

Ms Jenny Barker
Cherwell District Council
Bodicote House
White Post Road
Bodicote
Banbury
OX15 4AA

Our ref: WA/2015/119522/02-L01

Your ref: 14/02121/OUT

Date: 12 October 2015

Dear Ms Barker

Amended plans: Outline - development to provide up to 1,700 residential dwellings (class c3), a retirement village (class c2), flexible commercial floor space (classes a1, a2, a3, a4, a5, b1 and c1), social and community facilities (class d1), land to accommodate one energy centre and land to accommodate one new primary school (up to 2fe) (class d1). Such development to include provision of strategic landscape, provision of new vehicular, cycle and pedestrian access routes, infrastructure and other operations (including demolition of farm buildings on Middleton Stoney Road).

Proposed Himley Village, North West Bicester, Middleton Stoney Road, Bicester, Oxfordshire.

Thank you for consulting the Environment Agency on the above amended plan consultation.

Flood Risk

Based on the additional drainage information provided, we **remove our previous flood risk objection**.

We have reviewed the amended drainage information submitted as followings:

Drawing 1665/76/ SK102 (existing site location plan showing existing watercourses and existing surface water drainage layout)

This shows that further investigation has been carried out of the culverts acting as proposed discharge points for surface water from the development. Some of these culverts are small but the information on the plan indicates they are viable discharge points. Discharge rates are to be limited to below 2l/s/ha - less than existing Greenfield runoff.

Drawing 1665/75/05 rev B (suds parameter plan)

This shows the extent of proposed swales across the site. The associated table shows that the volume of surface water storage required to limit run-off to the proposed 2l/s/ha can be contained within the proposed swales.

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The information submitted addresses the concerns we raised in our letter of 2 February 2015 (ref WA/2015/119522/01-L01), and our reasons for objecting.

Since April 2015 Oxfordshire County Council as Lead Local Flood Authority (LLFA) have become the statutory consultee for surface water matters for planning applications for major development. Therefore we recommend that the LLFA are consulted with the latest information submitted with this application. The Environment Agency is no longer a statutory consultee in relation to surface water and we are therefore not recommending surface water conditions. However, it is essential that you discuss surface water condition requirements with Oxfordshire County Council to ensure surface water flood risk is appropriately managed.

Condition requirements

To ensure that high sustainability standards are delivered through this Outline planning application, and to ensure that the development meets the policy requirements of the NPPF and Local Plan Policy Bicester 1 we recommend that the conditions detailed under the headings below be included on any planning permission granted:

Contamination and pollution prevention

Condition: The development hereby permitted shall not be commenced until such time as a pollution prevention scheme to dispose of surface water has been submitted to, and approved in writing by, the local planning authority. The scheme shall be implemented as approved.

Reasons: Run off from roads and areas associated with lorry and car parking areas may contain elevated levels of contaminants. Drainage from these areas could contaminate controlled waters. Details of the surface water drainage arrangements which outlines how any contamination risks will be mitigated is required to ensure controlled water quality is protected as required by Local Plan Policy Bicester 1 and the NPPF.

Advice

We note that a spring and pond are marked on the historic and current maps. These areas may have very shallow groundwater. This may mean that infiltration drainage is not feasible across the whole site. We recommend that the applicant investigates this and consults with Oxfordshire County Council who lead on groundwater flood risk, as advised in our previous response of 2 February 2015 (ref WA/2015/119522/01-L01).

Our main concern with infiltration is in relation to depth to groundwater. A sufficient unsaturated zone is needed beneath any infiltration SUDS, to ensure attenuation occurs prior to entry into groundwater. The main areas of concern are large areas of car (or Lorry) parking and principal roads. As a minimum there should be 1m unsaturated zone between the base of any SUD and winter groundwater levels. There can be some flexibility on the 1m requirement for minor estate roads and very small areas of car parking/driveways. However some unsaturated zone (c50cm) should always exist for infiltration SUDs from these areas.

Condition: Prior to each phase of development (or such other date or stage in development as may be agreed in writing with the local planning authority), a scheme that includes the following components to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the local planning authority:

1. A preliminary risk assessment which has identified:
 - all previous uses
 - potential contaminants associated with those uses
 - a conceptual model of the site indicating sources, pathways and receptors
 - potentially unacceptable risks arising from contamination at the site
2. A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site
3. The results of the site investigation and detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken
4. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the express written consent of the local planning authority. The scheme shall be implemented as approved.

Reason: To protect controlled water quality as required by Local Plan Policy Bicester 1 and the NPPF.

Advice

Previous activities at this site may have resulted in contamination and potential sources of contamination may still be present on site. The site is located on the Cornbrash Limestone secondary aquifer. Groundwater here is noted to be of shallow depth and there is potentially a spring within the site. As such this location is considered sensitive to the risks of contamination. Further investigation is required to determine the extent of any contamination present and to what extent it poses a risk to controlled waters. Any risk identified would need to be adequately resolved to ensure that controlled waters are not polluted. This may include remedial works to resolve contamination issues.

Condition: No occupation shall take place until a verification report demonstrating completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a "long-term monitoring and maintenance plan") for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan. The long-term monitoring and maintenance plan shall be implemented as approved.

Reasons: To ensure that contamination at the site is remediated to ensure controlled water quality is protected as required by Local Plan Policy Bicester 1 and the NPPF.

Condition: Piling or any other foundation designs using penetrative methods shall not be permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater quality. The development shall be carried out in accordance with the approved details.

Reason: To ensure that piling or deep foundations do not mobilise any contamination which may be present on site in order to ensure that controlled water quality is protected as required by Local Plan Policy Bicester 1 and the NPPF.

Condition: If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until a remediation strategy has been submitted to the local planning authority. The remediation strategy shall detail how this unsuspected contamination shall be dealt with and written approval from the local planning authority shall be obtained. The remediation strategy shall be implemented as approved.

Reasons: To ensure that any unexpected contamination encountered is dealt with, such that it does not pose an unacceptable risk to controlled water quality as required by Local Plan Policy Bicester 1 and the NPPF.

Advice

Site investigations to date on the North West Bicester Masterplan site have not identified many potential sources of contamination within the boundary of this outline planning application. The main potential source identified within this outline planning application boundary is the presence of oil tanks described in the submitted EIA. The EIA also acknowledges the potential for other sources of contamination. These include possible underground storage tanks/septic tanks, made ground (including potentially farm pits) and general agricultural contamination. Further investigative work is required in relation to the identified oil tanks. If other sources of contamination are identified these will also require further assessment.

Green infrastructure (GI) and Biodiversity

The application draws heavily on the work done by Hyder Consulting Ltd for the Masterplan site which informed the site specific strategies for planning application 14/01384/OUT and 14/01641/OUT.

This planning application is generally in keeping with the principles of the Masterplan and we are generally comfortable that the main ecological risks have been identified. The detail in terms of design of landscaping and habitat, subsequent management prescriptions, and the mitigation for impacts on protected species should be dealt with through planning conditions and reserved matters applications.

In determining this application, your Authority must be satisfied that through appropriate planning controls, that this site will contribute to, and ensure the policy requirements of Local Plan Policy Bicester 1 are delivered across the whole North West Bicester site. For example, if this site doesn't deliver a net biodiversity gain or 40% GI, will this prevent the entire North West Bicester site from delivering a net biodiversity gain or its GI targets? Or will other planning applications within the North West Bicester site make up for any shortfall?

Condition requirements and planning obligations should be consistent across all of the individual planning applications submitted within the North West Bicester Masterplan site to ensure a joined up approach to delivering GI and a net biodiversity gain.

Net Biodiversity Gain

As part of the amended information the applicants have used the Defra Biodiversity Off-setting metric to calculate the impact of this development on the biodiversity attributes of the site. They have demonstrated that the main factor leading to a net loss is the removal of farmland and its associated assemblage of farmland birds. It is stated that this will be addressed by providing a commuted sum for a farm wildlife management initiative, which will secure this benefit in perpetuity. We recommend that this issue is addressed in a collaborative way across all applications within the North West Bicester Masterplan site.

The applicants have also concluded that because other habitats are being retained on site, that the impact on these biodiversity assets is neutral. However, we recommend that the applicants need to show how they are contributing to the net biodiversity gain within the site by demonstrating how their development contributes to the overall achievement of the Biodiversity Strategy for the entire North West Bicester site.

Green Infrastructure

The amended information still doesn't confirm how the 40% GI requirement has been calculated and whether it will be met.

Advice - Bats and Hedgerows

The amendments have addressed some previous concerns about provisions to safeguard bats and buffer hedgerows. We are satisfied with the details provided regarding the provision of bat corridors and their lighting strategy to minimise impacts on bats.

Water supply and foul water conveyance and treatment

The Thames Water Ltd consultation response dated 19 January 2015 states that there is an inability in the existing waste water infrastructure to accommodate the needs of the development which may lead to sewage flooding and adverse impacts to the community and environment. They also state that the receiving sewer in Bicester may not have capacity to accommodate foul flow increases proposed from the development and that there is the potential for overloading of the existing infrastructure. Page 9 of the Environmental Statement non-technical summary (Waterman, December 2014) acknowledges that there is insufficient capacity in the foul network, however suggests that planned upgrades can be delivered or an on-site waste water treatment plant can be provided. There is no further discussion of either option.

The Thames Water Ltd consultation response dated 19 January 2015 also highlights that the existing water supply infrastructure has insufficient capacity to meet the additional demands of the proposed development and that upgrades are needed. However, page 9 of the Environmental Statement non-technical summary (Waterman, December 2014) states that Thames Water Ltd has confirmed that there will be sufficient capacity for the increase in drinking water use.

This planning application refers to the Masterplan Water Cycle Study (WCS) which informed the site specific strategies for planning application 14/01384/OUT and 14/01641/OUT. The Masterplan WCS appraises a number of water resource and waste water disposal options and concludes that there are feasible options available. However, there is no commitment to which option or strategy will be taken forward at this site. Your Authority will need to have confidence at this Outline planning application stage that the options being discussed can be delivered and we recommend that the detailed strategies for water supply and disposal are agreed before development

begins. This is to ensure that the water infrastructure that the development relies upon is available in line with the proposed phasing of the development. This is to ensure that waste water from the development can be conveyed and treated, and potable water be supplied, in line with phasing of the development, without increasing the risk of flooding, impacting on water quality and the associated biodiversity and resulting in deterioration under the WFD.

In summary, the timely provision of new water infrastructure, or upgrades to existing water infrastructure is of vital importance in order to protect the environment and meet the requirements of Local Plan Policy Bicester 1 and the NPPF. Your Authority should ensure adequate planning controls are in place to deliver this. Planning controls should be consistent across all North West Bicester planning applications.

Water efficiency

We are pleased to see the commitment at Section 3.11 of the Sustainability and Energy Statement (Turley, ref PENL2003, dated 17 December 2014) that the detail of residential and non residential properties within the Himley Village application will conform to the design standards discussed in the Masterplan WCS.

This means there will be a water efficiency target to limit average per capita consumption to 105l/p/d in all new homes and non-residential development. Water recycling technologies will also be required to supplement domestic supplies and further reduce the demand of potable water to 80l/p/d in all homes (i.e. at least 25l/p/d potable water will be replaced by non potable).

Section 5 of the Masterplan WCS sets out potential strategies being appraised to deliver the 80l/p/d potable water per capita consumption design standard. This includes property level and neighbourhood rain water recycling, property level and neighbourhood grey water recycling and local reclamation and treatment of wastewater (if an onsite waste water treatment works is provided as part of the waste water disposal strategy for the site).

It is essential that a detailed strategy to achieve the 80l/p/d potable water per capita consumption design standard in homes and non-residential buildings on the Himley Village site is agreed before development on site begins. This is to ensure that the design standard is understood ahead of construction, especially if achieving the required standard relies on the provision of property level or neighbourhood solutions. Your Authority should ensure adequate planning controls are in place to deliver this. Planning controls should be consistent across all North West Bicester planning applications.

Advice – re-use of grey water

Although we have no in principle objection to the use of grey water for non-mains drainage activities which have been highlighted in the Masterplan WCS (such as garden and communal area irrigation), we would need more details to ensure there are no risks to surface water and groundwater quality.

Water neutrality

Local Plan Policy Bicester 1 states that at the North West Bicester site should aspire to water neutrality (achieving development without increasing overall water use across a wider area). Although the 80l/p/d potable water per capita consumption design standard if delivered in homes and non-residential development is considered a high water

efficiency standard, it does not constitute water neutrality. A strategy to achieve water neutrality at the Himley Village and the wider North Water Bicester site should be in place before detailed design begins. In particular, we consider that there is a real opportunity for partnership working within Bicester to reduce water consumption across the whole town to meet water neutrality at North West Bicester. The reuse of water from an on-site waste water treatment works if used as part of the waste water disposal strategy for the site could also offer another opportunity to meet water neutrality. If water neutrality is achieved this would be the first development in the Country to meet such high standards in water demand management on such a large scale, putting Himley Village and the North West Bicester Eco Town site at the forefront of high sustainability standards. Your Authority should ensure adequate planning controls are in place to deliver this. Planning controls should be consistent across all North West Bicester planning applications.

We request to be consulted on the draft conditions and draft planning obligations prior to the full determination of this planning application.

In accordance with the Planning Practice Guidance (Reference ID: 7-043-20140306), please notify us by email within 2 weeks of a decision being made or application withdrawn. Please provide us with a URL of the decision notice, or an electronic copy of the decision notice or outcome.

Should I be of further assistance please do not hesitate to contact me on the number below.

Yours sincerely,

Miss Lesley Tims

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cc Turley