

Planning and Development

David Peckford, Assistant Director – Planning and Development



Cherwell

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Please ask for: **Bernadette Owens**

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Your Ref:

11 November 2020

Dear Sir

TOWN AND COUNTRY PLANNING (Environmental Impact Assessment) Regulations 2017

REQUEST FOR A SCOPING OPINION

Application No.: 20/02469/SCOP

Applicant's Name: Peter Chambers

Proposal: Scoping Opinion - Environmental Impact Assessment (EIA) of the allocated Gavray Drive site in Bicester

Location: Land On The North East Side Of
Gavray Drive
Bicester

Parish(es): Bicester

I write in response to the Scoping Request submitted to the Local Planning Authority (LPA) on 8th September 2020 accompanied by a Scoping Report dated September 2020.

This Scoping Opinion relates to the allocated development site adjacent to Gavray Drive, Bicester (allocated by the re-adopted Policy Bicester 13 of the Cherwell Local Plan Part 1 2011-2031).

The LPA has reviewed the information provided in order to determine the potential of the proposed development to have significant environmental effects and those aspects of the environment likely to be affected. In doing so the LPA has had regard to the provisions of Regulation 15 of the EIA Regulations 2017 as well as the criteria for determining the potential for significant environmental effects as set out in Schedules 3 and 4 of those Regulations. Schedule 4 of the Regulations sets out the necessary information required to assess impacts on the natural environment to be included within an Environmental Statement.

In coming to a view, the LPA has also consulted with the relevant statutory authorities and consultation bodies whose comments are referred to within this Scoping Opinion and available in full on the Council's website.

This letter should be taken as the formal Scoping Opinion of the LPA under the EIA Regulations 2017.

Transport

It is agreed that this should be scoped into the Environmental Statement.

OCC as Local Highway Authority has advised that the proposed methodology, that will be used in determining the environmental impact of the proposed scheme, is appropriate. Further detailed scoping for the Transport Assessment is recommended through the County's formal pre-application process.

Ecology

It is agreed that this should be scoped into the Environmental Statement.

The guidelines set out in the Chartered Institute of Ecology and Environmental Management (CIEEM) Guidelines for Ecological Impact Assessment (Version 1.1 updated September 2019), which represents the industry best practice for ecological impact assessment, should be followed.

The assessment will need to include all water features as well as historic field ponds and any ditches within the site. All grassland on site will need to be assessed and not limited to the Local Wildlife Site as there is valuable habitat outside of this.

The River Ray Conservation Target Area designation should also feature as a non-statutory designation. Whilst this designation is not a constraint in itself, it shows the priorities for this area in terms of biodiversity enhancement and retention and may elevate the importance of some habitats on the local level accordingly within the assessment.

The assessment should also include a full Biodiversity Impact Assessment in the form of a metric to clearly demonstrate that an overall net gain (of at least 10%) will be achieved and how. The Ecology Strategy for the site will need to be fairly well formed to inform this. The Environment Agency (EA) has advised that the Defra River Metric should be used.

The EA also recommends that the implications of the removal of any features will need to be considered as part of the biodiversity calculations and opportunities for enhancements along the Langford Brook should be explored including the feasibility of re-naturalising the banks, reducing overshadowing, narrowing the channel where it is over-wide and dressing the channel bed with gravels to replace the lost natural bed substrate. A river corridor survey should be carried out to a distance of at least 8 metres from the top of the bank along both sides of the channel.

The proposals will also need to include an ecological buffer along the brook which is maintained and managed for biodiversity only. This should be a minimum of 10m in width and be free from all built environment/structures which includes formal surfaced footpaths and lighting. It should also be free from non-native species. This is consistent with the approach taken on other sites in Bicester.

The ecology section should also reference the River Basin Management Plan and the Water Framework Directive status of the Langford Brook waterbody and demonstrate that there will be no deterioration of the waterbody.

It is noted that Otters and Water Voles are proposed not to be included as an important ecological feature. The EA have suggested that Otters are known to be present along the Langford Brook and nearby watercourses. If any species are to be scoped out of the assessment, then this needs to be justified through the submission of recent surveys.

Natural England have provided comment. Annex A attached to their response provides advice on the scope of the EIA for this development. This can be read on the Council's website.

Cultural Heritage

It is agreed that this should be scoped into the Environmental Statement.

OCC's Archaeologist has identified that a number of further archaeological investigations have been undertaken in the immediate area which have recorded archaeological remains. These were not available at the time the last cultural heritage chapter was produced.

In addition to this new information, there are a number of important sources that were also not available for the previous assessment. These include the Environment Agency's Lidar data and the Oxfordshire Historic Landscape Characterisation data. These will also need to be incorporated into this new

assessment. This new assessment will also need to incorporate the evaluation results from the site itself. This desk based assessment should be undertaken in line with the Chartered Institute for Archaeology standards and guidance including the submission of a written scheme of investigation to ensure that the scope of the assessment has been agreed.

Water Resources

It is agreed that this should be scoped into the Environmental Statement.

OCC as Lead Local Flood Authority (LLFA) requires that a Surface Water Management Strategy and Flood Risk Assessment provide full assessment of the flood risk and the impact on water quality as part of the EIA. OCC have provided their standard detailed drainage advice which is available on the Council's website.

The EA has advised that whilst their model of the Langford Brook (produced in 2010) is the most up to date information available, it will not be representative of the current potential flood risk at the site and that the model will need to be updated to make improvements to the hydrology and to ensure it meets the latest standards and considers the future risk of flooding as a result of climate change. Further guidance is available as set out in the EA response on the Council's website.

OCC advise that all development including surface water drainage features must be located outside of flood zones 2 & 3. This is supported by the EA which recommends a sequential approach to the site layout to allow the floodplain to function in a natural way without the need to engineer solutions providing opportunities for green infrastructure and biodiversity gain.

If this is not possible then any loss of floodplain storage within 1% annual probability extent with the appropriate allowance for climate change (35%) must be directly compensated for.

Landscape and Visual Impact

It is agreed that this should be scoped into the Environmental Statement.

The methodology for undertaking the Landscape and Visual Impact Assessment is considered to be appropriate provided that it also includes evaluation of the condition and long term viability of the existing structural vegetation.

Noise and Air Quality

There is no supporting justification to explain why noise and air quality are proposed to be scoped out of the EIA. Noise in particular has the potential to have a serious adverse impact on the development.

The Council's Environmental Health officer has highlighted the existing noise impact from the railway lines and link which border the site. The upgrade of the line to Milton Keynes and beyond as part of the East West Rail project will only increase the number of trains passing the site. The line to the Chiltern Mainline is also raised above the site increasing the potential for noise disturbance and the industrial units across the railway line are also sources of noise which will need to be assessed.

In the interest of securing a robust EIA, the LPA considers that noise and air quality should be scoped in.

Cumulative Effects

It is noted that the sites identified within the scoping report, to be taken into account in the assessment of cumulative effects, are largely residential development sites and no consideration has been given to commercial development proposals. Environmental impact is not confined to development type and should be assessed taking into account all development in proximity to the site.

The EA has specifically advised that the ongoing work relating to East West Rail should be included in the analysis as the line is close to the proposed development site and has had and will have an impact on the Langford Brook ecology and its floodplain and this is supported by the LPA.

It is agreed that Agriculture and Soil Resources; Ground Conditions; Utilities; Socio-economics; and Arboriculture can be scoped out of the Environmental Statement. Where necessary assessments covering these topics should be submitted with the application.

I trust this information is of assistance to you in the formulation of an Environmental Statement.

It should be noted that a large number of public comments have been received including from Langford Village Community Association which raise concerns about the loss of the site for wildlife habitat and

recreation; impact on cultural heritage; and flooding among other issues. I would suggest that you also take the time to review and consider these comments.

All of the comments received are available in full on the Council's website <https://planningregister.cherwell.gov.uk/Planning/Display/20/02469/SCOP>

If you have any questions or queries regarding the above please contact the Case Officer using the details provided above.

Yours faithfully

A handwritten signature in black ink, appearing to be 'D.P.', written in a cursive style.

David Peckford
Assistant Director – Planning and Development