

Quod

Environmental Statement Volume III

Appendix 3.3: EIA Scoping Opinion Axis J9, Phase 3

SEPTEMBER 2021 Q210470

Planning and Development

David Peckford, Assistant Director - Planning and Development



Quod Emma Lancaster Capitol, Bond Court, Leeds LS1 5SP

Bodicote House Bodicote Banbury Oxfordshire OX15 4AA

www.cherwell.gov.uk

Please ask for: Caroline Ford Direct Dial: 01295 221823

Email: caroline.ford@cherwell-dc.gov.uk Your Ref: Q210470.SCO.1.0.3.EF

03 August 2021

Dear Emma Lancaster,

TOWN AND COUNTRY PLANNING ACT 1990

Application No.: 21/02254/SCOP

Applicant's Name: Albion Land

Proposal: Scoping Opinion - with respect to the scope of the Environmental Impact

Assessment (EIA) in relation to development proposals of approximately

7 hectares of land.

Location: Axis J9 Phase 1 OS Parcel 4200 Adjoining Middleton Road And

Empire Road

Bicester

Parish(es): Bicester

I write in response to your Scoping Request submitted to the Local Planning Authority (LPA) on 29 June 2021 accompanied by a letter and scoping appraisal dated 25 June 2021.

The Scoping request relates to part of the land allocated at NW Bicester by Policy Bicester 1 of the adopted Cherwell Local Plan 2011-2031. The Masterplan included within the NW Bicester SPD identifies the land for residential purposes. It is understood the proposal will be for commercial floorspace of approximately 17,500sqm for flexible employment uses (use classes E(g) (iii), B2 and/ or B8) as well as parking, access and green infrastructure.

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 Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (EIA Regulations 2017) (as amended) as well as the criteria for determining the potential for significant environmental effects as set out in Schedules 3 and 4 of those Regulations. Regulation 4(2) and 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, where received, 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.

General Approach

The general approach to the EIA appears to be sound and it is agreed that it will be necessary to consider cumulative effects on the environment resulting from committed developments in the area within each topic area chapter and that combined effects will be considered in a chapter titled 'Effect Interactions'.

The cumulative schemes listed in Table 1.4 are agreed but please note the more recent outline application at Phase 1 Bicester 10 (20/00293/OUT) and on NW Bicester, please note the current outline application 21/01630/OUT (incorporating part of the land included within application 14/01384/OUT and land to the east of the Exemplar Phase). In addition, applications have been made for the first phase of the Himley Village site (21/02337/DISC, 21/002339/REM and 21/02229/OBL).

Transport

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

Oxfordshire County Council have not responded to the consultation request related to this Scoping Opinion, so I am unable to confirm that the approach suggested is agreed at this stage. However, it is understood that the applicant intends to agree a methodology with OCC and therefore the assessment should respond to that approach, once agreed. Construction traffic impacts should be assessed, including a proposal for routing arrangements given the transport constraints in the locality.

Noise and Vibration

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

The Council's Environmental Protection Team have confirmed that the methodology suggested is agreed.

Landscape and Visual Effects

It is agreed that this should be scoped into the Environmental Statement albeit from Table 1.1 it appears that you intend for there not to be an ES Chapter relating to this matter but that an LVIA would be appended to the ES.

The methodology for undertaking this assessment must follow the guidelines set out in the third edition of Guidelines for Landscape and Visual Impact Assessment (GLVIA) (Landscape Institute and Institute of Environmental Management and Assessment, 2013) along with consideration of the Landscape Institute's current guidance on LVIA and visual representation.

The Council has liaised with the applicant's Landscape Consultant on viewpoints and receptors. A number of residential receptors are to be included as part of the LVIA – Aldershot Farm, Himley Farm, Linkslade, Upper Farm, Crowmarsh Farm and Lovelynch House. In respect of these receptors, a photorecord is not required. The individual narratives should be balanced and objective.

Please also note Natural England's response (available via the link provided below), which provides advice on landscape and visual impacts.

Ecology/ Biodiversity

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

Please refer to Annex A of Natural England's response (available via the link provided below), which gives a comprehensive outline of what is required.

Ecological surveys for all species and habitats from previous years can be referred to but they should be updated unless there is a fully justified reason not to do so. Cumulative impacts with other developments on both species and habitats and an assessment of cumulative impacts on designated and local sites both ecologically and indirectly such as considering increased recreational pressure should be carried out.

The assessment of Biodiversity Net Gain should be carried out using a recognised metric and should show the extent of net gain achievable on site. CDC currently seeks a net gain of at least 10% on all development sites. Information on how this might be fulfilled should also be included within the ES. The biodiversity section should also demonstrate how the development will fit in with the Ecotown in terms of green infrastructure and the overall masterplan within the SPD such that coherent networks for wildlife are achieved.

Comments have also been provided from Naturespace regarding Great Crested Newts and District Licensing, which is also available on the file and should be referred to.

Please also note the comments from the Environment Agency regarding the Water Framework Directive and objectives of the river basin management plan for the area. They advise that the ES should include details of the current overall classification of the relevant waterbody and how the development will ensure there is no deterioration to the current status and how it can contribute to ensuring the water body achieves good ecological status. Please also note their reference to the Natural England publication Biodiversity Net Gain Metric 3.0 which was updated on the 7th July 2021.

Socio-Economics

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

The approach to the consideration of this topic is noted and agreed.

Climate Change

It is noted that you propose to scope this topic out of the ES. However, given the policy requirements set out by Policy Bicester 1 relating to development at NW Bicester (i.e. to achieve a true zero-carbon development), this topic is relevant to the specific characteristics of the development and so it should therefore be scoped into this ES.

Matters to be scoped out

It is agreed that water resources and flood risk, air quality, land contamination, lighting, agriculture and soils, archaeology and built heritage, utilities, wind, daylight, sunlight and overshadowing, lighting (as a standalone chapter), waste and recycling and human health can all be scoped out of the Environmental Statement. Where necessary assessments covering these topics should be submitted with the application.

With regard to air quality, the Council expects all new developments to contain EV charge points and ducting to allow for the easy expansion of the EV charging network.

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

Full details of all comments received to this request can be found in full on the Council's website: https://planningregister.cherwell.gov.uk/Planning/Display/21/02254/SCOP

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

Yours faithfully

David Peckford

Assistant Director – Planning and Development

Checked By: Andy Bateson,

Team Leader – Major Development

COUNTY COUNCIL'S RESPONSE TO CONSULTATION ON THE FOLLOWING DEVELOPMENT PROPOSAL

District: Cherwell

Application no: 21/02254/SCOP

Proposal: Scoping Opinion - with respect to the scope of the Environmental Impact Assessment (EIA) in relation to development proposals of approximately 7 hectares of

land

Location: Axis J9 Phase 1 Adjoining Middleton Road and Empire Road Bicester

Date: 9 August 2021

This report sets out the officer views of Oxfordshire County Council (OCC) on the above proposal. These are set out by individual service area/technical discipline and include details of any planning conditions or Informatives that should be attached in the event that permission is granted and any obligations to be secured by way of a S106 agreement. Where considered appropriate, an overarching strategic commentary is also included. If the local County Council member has provided comments on the application these are provided as a separate attachment.

Application no: 21/02254/SCOP

Location: Axis J9 Phase 1 Adjoining Middleton Road and Empire Road Bicester:

Environmental Statement Scoping Report

Strategic Comments

This EIA scoping opinion is in relation to development proposals of approximately 7 hectares of land which is located at Axis J9 Phase 1 Adjoining Middleton Road and Empire Road Bicester. The proposal is to substitute employment floorspace for the residential development permitted pursuant to application 14/01968/F, as varied by 19/00347/OUT.

The site forms part of the North-West Bicester: Eco-Town allocation under Policy Bicester 1 in the Adopted Cherwell Local Plan. There are a number of developments and proposals that may be relevant in the assessment of the potential cumulative impact of the proposed development.

Given the scale of the proposal the County Council would strongly encourage the applicant to engage with both the district and county councils in the form of pre-application meetings, site visits and further written advice. Pre-application advice proceeds on a without prejudice basis. While Transport is a key matter for pre-application advice, the County Council has a role in other areas such as Energy, Biodiversity, and Public Health and is able to provide advice on these matters.

Please see attached Transport, Waste and Minerals & Waste comments.

Officer's Name: Jacqui Cox

Officer's Title: Infrastructure Locality Lead

Date: 9 August 2021

Application no: 21/02254/SCOP

Location: Axis J9 Phase 1 Adjoining Middleton Road and Empire Road Bicester:

Environmental Statement Scoping Report

Transport Schedule

Comments:

OCC is asked for comments on the EIA Scoping Appraisal Report for the proposed development. The proposal is to substitute employment floorspace for the residential development permitted pursuant to application 14/01968/F, as varied by 19/00347/OUT.

The report states that a Transport Statement will be provided with the application, and that the scoping of this will be agreed with OCC. It suggests that this could be an addendum to the original transport assessment, but in my opinion it should be a standalone TS. Although the employment uses may generate fewer peak hour movements, they will be different movements and with a much higher proportion of HGVs.

The report says that the situation will be assessed with and without the Strategic Link Road, which I understand is expected to be completed in 2024/25. This is important, because the current permission prevents any residential occupations until that road is complete, and this proposal seeks to bring the employment into operation prior to the completion of the SLR, using a temporary link through the previous phases, to Middleton Stoney Road.

In terms of the proposed committed development to be taken into account in the assessment, development at Upper Heyford (Policy Villages 5) should be included. A 2031 assessment should be carried out using flows and turning movements from the 2031 scenario of the Bicester Transport Model as the baseline, which includes all significant committed development and local plan allocations, with the exception of the Great Wolf Resort. Given the proximity to Chesterton, traffic flows from the Great Wolf development should be added.

The TS should include an assessment of sustainable transport access, including walking distances in both the pre and post-SLR scenario. In the final layout we will expect to see a walking route through the site and across existing Howes Lane to link up with the public footpath. In the pre SLR scenario there will need to be bus turning facilities to allow the interim bus service to operate.

The mitigation provided through the S106 contributions secured for transport measures on the residential development will also be required for this development, in order to mitigate the impact of the development and to ensure that it makes an appropriate proportionate contribution to the mitigation required for the NW Bicester eco-town development as a whole.

An Electric Vehicle (EV) charging provision should be in place and in accordance with Oxfordshire's Electric Vehicle Infrastructure Strategy, which states that 'planning permission will only be granted for non-residential development that includes parking spaces if a minimum of 25% of the spaces are provided with electric charging points (Policy EVI 8). This should be accompanied with appropriate signage and monitoring to prevent the spaces being incorrectly used and the strategy should be designed to allow scaling up with change of policy and / or increased uptake.

Officer's Name: Joy White

Officer's Title: Principal Transport Planner

Date: 3 August 2021

Application no: 21/02254/SCOP

Location: Axis J9 Phase 1 Adjoining Middleton Road and Empire Road Bicester

Minerals & Waste

Detailed comments:

We have no objection, but however, we would like to see a circular economy be included that would demonstrate how waste would be reduced.

Officer's Name: Anna Herriman

Officer's Title: Mineral and Waste Planning Policy Officer

Date: 19th July 2021

Application no: 21/02254/SCOP

Location: Axis J9 Phase 1 Adjoining Middleton Road and Empire Road Bicester

Waste Management

Recommendation:

Comments

Legal agreement required to secure:

N/A

Detailed comments:

Whilst we note that Waste and Recycling and Climate Change are deemed to be outside of the scope of the EIA, the impact of resource use, recycling, recovery and disposal during the construction and operational phases and over the lifetime of the development should not be underestimated.

Given the pressing urgency of climate change and the need to embed the principles of the circular economy into all areas of our society, we encourage the applicant to consider including within the development community spaces that help reduce waste and build community cohesion through assets such as community fridges, space for the sharing economy (library of things), refill stations, space for local food growing etc.

At application stage, we expect to see plans for how the developer will design the development in accordance with waste management policies in Cherwell District Council's waste planning guidance and accounting for the circular economy.

Conditions:

N/A

Officer's Name: Mark Watson

Officer's Title: Waste Strategy Projects Officer

Date: 6 July 2021



Caroline Ford, Senior Planning Officer Cherwell District Council Bodicote House, Bodicote Banbury Oxon OX15 4AA

8 July 2021

Cherwell District CPRE Oxfordshire c/o 20 Blythe Place Bicester Oxfordshire OX26 2GH

Telephone E Mail Campaign@cpreoxon.org.uk

www.cpreoxon.org.uk

working locally and nationally to protect and enhance a beautiful, thriving countryside for everyone to value and enjoy

Dear Ms Ford

Ref: 21/02254/SCOP Environmental Impact Assessment Scoping Appraisal Axis J9 Phase 3 Land West of Howes Lane, North West Bicester

Outlined below are CPRE Oxfordshire's comments in response to Planning Reference 21/02254/SCOP Environmental Impact Assessment (EIA) Scoping Appraisal.

As the Scoping Appraisal acknowledges, this site is a new zero carbon mixed development that fits within Cherwell Local Plan Policy Bicester 1. CPRE notes that the developer is proposing to scope out the impact of climate change from the Environmental Statement (ES). The justification is that "owing to the size of the site and development any increase in greenhouse gas emissions will not have a material impact on the Government's target for carbon reduction". CPRE believe that this statement could apply to any development and all should aim for reductions in emissions to meet the government target.

Cherwell District Council (CDC) have set a much more challenging local target on greenhouse gases with the aim of becoming zero carbon by 2030 (see Cherwell District Council's 2020 Climate Action Framework). If this target is to any meaning, then the materiality of the development's contribution is irrelevant. Notwithstanding the production of a travel plan, this development is likely to be locally significant in generating greenhouse gas emissions since there is likely to be a number of heavy good vehicle movements from diesel powered vehicles (the development of hydrogen and electric powered lorries is some distance away) certainly during the construction phase and potentially the operational phase, depending on the nature of the development.

The Bicester Policy 1 site is a zero carbon mixed development and CPRE believes that the impacts of climate change should be scoped into the ES so that consultees can properly assess the impact of the development as it impacts on the emission of greenhouse gases in particular. Also relevant is the design and build of the proposed development and whether it will have the future capability of achieving BREEAM excellent as required by Bicester Policy 1 An additional consideration is how the building will be heated and insulated.

CPRE believes that reduction of greenhouse gases should not be seen purely as a "numbers exercise". It is incumbent on the development to achieve at least net zero, and if it has the capacity, to do better than this. Consideration should be given to siting of solar panels on roofs as well as the orientation of the proposed building structure to maximise energy efficiency in line with Cherwell Local Plan Policy ESD5.

CPRE have some concerns regarding the potential flood risk to neighbouring properties and whether water and flood risk should be scoped into the ES. This is also linked to climate change adaption. Although CPRE acknowledges that the development is in the lowest flood risk zone, there is nonetheless a greater risk of the environs of the development being susceptible to flooding compared to the current baseline site. The degree of risk will depend on the development's proposals to mitigate future risks associated with climate change (flash flooding) as well as potential flood risk arising from the replacement of agricultural land with hardstanding.

In December 2020, one of the roads on the estate bordering the site (Beckdale Close) suffered a serious flood. Some of the neighbouring residents attributed this to the construction of the warehouses in phases one and two. Policy ESD6 states that all developments should demonstrate that they are safe from causing flooding and will not cause any risks to flooding elsewhere.

CPRE note the commitment to update existing EIA documents submitted for phases 1 and 2 of the Axis development as it impacts on biodiversity including consideration for designated sites (to include statutory and non – statutory) as well impacts and mitigation for on-site habitat and species. CPRE would expect up-to-date surveys to be conducted relating to this development. All surveys should cover important ecological features, for example endangered farmland birds and venerable trees. We would expect the ES to provide a biological impact assessment and appropriate mitigations. As required by Policy ESD10, CPRE would expect a site survey for the brown hairstreak butterfly.

CPRE notes that the developer will be making a biodiversity net gain (bng) assessment. CPRE believes that this should be calculated by using a recognised up-to-date bng tool. This should demonstrate a 10% net gain assessment for the site, in line with Cherwell District Council requirements. CPRE would expect this to be produced in good time and calculations to be shared so that consultees have the opportunity to properly feedback any concerns.

CPRE are concerned that an up-to-date traffic survey will not be available as part of the ES statement. Since many of the concerns of the residents on the adjoining estate were traffic density related, CPRE believes that this scoping appraisal should provide current and up-to-date traffic projections particularly as this is a zero-carbon development. One of the requirements of Bicester Policy 1 is that there should be measures to prevent traffic adversely affecting surrounding communities.

CPRE are concerned at the lack of specificity of the development at this stage i.e. the use class of the building. This will impact on the structure of the development and will be of particular concern to those who live adjacent to the site. The original phases 1 and 2 are principally warehouse structures and are not well shielded and are a dominant feature within what is still principally a rural landscape. It would be helpful if the precise nature of the development is established at planning application stage.

Yours sincerely,



N Dolden

CPRE, Cherwell District

Copies to: Sir David Gilmour, CPRE, Cherwell District

Helen Marshall, CPRE Director

Rachel Tibbetts

From: Caroline Ford

Sent: 02 August 2021 09:40

To: DC Support

Subject: FW: 21/02254/SCOP -

Please could you record and scan onto the above?

Thanks Caroline

Caroline Ford BA. (Hons) MA MRTPI
Principal Planning Officer – Major Projects Planning Team

Development Management Division Environment and Place Directorate

Cherwell District Council Tel: 01295 221823

Email: caroline.ford@cherwell-dc.gov.uk

Web: www.cherwell.gov.uk

Find us on Facebook <u>www.facebook.com/cherwelldistrictcouncil</u> Follow us on Twitter @Cherwellcouncil

My usual working hours are: Monday to Friday, 09:00am to 17:15pm.

Coronavirus (COVID-19): In response to the latest Government guidance and until further notice, the Planning Service has been set up to work remotely, from home. Customers are asked not to come to Bodicote House but instead to phone or email the Planning Service on 01295 227006: planning@cherwell-dc.gov.uk. For the latest information about how the Planning Service is impacted by COVID-19, please check the website: www.cherwell-dc.gov.uk.

From: Charlotte Watkins < Charlotte. Watkins@Cherwell-DC.gov.uk>

Sent: 31 July 2021 00:51

To: Caroline Ford <Caroline.Ford@Cherwell-DC.gov.uk>

Subject: RE: 21/02254/SCOP -

Caroline

With regard to the above request for an opinion on the scope of biodiversity within an ES, Annex A of Natural England's response gives a comprehensive outline of what is required.

Ecological surveys for all species and habitats from previous years can be referred to as outlined within the scoping report but should be updated unless fully justified.

There will need to be an assessment of cumulative impacts with other developments on both species and habitats and an assessment of cumulative impacts on designated and local sites both ecologically and indirectly such as considering increased recreational pressure.

The biodiversity section of the scoping request mentions BNG assessment. This should be carried out using a recognised metric and show the extent of the net gain achievable on site. CDC currently seeks a net gain of at least 10% on all development. In addition we seek a minimum equivalent of at least one integrated biodiversity enhancement per dwelling. Information on how this might be fulfilled should also be included within the ES.

The biodiversity section should also demonstrate how the development here will fit in with the Ecotown in terms of green infrastructure and the overall masterplan within the SPD such that coherent networks for wildlife are achieved.

Kind regards

Dr Charlotte Watkins Ecology Officer

Tel: 01295 227912

Charlotte

Email: Charlotte.Watkins@Cherwell-DC.gov.uk

www.cherwell.gov.uk

My usual working hours are: Monday and Wednesday mornings.

Coronavirus (COVID-19): In response to the latest Government guidance and until further notice, the Planning Service has been set up to work remotely, from home. Customers are asked not to come to Bodicote House but instead to phone or email the Planning Service on 01295 227006: planning@cherwell-dc.gov.uk. For the latest information about how the Planning Service is impacted by COVID-19, please check the website: www.cherwell-dc.gov.uk

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From: Tim Screen

Sent: 30 July 2021 11:28

To: Caroline Ford

Subject: RE: 21/02254/SCOP - Albion Land at NW Bicester

Hi Caroline

The following residential receptors are to be included as part of the LVIA: Aldershot Farm, Himley Farm, Linkslade, Upper Farm, Crowmarsh Farm and Lovelynch House. In respect of these receptors a photo-record is not required. The individual narratives to be balanced and objective.

The methodology for undertaking the LVIA to follow the guidelines set out in the third edition of *Guidelines for Landscape and Visual Impact Assessment (GLVIA) (Landscape Institute and Institute of Environmental Management and Assessment, 2013)*, along with consideration of the Landscape Institute's current guidance on LVIA and visual representation.

Best regards

Tim

Tim Screen CMLI

Landscape Architect Environmental Services Environment & Place Cherwell District Council

Consultee Comment for planning application 21/02254/SCOP

Appli	cation	Number
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21/02254/SCOP

Location

Axis J9 Phase 1 OS Parcel 4200 Adjoining Middleton Road And Empire Road Bicester

Proposal

Scoping Opinion - with respect to the scope of the Environmental Impact Assessment (EIA) in relation to development proposals of approximately 7 hectares of land.

Case Officer

Caroline Ford

Organisation

Clerk to Chesterton PC

Name

Sarah Kearney

Address

Chesterton Community Centre 2 Geminus Road Chesterton Bicester OX26 1BJ

Type of Comment

Comment

rype

Comments

The new A4095 Strategic Link Road is the bypass for the north side of Bicester and will be accessed via the ALREADY BUSY Vendee drive / Middleton Stoney Rd roundabout. This roundabout is its present format will not cope with the increased volume of traffic from the new development and lorries choosing to use this new road. The new A4095 link road will add considerably to the noise levels on the neighbouring Greenwood estate and Kings Meadow estates. A projected plausible traffic survey needs to be calculated as a high percentage of lorries and cars will use this new road to bypass Bicester if heading north. Existing excess water plans take no account of the area already covered by the new warehousing and vast tarmaced areas. Neighbouring areas such as Beckdale Close have already been hit with flooding which hadn?t occurred prior to the new warehouses being built. What has been done to mitigate more flooding issues and with further infrastructure and development on site what measures have been put in place to stop this from re-occuring and worsening. An in-depth flood risk survey must be done. Development must stand by new zero mixed emissions site which was part of the original agreement and CPRE are right to push for enforcement on this point as developer pushing for it to be waived as insignificant. Need stringent light pollution and air quality survey which is downplayed in this scoping document as no doubt the new road will be heavily lit and heavily used.

Received Date

02/08/2021 12:07:28

Attachments

creating a better place



Ms Caroline Ford Cherwell District Council Bodicote House White Post Road Bodicote Banbury OX15 4AA Our ref: WA/2021/129202/01-L01

Your ref: 21/02254/SCOP

Date: 15 July 2021

Dear Ms Ford

Scoping opinion - with respect to the scope of the environmental impact assessment (EIA) in relation to development proposals of approximately 7 hectares of land

Axis J9 Phase 1 OS Parcel 4200 adjoining Middleton Road and, Empire Road, Bicester

Thank you for consulting us on the above scoping report on 02 July 2021.

From the details contained within the report, it does not appear that any significant environmental effects in terms of the Environment Agency remit, are expected.

We therefore do not consider it necessary to seek any revisions to the scope of the study. However, we do have the following advice.

We support the intention to provide Green Infrastructure within this development and a biodiversity net gain. The applicant may find it useful to refer to the Natural England publication Biodiversity Net Gain Metric 3.0 which was updated on 7th July 2021 and is available through the following link Biodiversity Metric 3.0.

In addition, the scoping report does not include details of how the ES will demonstrate that is has given regard to the Water Framework Directive and objectives of the river basin management plan for this area. The site lies within the Thames river basin management plan and the ES should include details of the current overall classification of the relevant waterbody and how the development will ensure there is no deterioration to the current status and how it can contribute to ensuring the water body achieves good ecological status.

The river basin management plan is available through the following link: https://www.gov.uk/government/collections/river-basin-management-plans-2015#thames-river-basin-district-rbmp:-2015

Did you know the Environment Agency has a **Planning Advice Service**? We can help you with all your planning questions, including overcoming our objections. If you would like our help please email us at planning THM@environment-agency.gov.uk

The plan covers the whole of the river basin district and does not include detailed and specific measures for any particular location because pressures within the river basin are likely to change over time. Please refer to the catchment data explorer web application to explore and obtain detailed information about the local catchment and waterbody this development is within.

https://environment.data.gov.uk/catchment-planning/

Should you require any additional information, or wish to discuss these matters further, please do not hesitate to contact me on the number below.

Yours sincerely

Miss Sarah Green Sustainable Places - Planning Advisor

Direct dial 0208 474 9253
Direct e-mail planning THM@environment-agency.gov.uk

End 2

Lynne Baldwin

From:

Neil Whitton

14 July 2021 16:12

To:
Caroline Ford

CC:
DC Support

Subject: 21/02254/SCOP - Axis J9 Phase 3

Dear Caroline,

Environmental Protection has the following comments to make:

Noise: I am pleased to see that noise is scoped into the EIA and agree with the methodology in this document

Contaminated Land: I agree that this should not be part of the scope of the ES but we would like to see information provided at the planning application stage to confirm the status of the site with regards to potential ground contamination.

Odour: No comments

Air Quality: I agree that this should not be scoped in but look forward to reading the Air Quality Assessment that will be provided with the planning application. A reminder at this time that we expect all new developments to contain EV charge points and cutting to allow for easy expansion of the EV charging network.

Light: I am satisfied that this is not part of the EIA.

NB: Please note my new working pattern below, I will only respond on the days appropriate to the email content Mon – Weds: Environmental Protection, Thurs – Fri: Health Protection and Compliance

Kind Regards

Neil Whitton BSC, MCIEH
Environmental Health Officer
Environmental Health and Licensing
Cherwell District Council
Tel - 01295 221623
Email - Neil.Whitton@cherwell-dc.gov.uk

http://www.cherwell.gov.uk/

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Date: 14 July 2021 Our ref: 359028

Your ref: 21/02254/SCOP

caroline.ford@cherwell-dc.gov.uk

BY EMAIL ONLY



Customer Services Hornbeam House Crewe Business Park Electra Way Crewe Cheshire CW1 6GJ

T 0300 060 3900

Dear Caroline,

Environmental Impact Assessment Scoping consultation (Regulation 15 (4) of the EIA Regulations 2017): : Scoping Opinion - with respect to the scope of the Environmental Impact Assessment (EIA) in relation to development proposals of approximately 7 hectares of land (Classes E(g)iii; B2/B8).

Location: Axis J9 Phase 1 OS Parcel 4200 Adjoining Middleton Road And, Empire Road, Bicester

Thank you for seeking our advice on the scope of the Environmental Statement (ES) in your consultation dated 02 July 2021 which we received on the same day.

Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.

Case law¹ and guidance² has stressed the need for a full set of environmental information to be available for consideration prior to a decision being taken on whether or not to grant planning permission. Annex A to this letter provides Natural England's advice on the scope of the Environmental Impact Assessment (EIA) for this development.

Should the proposal be amended in a way which significantly affects its impact on the natural environment then, in accordance with Section 4 of the Natural Environment and Rural Communities Act 2006, Natural England should be consulted again.

We would be happy to comment further should the need arise but if in the meantime you have any queries please do not hesitate to contact us. For any queries relating to the specific advice in this letter <u>only</u> please contact Rebecca Micklem on 020822 57686. For any new consultations, or to provide further information on this consultation please send your correspondences to <u>consultations@naturalengland.org.uk</u>.

Yours sincerely

Rebecca Micklem

Lead Adviser Sustainable Development Thames Solent Team

¹ Harrison, J in R. v. Cornwall County Council ex parte Hardy (2001)

² Note on Environmental Impact Assessment Directive for Local Planning Authorities Office of the Deputy Prime Minister (April 2004) available from

http://webarchive.nationalarchives.gov.uk/+/http://www.communities.gov.uk/planningandbuilding/planning/sustainabilityenvironmental/environmentalimpactassessment/noteenvironmental/

Annex A – Advice related to EIA Scoping Requirements

1. General Principles

Schedule 4 of the Town & Country Planning (Environmental Impact Assessment) Regulations 2017, sets out the necessary information to assess impacts on the natural environment to be included in an ES, specifically:

- A description of the development including physical characteristics and the full land use requirements of the site during construction and operational phases.
- Expected residues and emissions (water, air and soil pollution, noise, vibration, light, heat, radiation, etc.) resulting from the operation of the proposed development.
- An assessment of alternatives and clear reasoning as to why the preferred option has been chosen.
- A description of the aspects of the environment likely to be significantly affected by the
 development, including, in particular, population, fauna, flora, soil, water, air, climatic factors,
 material assets, including the architectural and archaeological heritage, landscape and the
 interrelationship between the above factors.
- A description of the likely significant effects of the development on the environment this should cover direct effects but also any indirect, secondary, cumulative, short, medium and long term, permanent and temporary, positive and negative effects. Effects should relate to the existence of the development, the use of natural resources and the emissions from pollutants. This should also include a description of the forecasting methods to predict the likely effects on the environment.
- A description of the measures envisaged to prevent, reduce and where possible offset any significant adverse effects on the environment.
- A non-technical summary of the information.
- An indication of any difficulties (technical deficiencies or lack of know-how) encountered by the applicant in compiling the required information.

It will be important for any assessment to consider the potential cumulative effects of this proposal, including all supporting infrastructure, with other similar proposals and a thorough assessment of the 'in combination' effects of the proposed development with any existing developments and current applications. A full consideration of the implications of the whole scheme should be included in the ES. All supporting infrastructure should be included within the assessment.

2. Biodiversity and Geology

2.1 Ecological Aspects of an Environmental Statement

Natural England advises that the potential impact of the proposal upon features of nature conservation interest and opportunities for habitat creation/enhancement should be included within this assessment in accordance with appropriate guidance on such matters. Guidelines for Ecological Impact Assessment (EcIA) have been developed by the Chartered Institute of Ecology and Environmental Management (CIEEM) and are available on their website.

EclA is the process of identifying, quantifying and evaluating the potential impacts of defined actions on ecosystems or their components. EclA may be carried out as part of the ElA process or to support other forms of environmental assessment or appraisal.

The National Planning Policy Framework sets out guidance in S.174-177 on how to take account of biodiversity interests in planning decisions and the framework that local authorities should provide to assist developers.

2.2 Internationally and Nationally Designated Sites

The ES should thoroughly assess the potential for the proposal to affect designated sites. European sites (e.g. designated Special Areas of Conservation and Special Protection Areas) fall within the scope of the Conservation of Habitats and Species Regulations 2017 (as amended). In addition paragraph 176 of the National Planning Policy Framework requires that potential Special Protection Areas, possible Special Areas of Conservation, listed or proposed Ramsar sites, and any

site identified as being necessary to compensate for adverse impacts on classified, potential or possible SPAs, SACs and Ramsar sites be treated in the same way as classified sites. Under Regulation 63 of the Conservation of Habitats and Species Regulations 2017 (as amended) an appropriate assessment needs to be undertaken in respect of any plan or project which is (a) likely to have a significant effect on a European site (either alone or in combination with other plans or projects) and (b) not directly connected with or necessary to the management of the site.

Should a Likely Significant Effect on a European/Internationally designated site be identified or be uncertain, the competent authority (in this case the Local Planning Authority) may need to prepare an Appropriate Assessment, in addition to consideration of impacts through the EIA process.

Sites of Special Scientific Interest (SSSIs) and sites of European or international importance (Special Areas of Conservation, Special Protection Areas and Ramsar sites)

The development site is within the Impact Risk Zone (IRZ) of the following designated nature

The development site is within the Impact Risk Zone (IRZ) of the following designated nature conservation site:

- Ardley Cutting and Quarry SSSI
- Further information on the SSSI and its special interest features can be found at
 <u>www.magic.gov</u>. The Environmental Statement should include a full assessment of the
 indirect effects of the development on the features of special interest within Ardley Cutting
 and Quarry SSSI and should identify such mitigation measures as may be required in order
 to avoid, minimise or reduce any adverse significant effects.
- European site conservation objectives are available on our internet site http://publications.naturalengland.org.uk/category/6490068894089216

2.3 Regionally and Locally Important Sites

assessment.

The EIA will need to consider any impacts upon local wildlife and geological sites. Local Sites are identified by the local wildlife trust, geoconservation group or a local forum established for the purposes of identifying and selecting local sites. They are of county importance for wildlife or geodiversity. The Environmental Statement should therefore include an assessment of the likely impacts on the wildlife and geodiversity interests of such sites. The assessment should include proposals for mitigation of any impacts and if appropriate, compensation measures. Contact the Berks, Bucks and Oxon Wildlife Trust (www.bbowt.org.uk), Oxfordshire Geology Trust (www.oxfordshiregeologytrust.org.uk) and Thames Valley Environmental Records Centre (www.tverc.org) for further information.

2.4 Protected Species - Species protected by the Wildlife and Countryside Act 1981 (as amended) and by the Conservation of Habitats and Species Regulations 2017 (as amended)The ES should assess the impact of all phases of the proposal on protected species (including, for example, great crested newts, reptiles, birds, water voles, badgers and bats). Natural England does not hold comprehensive information regarding the locations of species protected by law, but advises on the procedures and legislation relevant to such species. Records of protected species should be sought from appropriate local biological record centres, nature conservation organisations, groups and individuals; and consideration should be given to the wider context of the site for example in terms of habitat linkages and protected species populations in the wider area, to assist in the impact

The conservation of species protected by law is explained in Part IV and Annex A of Government Circular 06/2005 *Biodiversity and Geological Conservation: Statutory Obligations and their Impact within the Planning System*. The area likely to be affected by the proposal should be thoroughly surveyed by competent ecologists at appropriate times of year for relevant species and the survey results, impact assessments and appropriate accompanying mitigation strategies included as part of the ES.

In order to provide this information there may be a requirement for a survey at a particular time of year. Surveys should always be carried out in optimal survey time periods and to current guidance by suitably qualified and where necessary, licensed, consultants. Natural England has adopted standing advice for protected species which includes links to guidance on survey and mitigation.

2.5 Habitats and Species of Principal Importance

The ES should thoroughly assess the impact of the proposals on habitats and/or species listed as 'Habitats and Species of Principal Importance' within the England Biodiversity List, published under the requirements of S41 of the Natural Environment and Rural Communities (NERC) Act 2006. Section 40 of the NERC Act 2006 places a general duty on all public authorities, including local planning authorities, to conserve and enhance biodiversity. Further information on this duty is available here https://www.gov.uk/guidance/biodiversity-duty-public-authority-duty-to-have-regard-to-conserving-biodiversity.

Government Circular 06/2005 states that Biodiversity Action Plan (BAP) species and habitats, 'are capable of being a material consideration...in the making of planning decisions'. Natural England therefore advises that survey, impact assessment and mitigation proposals for Habitats and Species of Principal Importance should be included in the ES. Consideration should also be given to those species and habitats included in the relevant Local BAP.

Natural England advises that a habitat survey (equivalent to Phase 2) is carried out on the site, in order to identify any important habitats present. In addition, ornithological, botanical and invertebrate surveys should be carried out at appropriate times in the year, to establish whether any scarce or priority species are present. The Environmental Statement should include details of:

- Any historical data for the site affected by the proposal (e.g. from previous surveys);
- Additional surveys carried out as part of this proposal;
- The habitats and species present;
- The status of these habitats and species (e.g. whether priority species or habitat);
- The direct and indirect effects of the development upon those habitats and species;
- Full details of any mitigation or compensation that might be required.

The development should seek if possible to avoid adverse impact on sensitive areas for wildlife within the site, and if possible provide opportunities for overall wildlife gain.

The record centre for the relevant Local Authorities should be able to provide the relevant information on the location and type of priority habitat for the area under consideration.

2.6 Contacts for Local Records

Natural England does not hold local information on local sites, local landscape character and local or national biodiversity priority habitats and species. We recommend that you seek further information from the appropriate bodies (which may include the local records centre, the local wildlife trust, local geoconservation group or other recording society and a local landscape characterisation document).

Local Record Centre (LRC) in Oxfordshire please contact: Thames Valley Environmental Records Centre (www.tverc.org)

Geological sites in Oxfordshire please contact: Oxfordshire Geology Trust (www.oxfordshiregeologytrust.org.uk)

3. Designated Landscapes and Landscape Character

Landscape and visual impacts

Natural England would wish to see details of local landscape character areas mapped at a scale appropriate to the development site as well as any relevant management plans or strategies pertaining to the area. The EIA should include assessments of visual effects on the surrounding

area and landscape together with any physical effects of the development, such as changes in topography.

The EIA should include a full assessment of the potential impacts of the development on local landscape character using <u>landscape assessment methodologies</u>. We encourage the use of Landscape Character Assessment (LCA), based on the good practice guidelines produced jointly by the Landscape Institute and Institute of Environmental Assessment in 2013. LCA provides a sound basis for guiding, informing and understanding the ability of any location to accommodate change and to make positive proposals for conserving, enhancing or regenerating character, as detailed proposals are developed.

Natural England supports the publication *Guidelines for Landscape and Visual Impact Assessment*, produced by the Landscape Institute and the Institute of Environmental Assessment and Management in 2013 (3rd edition). The methodology set out is almost universally used for landscape and visual impact assessment.

In order to foster high quality development that respects, maintains, or enhances, local landscape character and distinctiveness, Natural England encourages all new development to consider the character and distinctiveness of the area, with the siting and design of the proposed development reflecting local design characteristics and, wherever possible, using local materials. The Environmental Impact Assessment process should detail the measures to be taken to ensure the building design will be of a high standard, as well as detail of layout alternatives together with justification of the selected option in terms of landscape impact and benefit.

The assessment should also include the cumulative effect of the development with other relevant existing or proposed developments in the area. In this context Natural England advises that the cumulative impact assessment should include other proposals currently at Scoping stage. Due to the overlapping timescale of their progress through the planning system, cumulative impact of the proposed development with those proposals currently at Scoping stage would be likely to be a material consideration at the time of determination of the planning application.

The assessment should refer to the relevant <u>National Character Areas</u> which can be found on our website. Links for Landscape Character Assessment at a local level are also available on the same page.

Heritage Landscapes

You should consider whether there is land in the area affected by the development which qualifies for conditional exemption from capital taxes on the grounds of outstanding scenic, scientific or historic interest. An up-to-date list may be obtained at www.hmrc.gov.uk/heritage/lbsearch.htm.

4. Access and Recreation

Natural England encourages any proposal to incorporate measures to help encourage people to access the countryside for quiet enjoyment. Measures such as reinstating existing footpaths together with the creation of new footpaths and bridleways are to be encouraged. Links to other green networks and, where appropriate, urban fringe areas should also be explored to help promote the creation of wider green infrastructure. Relevant aspects of local authority green infrastructure strategies should be incorporated where appropriate.

Rights of Way, Access land, Coastal access and National Trails

The EIA should consider potential impacts on access land, public open land, rights of way and coastal access routes in the vicinity of the development. Appropriate mitigation measures should be incorporated for any adverse impacts. We also recommend reference to the relevant Right of Way Improvement Plans (ROWIP) to identify public rights of way within or adjacent to the proposed site that should be maintained or enhanced.

5. Soil and Agricultural Land Quality

Impacts from the development should be considered in light of the Government's policy for the protection of the best and most versatile (BMV) agricultural land as set out in paragraph 170 of the NPPF. We also recommend that soils should be considered in the context of the sustainable use of land and the ecosystem services they provide as a natural resource, as also highlighted in paragraph 170 of the NPPF.

Soil is a finite resource that fulfils many important functions and services (ecosystem services) for society, for example as a growing medium for food, timber and other crops, as a store for carbon and water, as a reservoir of biodiversity and as a buffer against pollution. It is therefore important that the soil resources are protected and used sustainably.

The applicant should consider the following issues as part of the Environmental Statement:

- 1. The degree to which soils are going to be disturbed/harmed as part of this development and whether 'best and most versatile' agricultural land is involved.
 - This may require a detailed survey if one is not already available. For further information on the availability of existing agricultural land classification (ALC) information see www.magic.gov.uk. Natural England Technical Information Note 049 Agricultural Land Classification: protecting the best and most versatile agricultural land also contains useful background information.
- 2. If required, an agricultural land classification and soil survey of the land should be undertaken. This should normally be at a detailed level, eg one auger boring per hectare, (or more detailed for a small site) supported by pits dug in each main soil type to confirm the physical characteristics of the full depth of the soil resource, ie 1.2 metres.
- 3. The Environmental Statement should provide details of how any adverse impacts on soils can be minimised. Further guidance is contained in the <u>Defra Construction Code of Practice for the Sustainable Use of Soil on Development Sites.</u>

6. Air Quality

Air quality in the UK has improved over recent decades but air pollution remains a significant issue; for example over 97% of sensitive habitat area in England is predicted to exceed the critical loads for ecosystem protection from atmospheric nitrogen deposition (England Biodiversity Strategy, Defra 2011). A priority action in the England Biodiversity Strategy is to reduce air pollution impacts on biodiversity. The planning system plays a key role in determining the location of developments which may give rise to pollution, either directly or from traffic generation, and hence planning decisions can have a significant impact on the quality of air, water and land. The assessment should take account of the risks of air pollution and how these can be managed or reduced. Further information on air pollution impacts and the sensitivity of different habitats/designated sites can be found on the Air Pollution Information System (www.apis.ac.uk). Further information on air pollution modelling and assessment can be found on the Environment Agency website.

7. Climate Change Adaptation

The England Biodiversity Strategy published by Defra establishes principles for the consideration of biodiversity and the effects of climate change. The ES should reflect these principles and identify how the development's effects on the natural environment will be influenced by climate change, and how ecological networks will be maintained. The NPPF requires that the planning system should contribute to the enhancement of the natural environment 'by establishing coherent ecological networks that are more resilient to current and future pressures' (NPPF Para 174), which should be demonstrated through the ES.

8. Contribution to local environmental initiatives and priorities

The development should deliver 40% green infrastructure, biodiversity net gain and off-site compensation for loss of farmland birds in accordance with the North West Bicester SPD.

9. Cumulative and in-combination effects

A full consideration of the implications of the whole scheme should be included in the ES. All supporting infrastructure should be included within the assessment.

The ES should include an impact assessment to identify, describe and evaluate the effects that are likely to result from the project in combination with other projects and activities that are being, have been or will be carried out. The following types of projects should be included in such an assessment, (subject to available information):

- a. existing completed projects;
- b. approved but uncompleted projects;
- c. ongoing activities;
- d. plans or projects for which an application has been made and which are under consideration by the consenting authorities; and
- e. plans and projects which are reasonably foreseeable, i.e. projects for which an application has not yet been submitted, but which are likely to progress before completion of the development and for which sufficient information is available to assess the likelihood of cumulative and in-combination effects.

Caroline Ford

From: Charlotte Watkins
Sent: 30 July 2021 00:38
To: Caroline Ford

Subject: FW: 21/02254/SCOP - Axis J9 Phase 1 OS Parcel 4200 Adjoining Middleton Road

and Empire Road, Bicester.

Hi Caroline

I will try to get you something on this tomorrow. Please also find below a response from the Newt Officer at Nature Space (Emma Lawson).

Kind regards Charlotte

Dr Charlotte Watkins Ecology Officer

Tel: 01295 227912

Email: Charlotte.Watkins@Cherwell-DC.gov.uk

www.cherwell.gov.uk

My usual working hours are: Monday and Wednesday mornings.

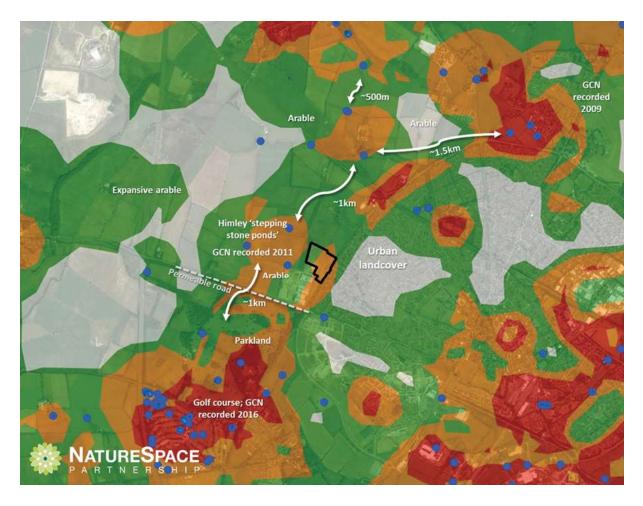
Coronavirus (COVID-19): In response to the latest Government guidance and until further notice, the Planning Service has been set up to work remotely, from home. Customers are asked not to come to Bodicote House but instead to phone or email the Planning Service on 01295 227006: planning@cherwell-dc.gov.uk. For the latest information about how the Planning Service is impacted by COVID-19, please check the website: www.cherwell-dc.gov.uk.

The above application is an EIA scoping report on the weekly list, I thought it might be helpful to raise a few points that could be passed on to the applicant/agent with regards to great crested newts (GCN).

- Our records indicate three ponds within 500m of the proposed development. One pond 270m to the northwest, one 200m to the west and one 400m to the south-east of the site boundary.
- The development falls within the amber Impact Risk Zone for GCN. Risk zones have been derived through
 advanced modelling to create a species distribution map which predicts likely presence in the amber
 impact zone, there is suitable habitat and GCN are likely to be present. The presence of GCN in this area has
 been confirmed by survey work.
- Records held by NatureSpace indicate that presence of GCN has been confirmed in the pond located approximately 200m to the west of the site boundary. Any subsequent EIA submitted with a planning application would need to address this.



GCN are present in the local landscape, as indicated by existing records and the Impact Risk Zone mapping for the area, with the site falling within the amber zone. Clusters of breeding and non-breeding ponds are important features for maintaining a population of GCN (providing opportunities for adult newts to breed as well as foraging and sheltering habitat for juvenile and non-breeding adults).



Because there is a District Licensing Scheme in operation in this area, the developer has two options going forward – either:

- Provide an ecological assessment of the site and surrounding landscape to further assess the impacts of the proposed development on GCN and set out a strategy for addressing those impacts within the EIA. This area is important for connectivity through the landscape (as demonstrated in the picture above) and the impacts on this need to be adequately assessed and avoided/mitigated/compensated for; or
- Submit a NatureSpace Report/Certificate alongside the EIA to confirm the impacts have been assessed under the District Licensing Scheme requirements, that the proposed development is capable of being covered by the Council's District Licence and the applicant has entered the District Licensing Scheme.

Natural England's guidance to LPAs (Great Crested Newts: District Level Licensing for development projects, Natural England, March 2021) explains that in the red/amber impact risk zone, if the developer has not provided a NatureSpace Report/Certificate, the applicant must provide further information (including up to date survey data and impact assessment) to either rule out impacts to GCN, or present measures to address those impacts, with appropriate mitigation and compensatory measures. This is to demonstrate to the planning authority that the proposed measures are capable of being granted a licence, in accordance with planning policy and guidance. The Natural England Guidance also confirms that potential impacts on GCN can be scoped out of detailed assessment in the Environmental Statement for Environmental Impact Assessment, if the developer has provided a NatureSpace Report/Certificate.

For further information regarding the District Licensing approach, or to apply, please contact NatureSpace Partnership at:

Email: info@naturespaceuk.com

Phone: 01856 688307

Website: https://naturespaceuk.com/contact-us/

Kind regards,

Emma Lawson

Newt Officer (Staffordshire)

NatureSpace Partnership

e: emma.lawson@naturespaceuk.com

m: 07926 709363

w: www.naturespaceuk.com









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