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**Your ref:** 19/01740/HYBRID and 19/01746/OUT  
**Email:** emma.lancaster@quod.com  
**Date:** 19 November 2019

Bernadette Owens  
Cherwell District Council  
Bodicote House  
Bodicote  
OX15 4AA

By email

Dear Bernadette,

## **Catalyst Bicester, Response to Consultation**

Further to the submission of the two planning applications referenced above and ahead of our meeting on 27 November, please find enclosed our response to the comments received from consultees to date.

Where reports have been updated or additional information provided, this is highlighted under each topic heading.

### **Contamination**

The Environmental Health Officer (EHO) was satisfied with the information provided on noise, air quality, light and odour, and acknowledged that the potential for odour issues would be reduced by the re-development of the poultry farm. But they have queried the extent of the Phase 1 Ground Investigation Report since it does not incorporate the poultry farm. They also request further investigation based on the proposed development layout at any further application stage.

The Site has been in agricultural use since the 18<sup>th</sup> century. Available historical maps show no change in the arable use of the Application 1 Site since that time. The Application 2 Site remained as agricultural fields up until the 1970s where, between 1970 and 1988, the existing poultry farm was developed. Therefore, the presence of significant contamination at the Site is highly unlikely.

We would propose that this matter is dealt with through a planning condition. I would be grateful if you could confirm your agreement to this approach.

### **Historic England**

Within their consultation response dated 13<sup>th</sup> October, Historic England (HE) have sought further assessment of the impact on the setting of the Alchester Scheduled Ancient Monument (SAM), to the south of the site.

### **Scope of Submission**

A Heritage Desk-Based Assessment (DBA) (2016) was submitted in support of both planning applications. This Assessment covered both Phase 1 (previously consented) and Phase 2 of the Bicester Gateway allocation, plus the additional poultry farm.

Prior to submission of the application, the Applicant sought to engage with Officers regarding the scope of the applications and the accompanying Environmental Impact Assessment (EIA). Through this process, built heritage and archaeology were scoped out of the EIA, for the reasons listed within Table 3.1 of the Environment Statement (ES).

The Applications are, however, accompanied by a Strategic Landscape Assessment, which has incorporated analysis of views into and across the SAM.

As set out below, it is not necessary to undertake any additional viewpoint analysis nor wireframe views since these would not provide any further information to inform an assessment of impact on the SAM.

### **Site Allocation and Existing Development**

HE suggests that, because the development will infill some of the open land adjacent to the SAM, it has the potential to impact on its setting and, therefore, its significance.

It is worth reiterating here that the Application 1 Site is allocated for employment development by the Local Plan (Policy Bicester 10). During the preparation of the Plan, CDC concluded that the numerous public benefits of delivering employment development of the type which is proposed by the applications would outweigh any potential harm to the SAM. The Inspector, in finding the Plan sound, can have only reached the same conclusion.

This is considered further below, but the principle of infilling the open land adjacent to the SAM is established via the Bicester 10 allocation.

The Application 2 Site is beyond, but adjacent to, the allocation, and is already occupied by large poultry buildings up against the SAM boundary.

### **Assessment of Significance**

Paragraph 189 of the NPPF requires the Applicant to describe the significance of any heritage assets, including any contribution made by their setting. The heritage asset in this case is the SAM, the historical interest of which is nationally important (hence its scheduled status).

As described within the DBA, the SAM extends to approximately 10.5ha and comprises the entirely buried remains of a Roman settlement. It comprises large agricultural fields, featuring trees, fences and telephone pylons which are typical of many rural or edge of settlement locations.

The SAM has no above ground features, and there is nothing on the ground which would indicate its presence or extent.

As such, the significance of the SAM primarily derives from its evidential (archaeological) value. Its significance can be further derived from its historical value through its contribution to the understanding and historical sense of Roman occupation. Indeed, HE acknowledge within their letter that the principal heritage value of the SAM is the extensive archaeological remains, while having only minor aesthetic value (as it is open farmland).

The development will have no impact whatsoever on the archaeological remains which comprise the SAM itself, and the submitted findings of the archaeological investigation have demonstrated that the Application Sites are of limited archaeological value themselves.

NPPF Annex 2: Glossary defines setting as *“the surroundings in which a heritage asset is experienced”*. The PPG goes on to explain that the extent and importance of a setting is often expressed by reference to visual considerations, but also comprises other elements that contribute to the ways in which a heritage asset is experienced<sup>1</sup>.

The DBA sets out there is limited public access to the SAM and the surrounding agricultural fields. The limited available views into the SAM from the surrounding landscape simply appear as modern agricultural fields. The DBA confirms that *“due to the presence of intervening vegetation and built form, there are no clear views of the SAM from within the proposed development site”*.

The SLA submitted as part of the application provides a viewpoint from the SAM looking towards the Application Sites (Viewpoint 7). It notes that the view towards the Application Sites is interrupted by vegetation forming field boundaries enclosing the SAM, which will screen the proposed development.

In terms of the potential visual effects of development on this view, the SLA indicates the proposed development (on Application Site 2) may be very slightly visible through vegetation, but it is unlikely to be noticed by the observer, i.e. the extent of change to setting is very limited/negligible.

HE considers that where agricultural land survives around the SAM this serves to illustrate the Roman setting. The Application 2 development site currently comprises existing poultry farm buildings, of significant mass and scale, sitting up against the boundary of the SAM. As such, this part of its setting is already influenced by built development of significant scale.

The Application 1 development site comprises open farmland, thus (in theory) this serves to illustrate the Roman setting. However, as noted above, there are limited views into and out of the SAM from the part of the Application 1 Site that will be developed, providing glimpses at most.

The Application Sites fall within the setting of the SAM, but this setting makes only a limited contribution to its significance.

## Impact

Paragraph 190 of the NPPF requires the local planning authority to consider the significance of a heritage asset when considering the impact of a proposal on a heritage asset, and to avoid or minimise any conflict between the heritage asset’s conservation and any aspect of the proposal.

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<sup>1</sup> Paragraph 5 Historic Environment Good Practice Advice in Planning Note 3: the setting of Heritage Assets (Historic England 2015b).

The Applicant has sought to minimise the potential impact of the development on the SAM (and the wider landscape setting of the sites) through the approach to fixing the development parameters:

- **Application 1:** The land to the east of the poultry farm, will remain completely clear of built development, with development concentrated on the western part of the overall Site. Landscaping and drainage works are proposed within the land to the east of the farm, thus increasing opportunities for views towards the SAM through the increased public access to the Site. Trees and hedges along the southern boundary of the Site will be retained (Parameter Plan 18022-TP-104) thus views from the SAM into the site will be unaffected.
- **Application 2:** Built development is proposed within the footprint of the existing poultry farm buildings but will be of a more human scale than the existing farm sheds. Following recommendations from the SLA, a landscaped no-build zone to the southern boundary of the Site will be provided, ensuring a significant buffer between the SAM and the built development. It is considered this will have net positive effect on the SAM's setting in comparison to the existing conditions.

The Sites make a very limited contribution to the setting (and therefore the significance) of the SAM and the Applications propose a sensitive approach to development.

Taken cumulatively, the proposals would have a minor positive impact on the setting of the SAM by virtue of:

- Increased public understanding and knowledge of the SAM through introduction of additional opportunities for views into the SAM from the Application Sites;
- More sensitive design approach to built development on the Application 2 Site and the introduction of a green buffer adjacent to the SAM; and
- Provisions to better reveal the SAM's significance (see below).

### **Public Benefits**

Policy Bicester 10 requires *"the setting out of opportunities to better reveal its [the SAM's] significance"*.

To address this policy requirement, informative signage regarding the SAM could be provided within the Site. This would encourage local/occupier knowledge and understanding of the SAM. This can be addressed at reserved matters stage or be the subject of a planning condition.

The findings of the archaeological investigations that have taken place at the Site have also been published and made publicly available, these help to inform understanding of the extent of the Alchester Roman Town. These are clear public benefits of the scheme.

The other public benefits of the proposals are set out in the Planning Report submitted with the Applications.

### **Heritage Balance**

Paragraph 194 of the NPPF requires any harm to the significance of a designated heritage asset, or from development within its setting, to require clear and convincing justification. Paragraph 196 of the NPPF states

that, where a development proposal leads to less than substantial harm to the significance of a designated heritage asset, the harm should be weighed against the public benefits of the proposal.

For the reasons set out above, the Applicant has concluded that the proposals would have a net positive impact on the setting of the heritage asset and no physical effect on the asset itself, thus paragraphs 194 and 196 are not engaged in this case.

Notwithstanding this conclusion, if the proposals were considered to cause harm then this could only be negligible harm that would be categorised as “less than substantial”.

When considering the Application 1 Site’s allocation within the Development Plan, CDC carried out the heritage balancing exercise based on assumptions about the development (see CDC’s Sustainability Appraisal (October 2014 Update)). They concluded that the site is a sustainable location for development, noting the significant positive impacts in relation to the provision of employment opportunities and sustaining economic growth, as well as several further minor positive impacts.

In allocating the Site within the Development Plan, CDC concluded that the numerous public benefits would outweigh any potential harm to the SAM from the development of the type proposed by these applications (which is in accordance with Policy Bicester 10). This conclusion was endorsed by the Inspector who examined the Plan.

Furthermore, it is also relevant that the Bicester 10 allocation does not place any limitations on development (for example: location or extent of development within the Site, and its scale, massing or height). If there was a particular sensitivity in relation to the SAM or its setting, then the policy would have sought to introduce controls.

Although the Application 2 boundary lies outside of the Policy Bicester 10 Site Allocation, the proposed development will result in a range of significant positive impacts, similar to those associated with Application 1, and as expanded on under chapter 9 of the Planning Statement. This includes construction and end-user job creation; economic growth and reducing out-commuting; accessibility; reducing air pollution and reducing congestion from close proximity to existing services, residential and employment areas; provision of the wetland reserve; increase in health and wellbeing etc. The development at the Application 2 Site would also improve the setting of the SAM and provide opportunities to better reveal its significance.

Therefore, even if it were concluded that there was some harm to the setting of the SAM from Applications 1 and 2 (which the Applicant does not accept), this would give rise to less than substantial harm to the significance of the asset, to be balanced against a range of substantial public benefits from the scheme, which would outweigh this harm.

### **Heritage Impact - Summary**

In conclusion, the proposed development will not cause harm to the setting of the SAM or the asset’s significance, indeed the development will provide opportunities to better reveal its significance.

Even if the proposed development did cause some harm to the setting, this would be the lower end of the less than substantial scale and the wider substantial positive public benefits of the proposal will far outweigh

that harm. CDC came to this conclusion in allocating the Site for development within the Local Plan, which was not challenged.

### Secured by Design

Thames Valley Policy (TVP) make no objections to the proposals, however, provide some additional advice and comments on the detailed element (the Health and Racquets Club) of Application 1. The comments provided are noted.

TVP also recommend the following condition (with Quod's proposed amendments underlined):

*Prior to commencement of development, details of measures to be incorporated into the proposals demonstrating how Secured by Design (SBD) principles & standards on physical security will be integrated (where possible and viable) shall be submitted to and approved in writing by the authority. The development will be carried out in accordance with the approved details and shall not be occupied or used until written confirmation of compliance with them is received by the authority.*

The Applicant would accept the above condition on the outline element of Application 1 and Application 2.

### Cycle Parking and Infrastructure

CLlr Dr Suzanne Bartington has made comments on cycle parking and infrastructure. These are addressed in turn below.

#### **i. Proposed connections to surrounding amenities are inadequate**

Whilst OCC Highways' consultation response is awaited, pre-application discussions and precedent established for similar development at Bicester Avenue (Bicester 4), indicate that the current proposals are likely to be supported by a public transport contribution and the principle of this has been acknowledged.

There are however suitable locations on Wendlebury Road to accommodate bus stop facilities which could be served by a clockwise running local service which would provide convenient access to the two Bicester Rail Stations, along with the Bicester Avenue site (who it is understood have an obligation to make financial contribution towards such a service). This is set out in the application Transport Assessment (TA) at para 5.2.2. The development will therefore make provision for the Site to be served by local public bus services.

These would be supplemented by the existing frequent bus services on the A41, which include longer distance routes including the S5 service to Oxford every 15 minutes. The Bicester 10 Phase 1 proposals made provision for enhancing access to these services via the provision of lay-bys and a signal-controlled pedestrian crossing on the A41. It is proposed to build on this by providing connectivity to the existing footway on the north side of the Vendee Drive link road as well as establishing a new link to the north of the Phase 1 hotel site within highway land.

Para 5.1.2 of the TA sets out there would be a combined foot-cycleway 2.5m-3.0m wide which would run from the site access roundabout along the eastern side of Wendlebury Road and join into the existing foot-cycleway immediately to the north of the A41 – Wendlebury Road junction. Where the foot-cycleway crosses the accesses to the Thames Water site and Bicester Avenue, appropriate crossing details will be provided

including dropped kerbs, tactile paving and appropriate signage. This similarly applies to the scenarios including the Health & Racquet Club which will take direct access from Wendlebury Road.

To connect to the new signal controlled toucan crossing on A41, to be implemented as part of the Bicester 10 Phase 1 hotel development, it is proposed to provide a link north of the hotel site within publicly adopted highway land for the northern part of the Catalyst Bicester Site. This will provide more direct access to the residential development at Kingsmere as well as pedestrian access to longer distance bus services on the A41 corridor.

The employment site access roundabout splitter islands across Wendlebury Road and the site access has been widened to allow cyclists to cross. These crossing points will be provided with dropped kerbs, tactile paving and appropriate signage. In line with the strategy agreed by OCC with the applicant on Bicester 10 Phase 1, it is not proposed to provide a footway on the southern side of the Vendee Drive link road. This does not relate to any pedestrian/cycle desire line that is not already served by a parallel route (i.e. the northern side of Vendee Drive link road).

The key linkages here have previously been agreed between OCC and Bloombridge as part of the Phase 1 development and these were stated rather than emphasised in the TA so as not to confuse the reader as to what was being proposed by Albion Land as opposed to what would be delivered by others.

The internal road network will be developed to include appropriate footways along the development access roads. Further pedestrian paths will be developed where appropriate at the detailed design stage.

Taking into account the above works, it is considered the proposed development provides more than sufficient connections to support sustainable modes of travel.

**ii. Path of 2.5m along Wendlebury Road is not in accordance with cycling design standards.**

The proposals reflect forecast demand, forecast traffic flows, highway geometry and land availability. Wendlebury Road currently forms part of National Cycle Network 51. The existing provision is a partial western sided shared use footway/cycleway 2m in width over a length of 220m; and partial on carriageway facility with no cycle (or indeed footway provision) over a length of 150m.

The continuous eastern sided proposals for a 2.5m off carriageway facility over the length of 350m to supplement the existing partial 2m facility therefore delivers a good quality link serving the development, but also providing a significant uplift on the existing cycling credentials of the link for existing cyclists.

**iii. Given the amount of car and HGV traffic proposed, a segregation cycle path should be considered.**

The additional car and HGV traffic numbers quoted within the letter are incorrect. The letter incorrectly quotes figures of 600-1800 vehicles per hour and 1,000 – 3,000 HGVs per day. Tables 16-19 of the TA set out the forecast site traffic for the various development scenarios, where the maximum forecast for site traffic movements from the site is 330 vehicles during the busiest peak hour, and a maximum of 80 HGV movements per day, with a maximum of 10 per hour, which then dissipates across the network.

In the scenarios with the Health & Racquet Club in place these movements are spread across two site accesses. These flows therefore do not necessitate segregation of cycle movement within the site.

A footway/cycleway on Wendebury Road segregating traffic from the carriageway is being provided. The quantum of traffic added to this link does not necessitate further segregation.

**iv. 20 cycle parking spaces are insufficient**

It is important to clarify that the referenced 20 cycle parking spaces are only those proposed for the Health & Racquet Club, and not for the whole site. Whilst this is less than the recommended cycle parking provision in the OCC standards, these do not differentiate between large footprint health clubs and small-scale gyms, for whom, we would suggest, the standards are more directly relevant.

This provision is based on experience and take-up at existing David Lloyd Health & Racquet Club sites to be sufficient and appropriate. It is proposed that the Travel Plan for the Health & Racquet Club will include a review of the take up of the cycle parking spaces and will increase provision where there is demand.

As set out within the TA, cycle parking for the B1 employment part of the development will in accordance with Oxfordshire County Council's Walking and Cycling Design Standards. The actual quantum will depend on the floor area and land uses and will be detailed in future reserved matters application(s).

**v. Access to the Health & Racquet Club is unnecessarily long, additional access should be provided**

As with query no. 4, the point relates solely to the Health & Racquet Club. Demand to access the Health & Racquet Club from the south on foot and bicycle will be very limited given the rural nature of the adjoining routes. To the west and north, as highlighted above, the site will actively enhance pedestrian and cycle linkage (and public transport linkage) towards Bicester, building on enhancements relating to Bicester 10 Phase 1. Access to the south is restricted by the rail line.

**vi. Plans for Climate Change mitigation do not include mention of active travel**

In addition to the pedestrian, cyclist and bus initiatives set out above, both the employment areas and the Health & Racquet Club will be subject to Travel Plans, each with definable mode share targets. As is normal, targets for each would be set shortly after occupation.

## **Loss of Trees**

The Arboricultural Officer has requested a review of the proposed tree removals once a design has been finalised, and the Parameter Plan re-submitted in order to assess if the worst-case scenario is still applicable. The Officer has also requested a planting and landscaping plan detailing how the tree removals would be mitigated.

The tree removals as shown on Parameter Plans 18022-TP-104 and 18022-TP-114 show the maximum extent of the tree removals required in order to accommodate the proposed development zone, as demonstrated in Parameter Plans 18022-TP-102 and 18022-TP-112. Whilst the actual development to come forward will not cover the full extent of the zone, the parameters plans provide the flexibility to enable development to come forward anywhere within these zones.



As the applications are in outline form, the detailed planting and landscaping scheme, along with the detailed design of the development within the development zones, will come forward at the reserved matters stage. This will provide the opportunity for further assessment of the proposed planting and landscaping scheme to mitigate and enhance against the loss of any trees. This will be in broad accordance with the strategic landscape framework (part G) set out within the SLA submitted to support both applications.

## Drainage

Thames Water (TW) have requested further information on the proposed drainage strategy, noting a potential inability of the existing network to accommodate the foul and wastewater discharge of the proposed development.

Through further discussions with TW directly, it has been proposed to pump water to the adopted sewer in Lakeview Drive. This is similar to the drainage scheme for the hotel development at Phase 1. In this respect, a scheme for the wastewater discharge and the foul drainage has been prepared by the project drainage engineers (Bailey Johnson Hayes) to address this. The following information has been submitted to TW on 4<sup>th</sup> November and is also enclosed:

- Letter from Bailey Johnson Hayes dated 4<sup>th</sup> November 2019
- Concept Foul Drainage Scheme, drawing number S1358-Ext-38A
- Completed TW Pre-Planning Enquiry Application Form

## Flood Risk

The Environmental Agency (EA) have objected to both applications (letters dated 23 September and 3 October to Applications 1 and 2 respectively) for two reasons, being:

- The proposed development falls within a flood risk vulnerability category that is inappropriate to the Flood Zone, contrary to the NPPF. The EA notes this objection could be removed through an amendment to the indicative layout showing all built development outside of Flood Zone 3b.
- The absence of an acceptable Flood Risk Assessment (FRA). To overcome this objection, the EA has requested the FRA to be revised to include a detailed assessment of climate change allowances and detail of flood compensation.

In response to objection 1, a Flood Compensation Scheme is proposed, as outlined within the Flood Risk Assessment submitted. Enclosed are two additional drawings which have already been shared with the EA (S1358-Ext-39: Lost Flood Storage Plan; S1358-Ext-40 – Gained Flood Storage Plan).

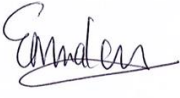
On 8 November 2019, the EA confirmed that following further inspection of the Applications, they have withdrawn their first objection and informed CDC of this.

Further discussion is ongoing with the EA regarding their second objection, and a full response will be provided to CDC on this matter in due course.

## Summary

I trust the additional information enclosed within this letter and attachments are sufficient to address the consultation responses made to these applications to date and will assist your consideration of the applications. However, if you require any further information or clarification, please do not hesitate to contact me.

Yours sincerely

A handwritten signature in black ink, appearing to read "Emma Lancaster". The signature is written in a cursive style with a prominent underline.

Emma Lancaster  
Associate

Enc As noted