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31036/A3/HL/SL
23 November 2021

Dear Caroline,

APPLICATION REF. 21/01630/OUT
LAND AT NORTH WEST BICESTER – ON BEHALF OF FIRETHORN DEVELOPMENTS LTD

Further to your letter dated 21st September 2021 and our subsequent meetings, we write on behalf of our Client Firethorn Developments Ltd, to respond in more detail to the points made in your letter. We have structured our response around the headings, and their order, within your letter.

Principle of Development

We note and welcome your confirmation that you are broadly happy with the principle of development being acceptable on this application site.

True Zero Carbon Development/Climate Change Adaptation

With reference to the comments contained in your letter, we would respond as follows:

- In respect of the indicative carbon balance, the baseline carbon emissions and carbon emissions related to the potential dwelling emission rates (as defined in the Energy Hierarchy, of the Outline Energy Statement submitted as part of the outline planning application package – Section 5) are provided in Table 6.1 of that document;
- In relation to fabric efficiency, Section 6.2 of the Outline Energy Statement sets out the fabric efficiency standards that have been incorporated within the emission modelling;



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- In terms of potential for carbon offsetting if this were to be required, such an approach will need to be defined by CDC with the process and assurance for offsetting agreed as part of the Section 106 Agreement;
- Regarding SSE - we have approached SSE to explore connecting the proposed development to the existing District Heat Network that they operate which is part of a long term EScO concession agreement with A2 Dominion Housing Association. BEIS has funded research is currently being carried out to study routes to decarbonisation for existing natural gas-based district heating networks and SSE is one of the participants of this study. The District Heat network at NW Bicester has been nominated as one of the case studies. The aim is to use the study to help guide future steps that will enable any development to meet the required carbon reduction targets if it connects to the SSE DH network. An interim report has been prepared by the consultants (a consortium led by Anthesis) working on behalf of BEIS that proposes a stepped approach to decarbonisation by first reducing flow and return temperatures on the existing heat network followed by installation of Air Source Heat Pumps in the existing Energy Centre in a modular fashion to gradually phase out the gas CHP at the end of the life of the boilers. An initial capital cost estimate has been provided by SSE for the decarbonisation which has been presented as an option in the Viability Assessment recently submitted to you for consideration;
- Your comments regarding Code 5 are noted. As stated, Code 5 for Sustainable Homes no longer exists and therefore cannot be certified or used in planning policy compliance;
- In relation to the requirements around real time monitoring/ information (energy and transport) and super-fast broadband, Section 8 of the Outline Energy Statement provides the entire background to delivering a comprehensive smart approach to energy, including energy monitoring. Super-fast broadband is standard in all new developments;
- Ardley EfW - We understand from CDC that a feasibility study to heat network connection to Ardley EfW has been undertaken by the Council. The connection to the EfW is not a decision for SSE, nor this development or a future developer;
- We note you comment that there should be commitments to reducing embodied carbon and how materials will be sourced taking into account local suppliers. The application is in outline and therefore at this stage there are no building design and construction parameters that would make a sustainable and waste resource plan meaningful beyond the policy requirement;
- We acknowledge your comments as regards carrying out overheating analyses at later stages using TM59 with future climate scenarios to ensure that the properties are designed to not overheat. Consideration of critical health risks such as over-heating will be extremely important in developing the detailed design. Setting fabric energy efficiency targets at an outline stage is not appropriate without understanding the major risks to human life that overheating against future climate change scenarios. The Climate Change Committee's 6th Report states that risks and dangers to life with setting energy efficiency targets. Consideration of fabric standards and overheating need to be completed together at the detailed design stage;
- Regarding active travel, please see enclosed Stantec response to Bioregional's comments for our thoughts; and

- In relation to the inclusion of EV charging infrastructure, please see Stantec's responses to Bioregional's comments enclosed for our thoughts on this point.

Homes

Your comments regarding the provision of affordable housing are noted, as is your acknowledgement of the viability challenge. We have already talked through the methodology being applied to the viability assessment, and the scenarios that have been tested. The full Viability Assessment is now with Nigel for review and comment, and we will talk more about that at our meeting on 23rd November. We are aware of the comments from the CDC Strategic Housing Team, and these have been taken into account in the process of considering the viability of the scheme. Ultimately the ability of the application scheme to deliver the policy requirements in terms of affordable housing provision will depend on the decisions taken by Officers and Members on the priorities for the development – be that affordable housing, true zero carbon measures, or policy commitments.

Employment

We note the requirement for a Training and Employment Plan and would be happy to discuss the capture of this requirement via an appropriately worded planning condition, or a S106 commitment.

Transport

We have received the comments from OCC Highways (part of the composite response from OCC dated 14th July 2021 – and to which we are responding under separate cover), and we are in correspondence with National Highways (NH) in respect of their holding objection. Mark Kirby at Velocity has provided NH with the additional information sought and is liaising directly with NH Officers to resolve their outstanding queries. You have been copied into that correspondence.

As regards your other queries/points, we would respond as follows:

- *CDC Comment - Should the access arrangement strategy be demonstrated to be suitable, then we will need to establish the capacity that could be accommodated from Access B to the western land to ensure that this is a clear parameter for future reserved matter submissions to be secured via planning condition:*
 - The Transport Assessment considers a total of 69 residential dwellings being accessed from Site Access B. Based on a split of 70% Market and 30% Affordable housing, the 69 residential units will generate approximately 37 two-way vehicle movements in the AM peak hour and approximately 33 two-way vehicle movements in the PM peak hour at this junction;
 - OCC has acknowledged that this level of development traffic is acceptable on the surrounding highway network and has requested that the Applicant makes a contribution to the provision of a signalised junction where Charlotte Avenue meets the B4100; and
 - The signalised junction will increase the available capacity at the junction of Charlotte Avenue with the B4100 and as such, it is expected that a maximum of 70 residential units accessed from Site Access B will be a suitable limit.
- *CDC Comment - It is noted that OCC have raised comments relating to the way the EIA assesses construction traffic and the impacts of this upon noise and vibration and the adequacy of the EIA in this respect:*

- We have considered the comments made by OCC in this respect and have responded directly to them under separate cover. You have been copied into that response; and
- The relevant sections of the Environmental Statement have been updated to reflect the comments OCC raised in relation to the assessment of construction traffic.

- *CDC Comment - There may be a need for a Grampian condition to restrict the level of development permissible until such time that the realigned A4095 is in place and opened to vehicular traffic:*
 - This is noted, and we are aware of a potential requirement for such a Condition. The principle of this is accepted, subject to the timing of the triggers within the Condition, and to coming to an agreement on the wording of such a Condition;
 - It is understood that the Grampian Condition has been proposed to limit the amount of development that could be occupied on the wider NW Bicester site prior to the implementation of the realigned A4095. Recent discussions with the Engineers at OCC that are coordinating this work have established that a Value Engineering exercise is currently being undertaken on the approved layout of the A4095 Strategic Highway Improvement scheme and as such, the planned date of implementation in 2024 is likely to slip to 2026;
 - Hyder Consulting prepared an assessment in 2014 that identified that 900 dwellings could be occupied on the allocated site prior to the implementation of the A4095 Strategic Highway Improvement;
 - Using the agreed methodology set out by Hyder Consulting, an additional assessment was undertaken by David Tucker Associates (DTA) in 2015 that identified that between 900 and 1,200 dwellings could be occupied, which would facilitate the occupation of and 'additional' 150 dwellings from the Albion Land development;
 - VTP have prepared a Technical Note based on the same methodology set out by Hyder Consulting and DTA that identifies that a maximum of 1,150 units can be occupied prior to the implementation of the A4095 Strategic Highway Improvement before the highway impacts are identified to be "severe";
 - It is acknowledged that 393 dwellings have been permitted and are partially occupied at the Elmsbrook Development, 150 dwellings are permitted to be occupied on the Albion Land scheme, which equates to a total of 543 dwellings;
 - As a total of 1,150 dwellings has been demonstrated to be acceptable to be occupied prior to the implementation of the A4095 Strategic Highway Improvement, it is considered acceptable for the full 530 dwellings associated with the Firethorn application site to be occupied prior to the implementation of the A4095 Strategic Highway Improvement, with 77 occupations still available for other development within the wider NW Bicester site; and
 - Based on the above, it is suggested that there would be no need for a Grampian Condition associated with the Firethorn application site that might restrict the number of occupations prior to the implementation of the A4095 Strategic Highway Improvement.

- *CDC Comment - We discussed the provision of a car park on site to provide provision for users of the Church (it is noted that a crossing is sought to provide access between the site and the church) and it is understood that the proposed area for car parking (part of application 20/01325/F) may be available for this purpose. I would be grateful if this could be explained as a response to this point raised:*
 - As discussed, the car park application has been submitted to CDC for consideration by a third party and is outside the boundary of the Firethorn application site and therefore outside the

control of the Applicant. Whilst we recognise the potential benefit of this to the Church, the car parking application is not linked to this outline application, and one cannot be contingent on the other – or linked in anyway; and

- The provision of a new pedestrian crossing facility to the Church, which is to be delivered by the developers under a Section 278 Agreement (subject to agreement through the Viability Assessment discussions), will not prejudice the opportunity for the car park to be accessed in the future once this is approved and delivered by others.

Healthy Lifestyles

Your comments regarding health and sports provision are noted, and we are aware of the SPD requirements. We will consider those requirements, alongside others, as part of the discussions regarding the viability assessment. We note your query as regards the Sport England Active Design Principles, and whether or not those principles can/will be reflected in our masterplan. You have referred to the role of the DAS in expanding on those principles.

We can confirm that we are familiar with the Active Design Principles and that these have been considered in the process of preparing the masterplan and within the DAS, and this is demonstrated in the enclosed document entitled "*Post Application Design Pack V2: Density, Massing, Character, Site Sections and Green Space - November 2021*". We have set out how each of the Active Design Principles is embraced within the DAS proposals.

Local Services

Your comments are noted, and we are aware of the SPD requirements. We will consider those requirements, alongside others, as part of the discussions regarding the viability assessment.

Green Infrastructure/Landscape and Visual Impact

We welcome the support of CDC's Landscape Team in respect of the submissions made. We note your request regarding your need to understand how the provision of the 40% SPD requirement for green space provision would be disposed across the masterplan area. Taking this comment on board, we have presented a series of plans in the attached document "*Post Application Design Pack V2: Density, Massing, Character, Site Sections and Green Space - November 2021*" which demonstrate how the green space could be spread across the site. This draws on the information already provided within the DAS. It should be noted that as the masterplan is purely illustrative at this stage, this is only one way in which the green space could be delivered. However, it is important to note that the Development Parameters submitted as part of this outline planning application refer to the fact that the application includes a commitment to deliver a minimum of 40% green space within the red line area once the development is completed.

As regards play space, as we have discussed in our recent meetings, the feedback that we received from consultations with some of the local interest groups and including the Town and Parish Councils was that there is a preference towards the provision of fewer, larger play areas which provide a variety of play opportunities, are better used and are easier to maintain than smaller play areas. It is therefore our view that flexibility should be maintained in relation to the location of play areas across the site. The DAS contains information about the overall approach to play space provision. Further information on the location and content of play areas will be provided at reserved matters stage, with this being secured via an appropriately worded planning condition.

We have prepared further information regarding the extent of tree removal required and this is contained within the "*Post Application Design Pack V2: Density, Massing, Character, Site Sections and Green Space - November 2021*" (Indicative Locations of Tree and Hedge Loss) which accompanies this letter.

Design and Heritage

Further to your comments regarding the proposed maximum building height zone of 16m, adjacent to the bus gate area and within the western development parcel, whilst we remain of the view that 16m is an acceptable height in the context of the guidance within the SPD on maximum heights within the SPD area, and the location of this zone on a spine route, we have chosen to address your concerns and have therefore reduced this zone by 2m to 14m. This is reflected in the amended Development Parameters document enclosed with this letter (V4). The amended Development Parameters document also addresses your comment regarding the 90m levels previously shown on the Maximum Building Heights and Footprint Plan – these levels have now been removed – and two sections have been prepared along the sections lines that you proposed, in order to provide you with comfort as to how the levels between the development parcels, and across the Elmsbrook/bus-gate area in-between, are designed. These sections are also enclosed within the accompanying "*Post Application Design Pack V2: Density, Massing, Character, Site Sections and Green Space - November 2021*".

You have expressed some concerns regarding the consistency of the Parameter Plans, and more specifically the overlapping zones that exist on those plans. We have discussed the reasons why the Plans are created in that way, and the fact that the Plans have to be read together alongside the text contained within the Development Parameters document which adds further detail as to what can/cannot be located within the zones specified on the Parameters Plans. In order to try and provide greater clarity for you in relation to the green space and hedgerows, the amended and enclosed Development Parameters document includes some additional wording which makes clear that residential development cannot take place in certain buffers. This can be seen in the tracked change version attached.

We note that the Design and Conservation team have commented on the proposals and have not objected to the development proposed on the Eastern parcel or its relationship to the heritage assets to the east and consider that the mitigation is sufficient. However, you have reservations about the extent of the development in this area and how the open space is treated and how that relates to the view of the Church. In order to assist in understanding how this parcel will look and feel, we have prepared some illustrations based on the Masterplan which show this in 3D, and we hope, provide you with some more context as to how the design approach in this Parcel reflects the local character, and how that translates into the development scheme. They are contained in the "*Post Application Design Pack V2: Density, Massing, Character, Site Sections and Green Space - November 2021*".

We note your comments regarding archaeology.

Biodiversity

Regarding the points in your letter (and in the same order), I would respond as follows:

- i. The biodiversity net gain (BNG) calculation which was prepared by our team before submission of the outline planning application is enclosed with this letter for your information. This was based on a scheme of up to 550 units, so doesn't precisely reflect the application currently before you, and it is a 'working' calculation, which will be subject to review and update at reserved matters

stage once detailed designs are available for the site as whole or as phases. It is our view that we will need to agree an appropriately worded planning condition which captures the requirement for the whole scheme to achieve a minimum of 10% BNG, but which enables some flexibility for different phases BNG scores to vary as long as that site-wide minimum level is maintained. We would be happy to assist in coming up with some wording on this;

- ii. Off-site farmland bird mitigation – we note the requirement for a contribution towards such mitigation. However, the assessments undertaken for the purposes of the EIA concluded that:

"No ground nesting farmland birds of conservation concern have been recorded on-Site during the most recent survey work undertaken to date, whilst the Site was recorded to be dominated by long-sward grassland for much of the year, bound by hedgerows, treelines and woodland, all of which is not typically favoured by ground nesting birds. As such, the loss of semi-improved grassland and the small area of arable habitat is not considered likely to affect the conservation status of local bird populations". (EIA, Chapter 10, paragraph 10.173);

Based on this conclusion, it is our view that there is no justification for the development to provide such a contribution;

- iii. Any requirement for habitat boxes and green roofs can be discussed in the round alongside the Viability Assessment discussions, and if required, be secured via an appropriately worded planning condition;
- iv. As regards Great Crested Newts (GCN), the baseline considerations and assessments set out in Chapter 10 of the EIA consider the potential for GCN within the site but discount the requirement for detailed assessment based on the site characteristics and historic survey information. It is also worth noting that none of the responses to the Scoping Request submitted to CDC by consultees made specific reference to the requirement for a detailed GCN assessment; and
- v. We confirm our agreement that the Landscape Ecological Management Plan should be secured via a condition.

Water/Drainage/Flood Risk

In respect of the comments set out in your letter, we would respond as follows:

- OCC as Lead Local Flood Authority have raised no objections to the outline drainage strategy proposed and its principles outlined; and
- Whilst a methodology to assess the impacts of climate change on fluvial flooding were agreed with the Environment Agency prior to the planning submission, following review of the Flood Risk Assessment, the Environment Agency subsequently stipulated the need for hydraulic modelling to inform this assessment. This hydraulic modelling has now been completed and has been issued to the Environment Agency for their review and comment. We await their response. A copy of the Flood Modelling Report which we have provided to the EA is enclosed with this letter for your information.

Waste

We note and acknowledge the requirements of the SPD and Policy Bicester 1 in respect of the disposal of waste. This application is being submitted in outline, with the detailed site layout and disposition of homes to be provided at a later stage. It is our view that it will be challenging to set out a detailed strategy for the disposal of waste until a detailed design for the development site is prepared. To this end, it is our view any requirement for a Waste Strategy should be the subject of an appropriately worded planning condition and a pre-commencement requirement.

Community and Governance

We acknowledge the requirement for a CMO or similar body to manage, maintain and engage the new community, and recognise the importance of that role. It is our view that the form and scope of that CMO will be a matter for detailed discussion and agreement, to be secured via an appropriately worded planning condition or S106 obligation.

Cultural Wellbeing

Your comments are noted. It is our view that, as far as possible public art should be an integrated part of a development scheme and serve a purpose.

Environmental Matters

Your comments are noted.

S106, Viability and Conditions

In respect of a draft S106 Agreement, and the Viability Assessment (VA), as you are aware the VA is now with you and is being considered by your consultants. We will be meeting with them in the next couple of weeks to run through their feedback and to seek to agree the baseline before considering the various scenarios and what the development can/cannot afford. I won't prejudice those discussions here, but I would reiterate our thoughts from the last meeting. It is essential that your Members and Officers start to consider and agree what their priorities are in terms of the obligations being sought in respect of the proposed development. Ultimately the development will not be able to 'afford' all obligations and be viable for delivery, and without clarity from CDC as to those priorities, there is a risk that development will be delayed, with further pressure being placed on housing delivery in the district which in turn will place further pressure on windfall sites rather than focussing delivery on allocated sites such as North West Bicester.

We note that you will need to pull together a comprehensive list of all S106 requests and would point you towards the VA which contains our summary of the S106 requests which have been referred to thus far in correspondence with CDC, so you may be able to utilise that as a starting point.

We welcome your comment regarding the draft planning conditions. We are keen to begin the process of drafting the planning conditions as soon as possible and are of the view that this could be actioned alongside and at the same time as the VA discussions. As discussed, we are very happy to work alongside you on this and assist with drafting if that helps.

Conclusions

We await your feedback in respect of the PPA.

SUMMARY

We trust that this represents a comprehensive response to the matters raised in your letter of 21st September. We believe that this reflects the content of our discussions since that time.

We therefore enclose the following for your review and consideration:

- **Site Location red line plan** (dwg. ref. 1192-001 Rev.J) – it should be noted that this has been extended to include the temporary western construction access through the Elmsbrook site. This change has also been reflected in the Parameter Plans;
- **Development Parameters Schedule and Plans – V4** – tracked text and clean versions (including amended Plans);
- **Amended/new Access Plans** which reflect the changes to the red line planning application boundary as well as the following:
 - 4600-1100-T-004 Rev D – Proposed Pedestrian Crossing to the Church – this is a new application drawing;
 - 4600-1100-T-009 Rev D – Site Access A-B-C – amendments to the kerb radius at access points B and C;
 - 4600-1100-T-010 Rev B – Site Access D;
 - 4600-1100-T-011 Rev E – Construction Access (Eastern Parcel) – updates to visibility splays, extent of adopted highway shown, and an indication of the footway provision to the new pedestrian crossing to the Church is shown (latter subject to viability discussions);
 - 4600-1100-T-027 Rev B – Construction Access (Western Parcel) – this is a new application drawing;
- **Post Application Design Pack V2: Density, Massing, Character, Site Sections and Green Space** - November 2021;
- **Technical Note – Consultation Responses**, from Velocity Transport Planning (ref. 4600 / 1100 Doc No TN003 vv1), November 2021¹ - in 3 parts;
- **Flood Modelling Report**, from Vectos, October 2021 (please note that this report has already been shared with the EA directly);
- **Bioregional's response to application 2101630/OUT – with comments from Stantec** (ref. 49656 210913);
- **Technical Briefing Note: Biodiversity Net Gain Assessment** Using DEFRA Biodiversity Metric 2.0 Calculation Tool, from Aspect Ecology, 7th April 2021;
- **(Amended) Non-Technical Summary**, from Barton Willmore, November 2021; and
- **Environmental Statement Addendum**, from Barton Willmore, November 2021.

¹ It should be noted that this report responds to the consultation responses from CDC, OCC, National Highways, Bicester Bike Users Group (BUG) and Elmsbrook Community Association

We look forward to acknowledgment of the receipt of this letter and would ask you to ensure that the enclosed amendments to the Development Parameters Schedule and Plans documentation (and further supporting information/documents), and the EIA (Amended) NTS and Addendum are consulted upon for the required periods in accordance with the relevant Regulations, respectively.

Yours sincerely,



HANNAH LEARY
Planning Director

Cc:	Paul Martin	-	Firethorn Trust
	Eleanor Musgrove	-	Firethorn Trust
	Rob Bolton	-	Review Partners
	Mark Kirby	-	Velocity
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