspace and various leisure facilities are located adjacent to the Oxford Canal.

The canal is a linear Conservation Area (CA) as it passes the site. The Site is only intermittently visible from Oxford Canal Conservation Area, although it does form a green backdrop through the towpath hedge and adds to key views from the conservation area. The area adjacent to the canal is currently shown for open space and leisure use and this will further reduce the impact of the proposal on the CA.

Activity nodes, as mentioned in the DAS part 8 will help animate the spaces. As these park areas are separated from the built areas by the railway line and visibility/permeability and wayfinding will be critical and links to the canal corridor will be vital to access the wider area for recreation and active travel.

As well as the CA other canal related heritage designations are potentially affected by this proposal – Locks 42 and 43 (Roundham and Kidlington Green, both Grade II), Bridges 227 and 228 (both Grade II). However, the illustrative layout plans indicate that the impact on these will most likely be as a result of intensification of their usage due to their distance from the built form.

Conservation enhancements to these heritage assets may be necessary as mitigation for the additional stresses on the historic waterway infrastructure associated with the proposal. As an example, Bridge 227, Bullers was reported to be suffering heavy weathering and spalling to the stonework. Further inspection of the bridge and a load bearing assessment should take place to inform its suitability for increased usage.

Accessibility

The masterplan shows pathways leading to the canal and various crossing points using existing bridges. Most of these bridges are not in the ownership of the Trust.

It should be noted that one of the links across the canal shown on the masterplan is not an existing bridge, but a lock gate crossing (Kidlington Green Lock). Lock gates are not considered a safe means of crossing the canal for members of the general public. They are only provided to give access to the offside for boaters needing to operate lock gates. There is no onward route and use of the lock landing (the area of land adjacent to the lock on the offside) is not encouraged other than for operational purposes. This crossing should be removed from future iterations of the plan.

Paragraph 108 of the NPPF require development to promote sustainable transport options. The canal towpath is recognised as important, multi-functional Green Infrastructure which provides off-road active travel routes from the site in both directions for both commuter journeys and recreational purposes.

The towpath adjacent to 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 upgrade the towpath 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 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 Communities Team (OCC) have worked in partnership to improve accessibility for pedestrians and cyclists along the canal towpath leading out from Oxford 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 northwards, past this site to Thrupp, particularly in the light of the increased usage as a result of this development and others in the vicinity.

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The Development Brief sets out the aspiration to secure a new canal crossing adjacent to this site and the Trust is working with OCC to determine the cost and specification for the next phases, which will include works required as mitigation for this development.

Further detailed information will be provided to the applicants and Council as soon as possible. It is suggested that funding for this work is incorporated into the S106 request from the Highway Authority but is ringfenced to provide towpath improvement. Any such funding should be index linked and made available on commencement of the development to ensure that the towpath is improved prior to the occupation of the houses. The Trust considers that the principle of such a request will meet the requirements of the tests for a S106 obligation as set out in the NPPF and Core Strategy.

Any towpath upgrade design should consider the need of anglers and other waterway users with green verges and if possible, a paddle sport launch point/canoe portage. Car parking to serve these uses should be considered in conjunction with other leisure uses within the site. In improving the towpath the ecology and heritage of the canal will be need to be considered and discussions with the applicants and OCC should continue.

New Bridge

A new bridge is shown over the canal, but this is not included within the site boundary. A new bridge cannot be erected without the agreement of the Canal & River Trust, it will need a commercial agreement and DEFRA consent. Any new bridge will be required to comply with detailed design guidance which can be found at [Code of Practice for Works Affecting the Canal and River Trust Part 2 - Detailed Information \(canalrivertrust.org.uk\)](https://www.canalrivertrust.org.uk/Code-of-Practice-for-Works-Affecting-the-Canal-and-River-Trust-Part-2-Detailed-Information). Further information on bridge design (although specifically relating to new HS2 crossings) can be found at [Creating successful waterside places | planning and design | Canal & River Trust \(canalrivertrust.org.uk\)](https://www.canalrivertrust.org.uk/Creating-successful-waterside-places-planning-and-design). These standards are to protect both navigational safety and the safety of towpath users.

The Trust will not take ownership or maintenance liabilities for the bridge.

Detailed discussions are yet to take place regarding the position and design of the bridge, as well as its provision for its funding and future maintenance. It is understood that the bridge will be jointly provided as part of this development and the allocation site on the offside. The Trust suggest that such discussions are necessary to properly allow an understanding of likely installation and future maintenance costs to inform any S106 calculations for transport improvements.

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

The impact of the proposal on the canal corridor is dependant to a large degree on the retention of the western boundary tree and hedgerows at the side of the canal. The position of any new bridges or towpath access points should take into account the loss of any existing landscaping needed to provide links into the site.

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

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, which then flows into the Oxford canal.

The outfall from Rowel Brook into the South Oxford canal consists of a pipe below the towpath, with no headwall structure visible on either side. On inspection, water levels were equalised between the brook and canal, with water moving upstream in the brook for a few metres when the lock was discharged. There is no history of overtopping recorded in the canal pound.

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The attenuation included as part of the scheme has been designed such that there is no increase in water volumes discharged during storm events. Therefore, there are no current major concerns from a Water Management Team perspective. It is recommended that the outfall pipe beneath the towpath is considered for improvement, to reduce the risk of erosion of the towpath and further inspection of this should take place.

The wastewater weir currently discharges into Kingsbridge brook. Which runs along the back of the towpath and potentially within the boundary of the development based on the illustrative masterplan. An easement that allows the Trust access to the brook to carry out future maintenance, thus enabling us to adequately maintain our navigation water levels would be of assistance.

Conclusion

The Trust would welcome continuing involvement with the applicant to discuss matters relating to the towpath and proposed new bridge. We will provide further information regarding the towpath improvements works as soon as possible.

Conditions

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.

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.

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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 any equipment, 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 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,

Jane Hennell MRTPI
Area Planner

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<https://canalrivertrust.org.uk/specialist-teams/planning-and-design>

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