

Prepared by Fenny Marina Ltd. Phil Dykes.

All the comments highlighted **YELLOW** prepared by 'SB Rice Ltd' are the points I will discuss. All comments highlighted **BLUE** are of my own.

Please see the end of paper for further comments regarding the following and also suggestions of alternative suitable sites.

W A Adams Partnership – Claydon Marina

Sequential Test: January 2018 (Rev A – Feb 2019)

W A Adams Partnership

Glebe Farm, Boddington Road, Claydon, Banbury, Oxon, OX17

1TD

Sequential Test

Proposed Inland Waterways Marina with Ancillary Facilities Building, Car Parking,

Access and Associated Landscaping including the Construction of a New Lake

Prepared by:

SB Rice Ltd

Abbey House

1650 Arlington Business Park

Theale

Reading RG7 4SA

Contents

Section Detail Page No

1.0 INTRODUCTION .....	3
2.0 SEQUENTIAL TEST FOR FLOOD RISK.....	3
3.0 SEQUENTIAL TEST FOR COMPLIANCE WITH POLICY ESD16 – THE OXFORD CANAL.....	4
4.0 SUMMARY.....	8

Appendices

A: Sequential Test Site Plan (ADAMCM-1-1-003)

31.0 INTRODUCTION

1.1 The purpose of this report is to apply a sequential test as required in the NPPF and the Technical Guidance that accompanies it with regard to the proposed development's impact on the flood risk.

1.2 In doing so this sequential test also assesses alternative locations for a canal based marina in the District Council's region in the context of their compliance with policy ESD16 – The Oxford Canal in the Cherwell Local Plan 2011-2031 Part 1 (CLP2031 Part 1).

1.3 The sequential test has only been applied over the Local Planning Authority (LPA) area.

1.4 The following documents and sources of information have been referenced in carrying out the test:

- Environment Agency Flood Map;
- Magic Map;
- Ordnance Survey Maps.

1.5 The authors of the report have also relied upon their specialist knowledge regarding inland waterway marina development.

## 2.0 SEQUENTIAL TEST FOR FLOOD RISK

2.1 A Flood Risk Assessment for the proposed development has been prepared and submitted with the application, a copy of the FRA can be found in Appendix G of the Design and Access Statement.

2.2 A small area totaling approximately 2440m<sup>2</sup> of the proposed development site is located within Flood Zone 3.

2.3 The loss of flood plain will be more than compensated within the proposed development site via the construction of a lake.

2.4 In terms of the guidance set out in the NPPF a marina is defined as water compatible development so would be acceptable in Flood Zone 3.

2.5 However, as the proposal also includes the construction of buildings associated with the operation of the proposed marina a sequential test may be required.

2.6 Development in Flood Zones 2 and 3 will only be permitted if it can demonstrate that there are no reasonable alternative sites that would be appropriate for the proposed development in Flood Zones 1 or 2.

2.7 Marinas are water compatible development and should therefore not be subject to a sequential test.

2.8 The detailed assessment in section 3 below of alternative sites in the Cherwell District of Oxfordshire includes an assessment of the proposed sites in the context of potential flood risk and whether they are located within Flood Zones 1, 2 or 3.

2.9 A canal based marina must be located adjacent to the canal. An assessment of the Oxford Canal as it passes through the Cherwell District confirms that many sections of the canal are canalized river (River Cherwell), as such many sections of canal/river are located within Flood Zone 3. The assessment has therefore excluded potential sites within Flood Zone 3. The assessment confirms that there are no reasonably available alternative sites located within Flood Zones 1 or 2 that would provide more suitable lower risk sites than that proposed in this application.

2.10 The sequential test for flood risk has therefore concluded that there are no realistic alternative locations for the proposed marina development within the Cherwell District area with a lower flood risk and that compliance with the sequential test has therefore been demonstrated.

### 3.0 SEQUENTIAL TEST FOR COMPLIANCE WITH POLICY ESD16 – THE OXFORD CANAL

3.1 Policy ESD16 of the CLP 2031 Part 1 is intended to protect and enhance the Oxford Canal corridor as it passes through the Cherwell District.

3.2 The policy recognizes that the canal operates as a green transport route, a major leisure facility which attracts significant numbers of tourists and contains a significant number of industrial heritage features.

3.3 The canal is a designated Conservation Area and proposals which would be detrimental to its character or appearance will not be permitted.

3.4 The policy confirms that Council will support proposals to promote transport, recreation, leisure and tourism related uses where appropriate.

3.5 The policy also confirms that other than appropriate relocated small scale car park and picnic facilities, new facilities for canal users should be located within or immediately adjacent to settlements.

3.6 A sequential test has been conducted to assess all potential marina sites within the district in order to evaluate whether a deviation from the policy should be permitted in order to allow a marina development that is not located within or immediately adjacent to a settlement.

3.7 The criteria that have been used to assess suitability of a site for further marina development are

1. Proximity to the canal;
2. Highways access and access from the marina onto the canal;
3. Flood plain;
4. Green Belt;
5. Geography, i.e. height of existing ground level adjacent to the canal;
6. Proximity to sensitive ecological sites;
7. Proximity to sensitive heritage features.

3.8 Please refer to drawing reference ADAMCM-1-1-003 in Appendix A.

3.9 Site 01 – Within Flood Zone 1 and currently forming part of Kirtlington Golf Club, therefore unavailable for use as marina.

**Please refer to section 3.9 (In reference to Site 01) – The document states that the Kirtlington Golf Club is liable to flooding (Flood Zone 1). However, after speaking with an employee at the Golf Club, they quoted that the Golf Club is not liable to flooding.**

3.10 Site 02 – Within Flood Zone 1. No suitable highways access; located immediately next to a SSSI; the site is heavily wooded with ground rising steeply from the canal and therefore unsuitable for a marina without significant excavation; the site is not adjacent to an existing settlement.

3.11 Site 03 – Within Flood Zone 1. No suitable highways access; the canal is in a cutting with land rising steeply from the canal and therefore unsuitable for a marina without significant excavation; the site is not adjacent to a settlement.

3.12 Site 04 – Within Flood Zone 1. Highways access may be possible subject to land owner's agreement and highways approval; however the land rises steeply from the canal so deep excavations will be required with likely significant environmental impact as it is unlikely that the spoil would be placed onsite due to landscaping issues and would therefore have to be exported via road for disposal elsewhere; the site is located adjacent to Lower Heyford, however this is a very small settlement with no facilities other than a public house; this site is unlikely to be suitable for a marina.

**Please refer to section 3.12 (In reference to Site 04) – The Lower Heyford site is also flat land. The area demonstrates several facilities, including local restaurants and a railway station. According to the text written, it says there is only a public house.**

3.13 Site 05 – Within Flood Zone 1. Vehicular access may be possible subject to highways approval; the site is small, the land rises from the canal and therefore the spoil would have to be exported offsite resulting in significant environmental impact; the site is located immediately adjacent to residential on its southern boundary and a sewage works on its northern boundary; the site is not adjacent to an existing settlement; this site is unlikely to be suitable for a marina.

**Please refer to section 3.13 (In reference to Site 05) – Located below Upper Heyford, the land suggested is flat land, there wouldn't be any need to relocate the spoil 'offsite'. There is existing vehicle access via Somerton road which is parallel to the site.**

3.14 Site 06 – Within Flood Zone 1. Highways access may be difficult; the land rises steeply from the canal resulting in a need for deep excavation to form the basin; an existing access track separate the site from the canal and it is therefore only possible to connect the basin to the canal via the construction of a new highways bridge over the entrance, this is very expensive and is likely to have an adverse impact on the Canal Conservation Area. It is highly unlikely that this site would be suitable for a marina.

**Please refer to section 3.14 (In reference to Site 06) – Located above Upper Heyford, the land suggested is flat land, there wouldn't be any need to relocate the spoil 'offsite'. There is existing vehicle access via the bridge which is already in place by Allen's Lock.**

3.15 Site 07 – Within Flood Zone 1. Vehicular access to the site is only possible via an existing agricultural bridge over the railway, this is unlikely to be suitable for marina traffic; the site is in close proximity to a Site of Special Scientific Interest; the site is not adjacent to an existing settlement; it is unlikely that this site would be suitable for a marina. South Northamptonshire District Council have no problem with Glebe Farm application at Claydon, therefore there should be no issue with this.

**Please refer to section 3.15 (In reference to site 07) – This area is flat land; it can also be accessed via Water Street. It is located only 500 yards away from the nearest village. There are also local amenities including a shop and a Pub.**

3.16 Site 08 – Within Flood Zone 3. Any vehicular access would have to cross land within the county of Northamptonshire and would therefore be subject to approval by South Northamptonshire District Council; most of the site lies within Flood Zone 3 and safe access and egress to the marina would be difficult, if not impossible, without a serious impact on the flood plain; the site is not adjacent to an existing settlement; this site would be unsuitable for a marina.

**Please refer to section 3.16 (In reference to site 08)- A gate on to the road (B4031) allows access. Near to bridges 190. As it is so big you could dig in to the suggested land creating a wider entrance. There is a settlement, Ahnyo Boats. There is also a local pub just 20 yards away from the site 'The Great Western'.**

3.17 Site 09 – Within Flood Zone 1. This site currently forms part of Banbury Golf Club and is therefore not available for use as a marina.

**Please refer to section 3.17 (In reference to site 09)- Banbury Golf Club owners could apply for a change use to a Marina.**

3.18 Site 10 – Within Flood Zone 1. Vehicular access to the site is only possible via a bridge over the M40 constructed for agricultural purposes only, it is unlikely that this bridge would be suitable for use by marina traffic; the site is also located in very close proximity to the M40 and therefore subject to significant road noise; the marina entrance would be very close to a lock and may not therefore be approved by the Canal and River Trust; the site would be highly visible in the landscape from the village of Kings Sutton which includes a Grade I Listed Church of St Peter and St Paul which is recognized as having one of the most important church spires in the UK; the site is not adjacent to an existing settlement; this site is unlikely to be suitable for a marina.

**Please refer to section 3.18 (In reference to site 10) –The vehicle access via the bridge over the M40 is a single-track road, however passing points can be added either side of bridge. Sources state that you would not be able to see the site from King Sutton Village, unless you went up the Church Tower. Regarding the M40 being within proximity, it is much better than having the HS2 running right through the site.**

3.19 Site 11 – Within Flood Zone 1. Vehicular access is only possible via an existing bridge over the M40 Motorway built for agricultural purposes, this is unlikely to be suitable for use by a marina; the site is also extremely close to the M40 and would be subject to significant road noise, the M40 is partially elevated as it passes the site; the marina would be highly visible in the landscape from the village of Kings Sutton and is not adjacent to an existing settlement; this site is unlikely to be suitable for a marina.

3.20 Site 12 – Within Flood Zone 1. Vehicular access may be possible subject to highways approval; land to the west of the site is currently being developed for residential purposes; the land rises steeply from the canal and construction of the marina basin would therefore require significant excavation; the site may however have potential for marina development.

**Please refer to section 3.20 (In reference to Site 12) – Again the land is flat and should not require as much excavation as it states in this paragraph. There is a road already there which can be used,**

**located of the tramway road. (unnamed running parallel with the canal) an extension of this road would make a suitable vehicular entrance.**

3.21 Site 13 – Within Flood Zone 1. Vehicular access would be extremely difficult to achieve as the site is located between the railway and the canal and some distance from the closest public highway; there is insufficient distance between the canal bridge and the lock to construct an access to the marina; there is also likely to be a cumulative impact as the site is located in close proximity to a site that is already permitted for the construction of a small marina; the site is not adjacent to an existing settlement and it is therefore an unsuitable site for a marina.

3.22 Site 14 – there is insufficient distance between the locks to create a marina entrance onto the canal; the site is in close proximity to Grade II Listed Clattercote Priory Farmhouse and outbuildings; there is no public footpath access from the site to Claydon village, pedestrian access is only possible via the public highway which has no public footpath; this site is unlikely to be suitable for a marina.

#### 4.0 SUMMARY

4.1 A sequential test has been completed to assess all other potential marina sites within the Cherwell District for the purposes of compliance with the NPPF and policy ESD16 of the CLP 2031 Part 1.

4.2 Although a very small area of the proposed development site is located within Flood Zone 3, the proposed development is listed within those that are deemed “water compatible”.

4.3 The proposal involves the loss of approximately 2,440m<sup>2</sup> of Flood Zone 3 which is compensated via the construction of a lake forming part of the development. This more than replaces the 4,880m<sup>3</sup> of volume within Flood Zone 3 that would be lost to the development.

4.4 Large sections of the Oxford Canal passing through the district are canalised river. The result is that many sections of canal are located within the flood plain and it is almost inevitable that any marinas built on the Oxford Canal will be either entirely or partially located within the flood plain.

4.5 As detailed above, the proposed marina at Glebe Farm is able to fully compensate for the loss of land in Flood Zone 3.

4.6 The sequential test confirms that there are no other suitable sites that lie outside the flood plain that would satisfy the criteria of reasonably available alternative sites.

4.7 The proposed site at Glebe Farm therefore passes the sequential test for flood risk.

4.8 This sequential test has also assessed potential alternative sites in the context of the criteria within policy ESD16 of the CLP 2031 Part 1.

4.9 A total of 14 alternative sites have been assessed using the criteria identified in section 3 above. These criteria include an assessment of the potential site’s proximity to a settlement. Only one of the potential sites assessed meets all the criteria and is adjacent to a settlement. This site is located to the south of Banbury and appears to be located immediately adjacent to a site that has been allocated for residential development. The Planning Statement that accompanies the application provides a more detailed assessment of the proposed development’s compliance with local and national planning policies and refers to the results contained within this sequential test report.

#### **Additional Notes added**

**In reference to each of these comments regarding boat navigation in to the marina, the boat entrances to the proposed sites can be easily achieved by cutting in to the land in which the site will exist. This will create a very accessible widened boat entrance.**

**In addition to this, in reference to any sites that are flat or have large amounts of excavated spoils could possibly be spread around the perimeter of the site creating a bund. It can also be removed from the site via canal which minimises the environmental impact, in comparison to removing the excavated spoils via the roadway. Spoils could also be spread across the existing site, raising the ground level slightly or even across neighbouring fields.**

**Please refer to the site suggestion Maps as suitable alternative sites. Located at; Map: 'Site Suggestion 1' Kidlington via Yarnton Road and Map: 'Site Suggestion 2' Banbury, off Southam Road, Parallel to the canal, assuming the bridge is strengthened.**