

**West Oxfordshire District Council
Draft Core Strategy
Habitats Regulations Assessment
Stage II (appropriate assessment)**

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1. Introduction

This is a stage II Habitats Regulations appropriate assessment for the draft West Oxfordshire District Core Strategy. HRA aims to ensure the protection of sites of exceptional importance for rare, endangered or vulnerable natural habitats and species within the European Community. The European Habitats Directive¹ designates sites that are of international importance for their habitats, flora, or fauna; these are known as Special Areas of Conservation (SACs), Special Protection Areas (SPAs) and Ramsar sites. Together they make up a network of protected sites known as the Natura 2000 network or 'European sites'.

The Directive requires that land use plans are subject to HRA where they might have a significant effect on a Natura 2000 site. There are no Special Protection Areas or Ramsar sites in West Oxfordshire or within 20km of the district border. This HRA will assess the potential impacts of the West Oxfordshire Core Strategy on Special Areas of Conservation (SAC) in West Oxon and within a 20km radius.

This Stage II HRA 'appropriate assessment' has been carried out by Oxfordshire County Council on behalf of the Competent Authority (in this case West Oxfordshire District Council) to allow them to make a decision on whether there will be likely significant effects on international sites as a result of the Core Strategy and for approval by Natural England, the statutory consultee for Habitats Regulations Assessment.

West Oxfordshire DC published an 'Appropriate Assessment Scoping Statement' in January 2010. A further report expanded on the scoping statement to form Stage I (screening)². This report covers Stage II (appropriate assessment).

2. Impacts & Mitigation

Stage I screening identified that an increase in water abstraction, a reduction in water quality and an increase in recreational pressure could all impact on Cothill Fen SAC. Stage I screening also identified that a reduction in air quality, a reduction in water quality and an increase in recreational pressure could all impact on Oxford Meadows. These impacts are explored in more detail and mitigation measures suggested to ensure these potential impacts on Cothill Fen and Oxford Meadows SAC do not occur as a result of development in West Oxfordshire.

2.1. Increased water abstraction

The 4,300 new homes and 20ha employment land seeking to be delivered up to 2026 will increase the demand for water. Thames Water (TW) responded to the West Oxfordshire Core Strategy: Preferred Approach on 16th March 2010. Thames Water is concerned about further development in Chipping Norton due to low water pressure in the water network. TW state that further modelling would need to be carried out to determine if the existing infrastructure could accommodate the growth proposed.

¹ Directive 92/43/EEC on the Conservation of Natural Habitats and Wild Flora and Fauna

² **I. Screening:** determining whether a plan in combination with other plans and projects is likely to have a significant effect (having regard to the probability, frequency, duration and reversibility of any effect) on a European site, applying the precautionary principle.

II. Appropriate Assessment: determining whether the plan would have an adverse effect on the on the integrity of any European site in view of the site's conservation objectives

III. Alternatives and mitigation: where an option is assessed as having an adverse effect on the integrity of any sites, alternative options and mitigation measures should be examined.

TW has recommended that new residential development should meet the Code for Sustainable Homes Level 3 to ensure the efficient use of water, which will help meet the increase in demand for water. Level 3 requires that less than 105 litres of water is used per person per day, which is a 25% improvement on 2006 Building Regulations standards.

Policy CS21 in the West Oxon Core Strategy requires all new housing to achieve Code for Sustainable Homes Level 3 with immediate effect, Code Level 4 from 2013 and Code Level 6 from 2016. The policy also states that within strategic development sites, specific elements / themes of the Code for Sustainable Homes / BREAMM will need to be achieved, relating to water consumption.

Natural England have stated³ that Oxford Meadows is “*not currently adversely affected by water quantity. The potential sensitivity with respect to water quantity is to do with flooding, rather than typical water levels in the river that might be affected by abstraction. We advise that the proposals in the Core Strategy are very unlikely to affect flooding frequency and magnitude, given that runoff rates from new developments will be regulated by the Environment Agency such that they will be the same as would occur from a greenfield site.*” They have also stated that Cothill Fen “*does not appear to be hydrologically connected to West Oxfordshire District, and as such we advise there will be no likely significant effect arising from the plan due to water Quality or Quantity issues.*”

Therefore it can be concluded that the draft West Oxon DC Core Strategy is not likely to have a significant effect, either alone or in combination with other plans or projects, on either Cothill Fen SAC or Oxford Meadows SAC as a result of increased water abstraction.

2.2. Reduction in water quality

The draft West Oxon Core Strategy could result in an increase in effluent discharge and potentially result in a reduction in water quality due to the 4,300 new homes and 20ha employment land seeking to be delivered up to 2026.

Thames Water has stated that significant sewer network upgrades are likely to be required to accommodate development in Witney and Carterton. The Sewage Treatment Works in Carterton will require an upgrade and the one in Chipping Norton may require an upgrade. TW state that further modelling would need to be carried out to determine if the existing infrastructure could accommodate the growth proposed.

Policy CS22 states ‘*all development proposals will be required to show consideration of the efficient and prudent use and management of natural resources including causing no deterioration and, where possible, achieving improvement in water or air quality.*’

Natural England have stated⁴ that Oxford Meadows is “*is not currently adversely affected by poor water quality. We advise that an uplift of 4,300 dwellings will not have a likely significant effect on this site.*” They have also stated that Cothill Fen “*does not appear to be hydrologically connected to West Oxfordshire District, and as*

³ E-mail from Natural England dated 08/12/11

⁴ E-mail from Natural England dated 08/12/11

such we advise there will be no likely significant effect arising from the plan due to water Quality or Quantity issues.”

Therefore it can be concluded that the draft West Oxon DC Core Strategy is not likely to have a significant effect, either alone or in combination with other plans or projects, on either Cothill Fen SAC or Oxford Meadows SAC as a result of a reduction in water quality.

2.3. Increased recreational pressure

An increase in the population of West Oxfordshire could result in increased recreational pressure with associated impacts such as disturbance to fauna and trampling of vegetation on European sites. Natural England statistics suggest people travel an average distance of 11 miles for a day countryside visit and 7.5 miles for an inland town / city trip and both Oxford Meadows and Cothill Fen fall within this distance of West Oxfordshire. However, Natural England have stated⁵ that Cothill Fen *“is not one which is at risk from damaging recreational pressure from development in West Oxfordshire, due to the nature of the site, and the distance of the site from West Oxfordshire District.”*

Analysis of the southeast region by the Forestry Commission (FC) found that most of the households in West Oxfordshire have no or very little access to natural green space⁶. This could be because the study did not include small areas of green space, for which data is not available or recreation areas. However, as West Oxon do not have data on the location of all the green space within their district, it is difficult to prove there is more access to green space than demonstrated by the FC study.

The current West Oxon DC Local Plan states that the National Playing Fields Association (NPFA) recommended standards for outdoor playing space will be applied to new developments. These standards are that at least 2.4 hectares (6 acres) should be provided for every 1,000 population (1.6 hectares for outdoor sports, including 1.2 hectares for pitch sports, plus 0.8 hectare for children’s playing space), ensuring every person has access to playing space within easy reach of their homes. These standards do not cover natural green space.

There are currently no standards or policies for the provision of green space as a result of new developments in the draft West Oxon Core Strategy. This could result in increased recreational pressure on Oxford Meadows SAC. It is recommended that West Oxon DC adopt standards for provision of green space within and around new developments which will mitigate any potential impacts.

Green space provision

West Oxon DC should provide additional evidence in relation to future green space requirements arising from new development over the plan period. This evidence base, which is likely to take the form of a green infrastructure plan/green space strategy will be necessary in order to ensure that new development coming forward within West Oxfordshire does not have a significant impact on Oxford Meadows through increased visitor numbers and recreational pressure. The green space

⁵ E-mail from Natural England dated 08/12/11

⁶ ‘An analysis of accessible natural green space provision in the South East’ Forestry Commission [http://www.forestry.gov.uk/pdf/accnatgreenrep-report.pdf/\\$FILE/accnatgreenrep-report.pdf](http://www.forestry.gov.uk/pdf/accnatgreenrep-report.pdf/$FILE/accnatgreenrep-report.pdf)

provided in the developments should be designed to encourage people to use these local green spaces rather than driving to Oxford Meadows.

WODC should identify the following to form the evidence base for green space provision standards:

- types of green space required (e.g. playing fields, play parks, spaces for teenagers, formal, informal and semi-natural space).
- provision (ha) per head of population of each type of green space
- current provision of each type of green space
- deficit likely to be created by new development
- how this deficit will be met (and possibly where)

Standards set by Natural England and local authorities for accessible natural green space could be used as a basis for West Oxon DC standards, once sufficient background data has been collated on the current provision and likely future deficit. Natural England Accessible Natural Green Space Standards (ANGSt) recommend that everyone, wherever they live, should have an accessible natural green space⁷:

- of at least 2 hectares in size, no more than 300 metres (5 minutes walk) from home;
- at least one accessible 20 hectare site within two kilometres of home;
- one accessible 100 hectare site within five kilometres of home; and
- one accessible 500 hectare site within ten kilometres of home; plus
- a minimum of one hectare of statutory Local Nature Reserves per thousand population

Local authorities have set their own standards for provision of green space, which could be modified to make them relevant for West Oxfordshire. For example, the standard set by Surrey Heath Borough Council for new additional housing within 400m to 5 km of the Thames Basin Heaths is 8ha per 1000 new residents of Suitable Alternative Natural Green space (SANG)⁸. More locally, Oxford City Council will seek to maintain an overall average of 5.75 ha of publicly accessible green space per 1000 population⁹ to reduce recreational pressure on Oxford Meadows.

South Oxfordshire have produced a Green Infrastructure strategy which sets out how they will seek to deliver standards of 3.5 ha parks & gardens per 1000 people within 1km of all homes in towns and 1 ha per 1000 people within 1km of all the homes in villages. They also seek to meet the Natural England ANGSt standards outlined above¹⁰.

West Oxon DC could identify sites of green space for which developers will be expected to contribute funding towards management costs (based on the increase in population expected as a result of the development) or the developer could provide their own sites of green space within or close to development sites, provided they meet the standards set by West Oxon DC.

⁷ Standards for accessible natural green space - ANGSt
<http://www.naturalengland.org.uk/ourwork/enjoying/places/greenspace/greenspacestandards.aspx>

⁸ Thames Basin Heaths Special Protection Area
<http://www.surreyheath.gov.uk/planning/planningpolicyandconservation/ThamesBasinSPA.htm>

⁹ 'Oxford Core Strategy 2026' Oxford City Council <http://www.oxford.gov.uk/Direct/CSAdoptedCoreStrategy2026.pdf>

¹⁰ South Oxfordshire Green Infrastructure Strategy <http://www.southoxon.gov.uk/sites/default/files/GIS-comp1.pdf>

Funding for long term management of green space

Funding will be required to manage green space in the long term to ensure it continues to meet its objectives for providing high quality, attractive and well-used space for wildlife and the local community.

Funding could be raised through strategic tariffs levied on developments, a proportion of which can be used for green space provision and development (e.g. Community Infrastructure Levy) or Section 106 contributions for specific green spaces needed as a direct result of the impact of the development. Alternatively, recreation and green space trusts, community land trusts, community interest companies and charitable partnerships can all potentially be used to secure on-going maintenance arrangements through self-sustaining income-generating activities by the managing body. These activities may include rental income from land holdings, trading activities, or energy generation companies.

West Oxon DC should identify how the funding required to manage the green space will be secured to ensure the mitigation, required to guarantee there are no impacts as a result of increased recreational pressure on Cothill Fen or Oxford Meadows SAC, is delivered.

Green space strategy

The most efficient way of meeting these requirements would be through a green infrastructure / green space strategy for West Oxfordshire. Outputs from the strategy should be incorporated into the Core Strategy policies and Development Plan documents.

Provided that standards are set by West Oxon DC for the provision and management of green space for new developments (based on a robust evidence-base), West Oxon DC will be able conclude that [that the draft West Oxon DC Core Strategy is not likely to have a significant effect, either alone or in combination with other plans or projects, on Oxford Meadows SAC as a result of increased recreational pressure.](#)

2.4. Reduction in air quality

Impacts of reduced air quality as a result of new roads will be dealt with by the Highways Authority under with under Reg. 84 or 94 of the Conservation of Habitats & Species Regulations 2010 so can be scoped out for the West Oxon Core Strategy HRA.

However, there are potential impacts of reduced air quality as a result of more vehicles using existing roads which could arise as a result of the West Oxon Core Strategy due to the 4,300 new homes and 20ha employment land seeking to be delivered up to 2026. Several policies in the West Oxon Core Strategy seek to reduce the distance residents travel to work by increasing the employment opportunities within West Oxfordshire (CS5, CS6, CS7, CS8). The successful implementation of these policies would help reduce the potential air quality impacts on Oxford Meadows as fewer vehicles will be travelling from West Oxon along the A34 or A40, although some increase in traffic on these roads seems inevitable.

Both the Oxford City and Cherwell District Core Strategy HRA recommended that policies be added to the core strategy requiring developments to demonstrate by detailed air quality modelling and analysis that there will not be any localised adverse effects on the integrity of Oxford Meadows SAC as a result of construction or increased road trips on roads within 200m of the site.

Policy CS22 states 'all development proposals will be required to show consideration of the efficient and prudent use and management of natural resources including causing no deterioration and, where possible, achieving improvement in water or air quality'.

Natural England have stated¹¹ "*The critical load for Oxford Meadows SAC for nitrogen deposition is 20-30kg of Nitrogen /ha/year. The current modelled deposition at this site is approximately 19kg of Nitrogen /ha/year. In line with national Highways Agency guidance Natural England considers 200m is the maximum distance that the local impacts of air pollution (as opposed to long range transport) from a road can accrue. Approximately 17% of the SAC lies within the 200m of an A road. We therefore advise that, in combination with other plans and projects, and on the basis of the information provided, you cannot reasonably conclude that West Oxfordshire Core Strategy will not have a likely significant effect. If the council can show, through traffic modelling, that the Core Strategy will contribute to less than 1% of the critical load (lower limit), our current guidance is that no likely significant effect can be concluded. The SAC is not vulnerable to any other form of air pollution likely to arise from the Core Strategy.*"

Therefore West Oxon DC will need to demonstrate, through traffic modelling that, in combination with other plans and projects, the Core Strategy will contribute to less than 1% of the critical load (lower limit 20kg/ha/year) of nitrogen deposition. The studies required to demonstrate this may also need to be carried out by other planning authorities so it may be possible to take a joint approach to these studies.

3. Recommendations to West Oxfordshire District Council

The following further studies should be carried out by West Oxon DC, in order to demonstrate that there will be no significant impacts on European sites as a result of the West Oxon Core Strategy (either alone or in combination with other plans or projects), with mitigation measures to ensure this.

If these studies are not be able to conclude there will be no significant impacts on European sites as a result of the West Oxon Core Strategy, West Oxon DC will need to demonstrate that there are imperative reasons of overriding public interest for why the Core Strategy must proceed in its current form and devise compensatory measures to put in place to offset negative impacts.

- A green infrastructure / green space strategy for West Oxfordshire should be produced. Outputs from the strategy should be incorporated into the Core Strategy policies and Development Plan documents.
- Standards should be set by West Oxon DC for the provision and management of green space for new developments (based on a robust evidence-base).
- West Oxon DC must demonstrate, through traffic modelling that, in combination with other plans and projects, the Core Strategy will contribute to less than 1% of the critical load (lower limit 20kg/ha/year) of nitrogen deposition. The studies required to demonstrate this may also need to be carried out by other planning authorities so it may be possible to take a joint approach to these studies.

¹¹ E-mail from Natural England dated 08/12/11

- The traffic modelling and green infrastructure methodology and reports should be discussed and agreed with Natural England.

