

**East West Rail Network Phase 2 (The Scheme)
Railway from London Road Bicester to Station
Road, Launton**

20/03358/DISC

Case Officer: Linda Griffiths

Recommendation: Approve

Applicant: Jez Baldock

Proposal: Partial Discharge of Condition 12b (Biodiversity Strategy) of
18/01430/TWAO, Compound 2A2 and Access at Land West of Station
Road

Expiry Date: 18 January 2021

Extension of Time:

1. APPLICATION SITE AND DESCRIPTION OF APPROVED DEVELOPMENT

1.1. This application relates to the rail improvements Bicester to Bedford approved under the Transport and Works Act Order. Construction works are now well underway along the route.

2. CONDITIONS PROPOSED TO BE DISCHARGED

2.1. This application relates to condition 12b of the TWAO approval, which requires the submission of a strategy to achieve an overall net gain in biodiversity for the development. The application is accompanied by a Net Gain Biodiversity Strategy, dated November 2020.

3. RELEVANT PLANNING HISTORY

3.1. The following planning history is considered relevant to the current proposal:

20/00620/DISC – Approval given for an Ecological Management Plan in April 2020.

4. RESPONSE TO CONSULTATION

4.1 OCC Single Response – no comments from a transport point of view.

4.2 Ecology Officer – No objections to strategy but some reservations regarding potential payments for net gain through Environment Banker or similar broker if cannot be provided on or off site as CDC have not found these acceptable in the past.

5. APPRAISAL

5.1 The application submission has been assessed by the CDC Ecology Officer who advises that the strategy is acceptable in that it is thorough in addressing methods by which a 10% level of biodiversity net gain will be achieved, which is the level currently being sought where possible. A concern was raised that where this net gain level could not be met on site or through agreed compensation projects with landowners, they would in such circumstances then seek to address any additional gain required through a payment to the Environment Bank or a similar broker. To date, certificates from brokers have not been found acceptable to CDC to ensure net gain.

- 5.2 Having regard to the above comments, it would be a concern if, subsequently, the agreed biodiversity net gains could not be achieved as approved. However, the section of planned rail improvements through Cherwell District as part of this overall scheme is quite short and there has been no indication that the compensation schemes approved cannot be delivered. Therefore, in the interests of progressing the approved rail improvement scheme, it is recommended that condition 12b be discharged accordingly.
- 5.3 The original application was EIA development. This condition seeks to deliver the net biodiversity gain set out in the original submission. Therefore, the EIA is considered sufficient for the purpose of considering the information provided for this condition and it has been taken into account in considering this subsequent application.

6. RECOMMENDATION

That Planning Condition 12b of permission 18/01430/TWAO be discharged based upon the following:

Condition 12b

Biodiversity Net Gain Strategy, dated November 2020.

Case Officer: Linda Griffiths

DATE: 18 January 2021

Checked By: Andy Bateson

DATE: 18 January 2021
