

# Planning Statement

Section 73 application

Variation of Condition 4 (approved plans and documents), Condition 30 (highway design) and Condition 34 (employment floor space limit) of previously approved planning permission no. 17/02534/OUT

Bicester Business Park, Land off Oxford Road,  
Bicester

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## Executive Summary

### Introduction and Overview

This s73 planning application to amend Conditions 4, 30 and 34 of planning approval 17/02534/OUT (the OPP) is submitted to Cherwell District Council as the Local Planning Authority by Peveril Securities Ltd and Sladen Estates Ltd (the Applicant). It is aimed at delivering sustainable employment development and job creation on the Bicester Business Park, known locally as Bicester Arc. The description of development as stated in the OPP is:

*“The erection of a business park of up to 60,000 sq.m (GEA) of flexible Class B1(a) office / Class B1(b) research & development floorspace; associated vehicle parking, landscaping, highways, infrastructure and earthworks”*

The s73 application does not seek amendments that would alter the description of development as per the OPP and allows the permitted scheme to come forward in accordance with the key planning policy objectives of the adopted Cherwell Local Plan 2011-2031 (Part 1). The proposed planning application seeks:

*“The erection of a business park of up to 60,000 sq.m (GEA) of flexible Class B1(a) office / Class B1(b) research & development floorspace; associated vehicle parking, landscaping, highways, infrastructure and earthworks. Variation of Condition 4 (approved plans and documents), Condition 30 (highway design) and Condition 34 (employment floor space limit) of previously approved planning permission no. 17/02534/OUT”*

It will deliver economic growth at Bicester and remains compliant with the Environmental Impact Assessment and findings of the Environmental Statement (ES).

The development continues to bring forward large scale economic development at Bicester Arc and the s73 proposals will deliver employment growth on the site, offering ‘very significant’ planning benefits:

1. The grant of permission for the initial employment building on the site will attract further interest and greater investment.
2. The proposal will deliver between 2,600 and 4,000 FTE jobs on-site.
3. A scheme with a construction value of £111m, which will generate the equivalent of 62.4 FTE construction jobs.
4. The ability to demonstrate to the employment market that the Bicester Business Park site is ‘underway’ which will attract end users to the town as competition to Oxford.



It is the Applicant's intention to progress immediately with Reserved Matters applications should the s73 approval be granted.

The proposed development is in accordance with the development plan and so should be granted planning permission 'without delay' in accordance with s38(6) of the Planning and Compulsory Purchase Act 2004. Further, the OPP is a baseline against which the s73 should be considered and represents a realistic fallback position. Planning permission should therefore be granted as there is no material harm over and above the fallback position. The proposed development provides the opportunity to secure early delivery of the scheme and its associated benefits, compared to the fallback position.



## 1.0 Introduction

### 1.1 Introduction and Overview

- 1.1.1 This Planning Statement sets out the planning background and case in support of the s73 planning application submitted by Peveril Securities Ltd and Sladen Estates Ltd (the Applicant) to amend Conditions 4, 30 and 34 of outline permission ref: 17/02534/OUT at the Bicester Business Park Site to amend the approved maximum building height parameters.
- 1.1.2 To provide some background, the Applicant is the site owner and both companies are recognised national development companies based in the Midlands who have jointly delivered a significant number of new employment and commercial sites throughout the country. A recent example is the significant office development being occupied by HMRC in Nottingham and the 162,580 sqm Amazon warehouse at Summit Park on the Ashfield/Mansfield border.
- 1.1.3 The Applicant owns the Bicester Business Park site having acquired it from the previous owners in 2020. The proposed amendments to Conditions 4, 30 and 34 are for the purpose of ensuring delivery of this important employment development as part of the long-term economic growth in Cherwell.
- 1.1.4 The background to this planning application is that the site is part of land granted outline planning permission on 6<sup>th</sup> May 2020 for up to 60,000 sq.m. of office floor space known as Bicester Business Park (ref. 17/02534/OUT). This historically has been referred to as part of the 'Bicester 4' area including the adjacent Tesco site and is an allocation for B1 employment purposes in the adopted Cherwell Local Plan 2011-2031 (Part 1).
- 1.1.5 The outline planning permission ref. 17/02534/OUT is for the whole of the Bicester Business Park fronting on to the A41 Oxford Road. The red line application area remains unaltered.

### 1.2 Scope of Submission

- 1.2.1 The s73 application revised plans and documents that are submitted for determination are those set out below and have been prepared by 5Plus Architects and BWB Consulting:
- Dwg No. 05935-5PA-MP-00-DR-A-9000 Rev A (Location Plan)
  - Dwg No. 05935-5PA-MP-00-DR-A-9010 (Parameters Plan)
  - Dwg No. 05935-5PA-MP-00-DR-A-9011 (Phasing Plan)
  - Design Principles (see Appendix A of this Planning Statement)
  - Proposed Building Heights (see Table A of this Planning Statement)
  - Dwg No. LDB-BWB-HGT-XX-SK-C-1000 S1 Rev P1 (Proposed Highway Arrangement)



- Dwg no. LDB-BWB-HGT-XX-SK-C-1001 S1 Rev P1 (Proposed Highway Arrangement)
- Dwg no. LDB-BWB-HGT-XX-SK-C-1002 S1 Rev P1 (Proposed Highway Arrangement)
- Dwg no. LDB-BWB-HGT-XX-SK-C-1003 S1 Rev P1 (Oxford Road / Middleton Stoney Mini Roundabout Mitigation Measures)

1.2.2 In addition, the following documents are also submitted in support of this planning application:

- Completed application forms
- Planning Statement (including chapter providing Statement of Conformity)

1.2.3 There is an existing Section 106 Agreement that relates to the Bicester Business Park outline planning consent. This mainly deals with matters relating to highways and transportation including contributions towards improvements to public transport on a phased basis. It is not the intention of this application to require those previously agreed matters in the Section 106 on transportation (with Oxfordshire County Council) to be altered or changed.

1.2.4 The highway design has evolved from the planning application indicative stage and has been the subject of detailed review under the S278 and relevant Road Safety Audits. The proposed changes are specifically in agreement with the County Council as the lead authority for these matters and would be considered non-material amendments. Nonetheless, for the purposes of the S73 and for completeness, the latest highway plans are included because Conditions 4 and 30 specifically reference the superseded drawings without the ability to allow for changes at the s278 design development stage (i.e. missing 'in general accordance with').

1.2.5 When the planning application for Bicester Office Park was prepared in 2018 it was intended that the park attract occupiers that would be able to be accommodated in buildings with a floor to ceiling height of 2.8m within an overall floor to floor height of 4.1m maximum. However, it is well known that the occupiers to be accommodated within office buildings has developed with buildings required to be 'lab enabled' which means that the building floor to floor height needs to be 4.5m to allow for a deeper ceiling void to accommodate increased amounts of plant for enhanced air handling. This increased height which is being accommodated in the office buildings at Bicester Office Park in order to be able to accommodate the growing demand from occupiers requiring laboratory facilities within an office environment.

1.2.6 In addition, the land formation and levels have been assessed to ensure that drainage can naturally drain on site via gravity and as a result the levels across the site particularly within Zones A, E and B need to be heightened.

1.2.7 These two factors have resulted in the need to increase the overall height of the buildings within the Office Park.



1.2.8 We have also reviewed and included an updated Design Principles document (see Appendix A) that demonstrates the proposal continues to be deliverable as originally proposed at the outline approval stage.



## 2.0 Development Description

### 2.1 Introduction

2.1.1 The s73 proposals seek to amend Conditions 4, 30 and 34 of planning approval ref: 17/05324/OUT to allow for an increase in the building height parameters and highway design/road safety audit evolution as part of s278 design development. The proposal seeks the following:

*“The erection of a business park of up to 60,000 sq.m (GEA) of flexible Class B1(a) office / Class B1(b) research & development floorspace; associated vehicle parking, landscaping, highways, infrastructure and earthworks. Variation of Condition 4 (approved plans and documents), Condition 30 (highway design) and Condition 34 (employment floor space limit) of previously approved planning permission no. 17/02534/OUT”*

### 2.2 Proposed Amendments

2.2.1 Condition 4 currently reads:

“Except where otherwise stipulated by condition, the development shall be carried out strictly in accordance with the following plans and documents:

Dwg No. 1105\_P\_005 Rev. E (Parameters Plan)

Dwg No. 1105\_P\_004 Rev. A (Planning Application Boundary)

The Maximum building heights set out in Table 4.1 of the Environmental Impact Assessment dated December 2017

The Design Principles set out on page 11 of the Design and Access Statement dated August 2018

Dwg No. 170211-06 Rev A (Highway Access Plan)

Dwg No. 170211-07 Rev B (Proposed Highway Arrangement)

Dwg No. 170211-08 Rev A (Proposed Highway Arrangement)

Dwg No. 170211-04 (Oxford Road/ Middleton Stoney Mini Roundabout mitigation scheme)

Reason - For the avoidance of doubt, to ensure that the development is carried out only as approved by the Local Planning Authority and to comply with Government guidance contained within the National Planning Policy Framework and Planning Practice Guidance.”

2.2.2 It is proposed to amend Condition 4 to read:

“Except where otherwise stipulated by condition, the development shall be carried out in general accordance with the following plans and documents:





Dwg No. 05935-5PA-MP-00-DR-A-9010 (Parameters Plan)

Dwg No. 05935-5PA-MP-00-DR-A-9000 Rev A (Location Plan)

Dwg No. 05935-5PA-MP-00-DR-A-9011 (Phasing Plan)

The Maximum building heights set out in Table A of the Planning Statement dated April 2023

The Design principles set out in the 5Plus document in Appendix A of the Planning Statement dated April 2023

Dwg No. LDB-BWB-HGT-XX-SK-C-1000 S1 Rev P1 (Proposed Highway Arrangement)

Dwg no. LDB-BWB-HGT-XX-SK-C-1001 S1 Rev P1 (Proposed Highway Arrangement)

Dwg no. LDB-BWB-HGT-XX-SK-C-1002 S1 Rev P1 (Proposed Highway Arrangement)

Dwg no. LDB-BWB-HGT-XX-SK-C-1003 S1 Rev P1 (Oxford Road / Middleton Stoney Mini Roundabout Mitigation Measures)”

2.2.3 Condition 30 currently reads:

“Prior to the first occupation (other than for construction purposes) of any new building the means of access between the public highway (A41) and the development as shown in drawing no. 170211-08 Rev. A shall have been fully formed, laid out and constructed such that it is available for use.

Reason - To ensure that the means of access to the development is safe and suitable for the likely traffic volumes in accordance with the requirements of Policy SLE4 of the Cherwell Local Plan 2011-2031 Part 1 as well as Government guidance contained in the National Planning Policy Framework.”

2.2.4 It is proposed to amend Condition 30 to read:

“Prior to the first occupation (other than for construction purposes) of any new building the means of access between the public highway (A41) and the development as shown in drawing no. LDB-BWB-HGT-XX-SK-C-1001 S1 Rev P1 (Proposed Highway Arrangement) shall have been fully formed, laid out and constructed in general accordance with the above plan, such that it is available for use.”

2.2.5 Condition 34 currently reads:

“No more than 60,000sqm GEA of employment floor space shall be provided across the site as demonstrated on drawing number 1105\_P\_005 Rev E titled ‘Parameters Plan’.

Reason – To ensure that the significant environmental effects arising from the development are mitigated, as set out in the Environmental Statement, and sustainable development is achieved in accordance with Government guidance contained within the National Planning Policy Framework.”



2.2.6 It is proposed to amend Condition 34 to read:

“No more than 60,000sqm GEA of employment floor space shall be provided across the site as demonstrated on drawing number Dwg No. 05935-5PA-MP-00-DR-A-9010 (Parameters Plan).”

## 2.3 Programme

2.3.1 The Applicant’s strategy is to deliver the development, if approved by Cherwell District Council, immediately following approval of Reserved Matters and the associated pre-commencement discharge of condition submissions.



## 3.0 Planning Policy Context

### 3.1 Introduction

#### The Development Plan

3.1.1 Section 38 (6) of the Planning and Compulsory Purchase Act (2004) requires that proposals are determined in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan comprises those local planning documents which have been the subject of examination in public or testing through public inquiry and are adopted having been through this due process.

3.1.2 The Application Site falls within the administrative boundary of Cherwell District Council, where the statutory Development Plan comprises:

- Adopted Cherwell Local Plan 2011 – 2031 Part 1 (re-adopted December 2016)
- Adopted Cherwell Local Plan 2011 – 2031 (Part 1) Partial Review – Oxford’s Unmet Housing Need (adopted September 2020)
- Saved, retained policies of the Adopted Cherwell Local Plan 1996.

3.1.3 The weight to be attached to the policies in the Development Plan should be determined according to their degree of consistency with the National Planning Policy Framework (NPPF or Framework), in compliance with Paragraph 219 of the NPPF.

#### Material and Other Considerations

3.1.4 In addition to the statutory Development Plan, planning applications are also assessed against relevant material considerations. In the case of this application, the National Planning Policy Framework (NPPF), published 2021 is a material consideration, as well as the policy guidance set out in the Planning Practice Guidance (PPG) (Published 2014 (as amended)).

3.1.5 Also set out in this chapter is an overview of the Developer Contributions Supplementary Planning Document (February 2018).

3.1.6 The other material consideration is the extant planning permission 17/02534/OUT (the OPP) to which this s73 planning application relates. The OPP is a baseline against which the s73 should be considered and represents a realistic fallback position. The development approved by the OPP could, subject to the required Reserved Matter approval and discharge of pre-commencement conditions, be



implemented.

- 3.1.7 The proposed development seeks to increase the approved height parameters for the buildings, to account for taller floor to floor heights to meet end user requirement for ‘lab enabled’ development and the need for higher finished land levels required to meet modern drainage and SUDs standards. The proposed s73 amendments will result in no material harm over and above the fallback position.
- 3.1.8 An existing planning permission is a key example of a ‘fallback’ position and should weigh very positively in the determination of the planning application. The case of Zurich Assurance v North Lincolnshire Council involved a challenge by Zurich, the owners of much of the retail centre of Scunthorpe, to a decision by North Lincolnshire Council to grant planning permission for an out-of-town retail development on an existing garden centre site. The Court held that the fallback does not have to be probable or even have a high chance of occurring. Instead, the Court held that, in order to be a material consideration, a fallback only has to have “more than a merely theoretical prospect”. While the likelihood of the fallback occurring may affect the weight to be attached to it, the Court did not feel it affected its status as a material planning consideration. The fallback position in this case is highly probable and the weight that it can attract is considerable.
- 3.1.9 With regards to the highway changes, the proposed amendments to the conditions relate to changes arising from detailed design and road safety work being agreed under the current permission’s s278. The wording of the conditions within the outline planning permission does not allow for an updating of the highway drawings when the appropriate safety audits are completed. Currently, the County Council and Highway Authority are comfortable to proceed on the detailed design based on the plans supplied and forming part of this planning application. The changes to the traffic island are upgrades based upon road safety audits and long-term maintenance requirements. Technically, as this is being agreed under a s278, the proposed changes supersede those drawings referenced in the outline planning permission and could be considered non-material amendments. However, for the purpose of planning, the wording of the conditions should reflect the latest highway drawings.

### 3.2 Statutory Development Plan

#### The Cherwell Local Plan 2011 – 2031 Part 1, re-adopted December 2016

- 3.2.1 The Cherwell Local Plan 2011-2031 Part 1 (CLPP1) was originally adopted in July 2015. The addition of Policy Bicester 13 meant that the Plan was re-adopted on 19 December 2016. Part 1 of the Local Plan only allocated strategic sites, and Part 2 was due to allocate smaller sites, however it was not progressed and has been replaced by the emerging Local Plan 2040.



3.2.2 The CLPP1 sets out broadly how the district will grow and change over the plan period and contains policies to help deliver Local Plan’s spatial vision. The CLPP1 identifies a Spatial Strategy for how growth is to be managed, with “...the bulk of the proposed growth in and around Bicester and Banbury” (para vi., page 10). It seeks to develop a sustainable local economy by ensuring “...that there is a supply of employment land to meet the needs of the District for the plan period” (para xi., page 10).

3.2.3 The Site subject of this application is allocated on the Policies Map as land committed for employment development as ‘Bicester 4’. CLPP1 Policy Bicester 4: Bicester Business Park states:

*“...This site to the southwest of Bicester, bounded by the A41 to the north and west, is proposed for employment generating development in the form of a high quality B1 office scheme.*

*Employment*

- *Jobs created – up to approximately 6,000 jobs. Site constraints and implementation of alternative use planning permissions may reduce numbers slightly.*
- *Use classes – B1a (Office).”*

3.2.4 Policy Bicester 4 goes on to set out requirements in terms of infrastructure needs and key design and place shaping principles, including (inter alia):

- *“Proposals should comply with Policy ESD15*
- *A distinctive commercial development that provides a gateway into the town*
- *A high quality design and finish, with careful consideration given to layout, architecture, materials, colourings and building heights to reduce overall visual impact...*
- *...Development proposals to be accompanied and influenced by landscape/visual and heritage impact assessments...*
- *...Biodiversity should be preserved and enhanced...*
- *...Demonstration of climate change mitigation and adaptation measures including exemplary demonstration of compliance with the requirements of policies ESD 1 – 5...”*

3.2.5 CLPP1 ‘Policy PSD 1: Presumption in Favour of Sustainable Development’ states:



*“When considering development proposals the Council will take a proactive approach to reflect the presumption in favour of sustainable development contained in the National Planning Policy Framework. The Council will always work proactively with applicants to jointly find solutions which mean that proposals can be approved wherever possible, and to secure development that improves the economic, social and environmental conditions in the area.*

*Planning applications that accord with the policies in this Local Plan (or other part of the statutory Development Plan) will be approved without delay unless material considerations indicate otherwise.”*

3.2.6 CLPP1 Policy SLE 1 deals specifically with employment development and states:

*“Employment development on new sites allocated in this Plan will be the type of employment development specified within each site policy in Section C ‘Policies for Cherwell’s Places’. Other types of employment development (B Use class) will be considered in conjunction with the use(s) set out if it makes the site viable...”*

3.2.7 The supporting text to CLPP1 Policy SLE 1 states

*“Significant employment growth at Bicester will be encouraged and we [Cherwell District Council] will:*

- *encourage green technology and the knowledge based sectors, exploiting its position in the Oxford/Cambridge Corridor...*
- *maintain and increase the motorsport industry and other performance engineering...*
- *encourage high tech companies...”*

3.2.8 CLPP1 Policy ESD 15 relates to the character of the built and historic environment and states:

*“...New development will be expected to complement and enhance the character of its context through sensitive siting, layout and high quality design. All new development will be required to meet high design standards. Where development is in the vicinity of any of the District’s distinctive natural or historic assets, delivering high quality design that complements the asset will be essential.”*

3.2.9 Policy ESD 15 goes on to set out criteria against which new development should adhere to, including (inter-alia):

- *“Be designed to deliver high quality safe, attractive, durable and healthy places to live and work in...”*
- *Deliver buildings, places and spaces that can adapt to changing social, technological, economic*



*and environmental conditions*

- *Support the efficient use of land and infrastructure, through appropriate land uses, mix and density/development intensity*
- *Contribute positively to an area’s character and identity by creating or reinforcing local distinctiveness and respecting local topography and landscape features, including skylines, valley floors, significant trees, historic boundaries, landmarks, features or views, in particular within designated landscapes, within the Cherwell Valley and within conservation areas and their setting...”*

3.2.10 Policy ESD 15 adds:

*“The design of all new development will need to be informed by an analysis of the context, together with an explanation and justification of the principles that have informed the design rationale. This should be demonstrated in the Design and Access Statement that accompanies the planning application.”*

3.2.11 Other relevant policies in the CLPP1 in respect of the proposed development include the following:

- CLPP1 Policy SLE 4: Improved Transport and Connections
- CLPP1 Policy BSC 8: Securing Health and Wellbeing
- CLPP1 Policy BSC9: Public Services and Utilities
- CLPP1 Policy BSC10: Open Space, Outdoor Sport and Recreation Provision
- CLPP1 Policy ESD 1: Mitigating and Adapting to Climate Change
- CLPP1 Policy ESD 2: Energy Hierarchy and Allowable Solutions
- CLPP1 Policy ESD 3: Sustainable Construction
- CLPP1 Policy ESD 4: Decentralised Energy Systems
- CLPP1 Policy ESD 5: Renewable Energy
- CLPP1 Policy ESD 6: Sustainable Flood Risk Management
- CLPP1 Policy ESD 7: Sustainable Drainage Systems (SuDS)



- CLPP1 Policy ESD 8: Water Resources
- CLPP1 Policy ESD 10: Protection and Enhancement of Biodiversity and the Natural Environment
- CLPP1 Policy ESD 13: Local Landscape Protection and Enhancement
- CLPP1 Policy ESD 17: Green Infrastructure
- CLPP1 Policy INF 1: Infrastructure

Saved, Retained Policies of the Adopted Cherwell Local Plan 1996

- 3.2.12 The ‘saved’ policies of the Cherwell Local Plan 1996 (CLP 1996) remain part of the Development Plan. The saved policies are those that were originally saved on 27 September 2007 and which have not been replaced by policies within the adopted CLLP1.
- 3.2.13 CLP 1996 Policy C28 relates to the layout, design and external appearance of new development. This requires layout, design and external appearance, including external materials of development proposals to be sympathetic to the character of the context.
- 3.2.14 Policy ENV1 of the CLP 1996 concerns development likely to cause detrimental levels of pollution and states developments which are likely to cause materially detrimental levels of noise, vibration, smell, smoke, fumes or other type of environmental pollution will not normally be permitted.
- 3.2.15 CLP 1996 Policy ENV12 covers contaminated land and requires, where land is known or suspected to be contaminated, adequate measures are put in place to remove any threat of contamination to future occupiers and that no contamination of surface or underground water resources will result from development.
- 3.2.16 Policy TR1 of the CLP 1996 relates to transportation funding and requires any transportation needs arising from development to be met.
- 3.2.17 CLP 1996 Policy C28 states *“control will be exercised over all new development, including conversions and extensions, to ensure that the standards of layout, design and external appearance, including the choice of external-finish materials, are sympathetic to the character of the urban or rural context of that development”*.
- 3.2.18 Policy C30 of the CLP 1996 relates to the design of new housing schemes specifically, ensuring new housing development *“provides standards of amenity and privacy acceptable to the Local Planning Authority.”*





3.2.19 CLP 1996 Policy C32 supports development proposals which provide, improve, or extend access facilities for disabled people.

### 3.3 Material Considerations

#### National Planning Policy Framework (NPPF), Published July 2021

3.3.1 National Planning Policy is contained within the National Planning Policy Framework ('NPPF' or 'the Framework' hereafter). The NPPF includes the Government's planning policies for England, highlighting the economic, social, and environmental roles of planning, and its contribution to meeting the mutually dependent objectives of a strong, responsive and competitive economy; strong vibrant and healthy communities; and the protection of the natural, built and historic environment.

3.3.2 The NPPF establishes that the purpose of planning is to contribute to the achievement of sustainable development (Paragraph 7) and then in Paragraph 8 identifies three overarching objectives which need to be pursued in mutually supportive ways to achieve sustainable development: economic, social and environmental:

- **An economic objective** – to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;
- **A social objective** – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering well-designed, beautiful and safe built places, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being; and
- **An environmental objective** – to protect and enhance our natural, built and historic environment; including making effective use of land, improving biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.

3.3.3 At the heart of the NPPF is a presumption in favour of sustainable development (Paragraph 10), which should be applied both through the plan-making and decision-making process (Paragraph 11).

3.3.4 Paragraph 11 states that:



“...For decision-taking, this means:

- c) *approving development proposals that accord with an up-to-date development plan without delay; or*
- d) *where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date (footnote 8) granting permission unless:*
  - i. *the application of policies in this Framework that protect areas or assets of importance provides a clear reason for refusing the development proposed (footnote 7); or*
  - ii. *any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.”*

3.3.5 Section 4 deals with the decision-making process, with Paragraph 38 stating that *“local planning authorities should approach decisions on proposed development in a positive and creative way...and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible.”*

3.3.6 Paragraphs 54-56 set out the Government’s position on planning conditions and obligations, identifying that planning conditions should be kept to a minimum and only imposed where they meet the relevant tests for the imposition of conditions (Paragraph 55). Paragraph 57 places the onus on Applicants to demonstrate whether circumstances justify the need for a viability assessment during the application stage.

3.3.7 Paragraph 81 in Section 6 states that planning policies and decisions should help create conditions in which businesses can invest, expand and adapt. This paragraph also states that *“Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development...”*.

3.3.8 Section 9 promotes sustainable transport, with Paragraph 105 stating: *“Significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes. This can help to reduce congestion and emissions, and improve air quality and public health...”*.

3.3.9 When considering development proposals in respect of highway matters, Paragraph 111 states: *“Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.”*



- 3.3.10 Paragraph 112 goes to highlight that applications should also give priority first to pedestrian and cycle movement and facilitate access to public transport and allow for the efficient delivery of goods, and access by service and emergency vehicles.
- 3.3.11 Section 11 promotes the effective use of land in meeting the need for homes, while safeguarding and improving the environment and ensuring safe and healthy living conditions. As much use as possible should be made on previously developed land.
- 3.3.12 Paragraph 124 states that *“Planning policies and decisions should support development that makes efficient use of land, taking into account:*
- a) the identified need for different types of housing and other forms of development, and the availability of land suitable for accommodating it;*
  - b) local market conditions and viability;*
  - c) the availability and capacity of infrastructure and services – both existing and proposed – as well as their potential for further improvement and the scope to promote sustainable travel modes that limit future car use;*
  - d) the desirability of maintaining an area’s prevailing character and setting (including residential gardens), or of promoting regeneration and change; and*
  - e) the importance of securing well-designed, attractive and healthy places.”*
- 3.3.13 Paragraph 125 of Section 11 seeks to deal with the densities of new development stating that *“Where there is an existing or anticipated shortage of land for meeting identified housing needs, it is especially important that planning policies and decisions avoid homes being built at low densities, and ensure that developments make optimal use of the potential of each site...”*.
- 3.3.14 The policies set out in Section 12 seek to achieve well designed places, highlighting that the creation of high-quality buildings and places is fundamental for the planning and development process (Paragraph 126). Paragraph 126 goes onto state that *“...good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities...”*.
- 3.3.15 Section 14 confirms a proactive approach should be taken to adapt to climate change. New developments should be directed towards areas at least risk of flooding and should not result in increased risk of flooding elsewhere. Flood Risk Assessments need only be required for development in Flood Zone 1 where the site area exceeds 1ha. Paragraph 169 outlines that *“major developments*



*should incorporate sustainable drainage systems unless there is clear evidence that this would be inappropriate. The systems used should:*

- a) take account of advice from the lead local flood authority*
- b) have appropriate proposed minimum operational standards;*
- c) have maintenance arrangements in place to ensure an acceptable standard of operation for the lifetime of the development; and*
- d) where possible, provide multifunctional benefits.”*

3.3.16 The implications of ground conditions and pollution, noise and air quality impacts should also be considered and where necessary and appropriately mitigated (Section 15). Paragraph 183 deals with matters relating to ground conditions and pollution, stating that planning decisions should ensure that:

- a) “a site suitable for its proposed use taking account of ground conditions and any risks arising from land instability and contamination. This includes risk arising from natural hazards or former activities such as mining, and any proposal for mitigation including land remediation (as well as potential impacts on the natural environment arising from that remediation)...”.*

3.3.17 Paragraph 185 states that *“planning ...decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so they should:*

- a) mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development – and avoid noise giving rise to significant adverse impacts on health and the quality of life...”.*

Planning Practice Guidance (Published 2014, (as amended))

3.3.18 Further to the publication of the NPPF, the over-arching policies are supplemented by guidance in the Planning Practice Guidance (PPG), a web-based resource which provides enhanced clarity on the interpretation of policies in the NPPF. The PPG has been subject to some updates since its first publication. For ease of reference, the relevant paragraphs are set out below.

3.3.19 **Design** – Paragraph: 001 (Reference ID: 26-001-20191001) reiterates Paragraph 130 of the NPPF stating: *“...permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions, taking into account any local design standards or style guides in plans or supplementary planning*



documents. Conversely, where the design of a development accords with clear expectations in plan policies, design should not be used by the decision-maker as a valid reason to object to development”.

3.3.20 **Noise** – Paragraph 003 (Ref ID: 30-003-20190722) deals with noise and requires the following to be considered when taking decisions on the acoustic environment:

- “whether or not a significant adverse effect is occurring or likely to occur;
- whether or not an adverse effect is occurring or likely to occur; and
- whether or not a good standard of amenity can be achieved.”

3.3.21 Paragraph 010 (Ref ID: 30-010-20190722) identifies four broad types of mitigation for the effects of noise. These are: engineering; layout; planning conditions/obligations; and mitigation through noise insulation.

3.3.22 **Viability** – The viability chapter of PPG provides underlying principles to understanding viability in planning, which includes; an evidence-based judgement informed by relevant available facts; a collaborative approach to help improve understanding of deliverability; and, viability and a consistency to understand viability across all areas of development. Key factors when assessing viability include Gross Development Value, Costs, Land Value and Competitive return to developers and landowners (Paragraph: 010 Reference ID: 10-010-20180724).

#### Non-Statutory Cherwell Local Plan 2011

3.3.23 The Non-Statutory Cherwell Local Plan 2011 was intended to review and update the Local Plan adopted in 1996. Due to changes to the planning system introduced by the Government, work on this plan was discontinued prior to adoption. The Non-Statutory Cherwell Local Plan 2011 is not part of the statutory development plan but was approved as interim planning policy for development control purposes in December 2004.

#### Cherwell Local Plan Review 2040

3.3.24 A new district wide Local Plan to 2040 is being prepared to meet assessed development needs for employment, housing, leisure, community facilities and infrastructure and to provide a strategy for the pattern, scale and quality of development across the district.

3.3.25 As this plan is at the early stages of plan making, very limited weight is given to it in decision making.

3.3.26 Paragraph 48 of the NPPF sets out that decision-takers may give weight to relevant policies in emerging plans according to their stage of preparation, the extent to which there are unresolved objections to



relevant policies, and their degree of consistency with policies in the NPPF.

Developer Contributions Supplementary Planning Document, February 2018

- 3.3.27 Cherwell District Council adopted the ‘Developer Contributions Supplementary Planning Document’ (SPD) in February 2018. The document sets out Cherwell District Council’s approach to seeking Section 106 planning obligations in the absence of a Community Infrastructure Levy (CIL) Charging Schedule within the District. The SPD gives specific advice for various types of infrastructure commonly required by the Council to support development including (inter-alia): air quality; flood risk; transport and access; and apprenticeships and skills.



## 4.0 Statement of Conformity

### 4.1 Overview

- 4.1.1 Planning approval 17/02534/OUT (the OPP) was 'Environmental Impact Assessment Development (EIA Development)' and was supported by an Environmental Statement (ES). The s73 application is seeking to amend three conditions of the OPP. It is accepted that the proposed amendments to the development granted under the OPP mean that the proposed development falls within Paragraph 13(b) of Schedule 2 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 ('EIA Regulations') and is therefore 'Schedule 2 Development'.
- 4.1.2 The development proposed by the s73 application is constrained to the variation of Conditions 4, 30 and 34 of the OPP and results only in minor change to the approved scheme. Schedule 2 Development is only EIA development if it is "likely to have significant effects on the environment by virtue of factors such as its nature, size or location". This Chapter reviews the methodology applied in undertaking the original Environmental Impact Assessment (EIA) and the methods used to identify likely environmental effects and their significance and demonstrates that there is no impact over and above that which has already been addressed and therefore authorised by the OPP. It is not considered that the development proposed by the s73 application is EIA Development and no separate EIA is required.

### 4.2 Introduction

- 4.2.1 The original ES complied with the EIA Regulations. The assessment of likely significant environmental effects was based on current knowledge of the Site and its surrounding environment. The review of these potential effects has been undertaken and based upon the very latest knowledge of the Site. The review assessments address both the likely beneficial and adverse effects of the proposal from Site preparation, demolition and construction works required to facilitate the development and of the development once completed and operational.
- 4.2.2 In line with legislative requirements, direct, indirect, cumulative, short-term, medium-term, long-term, permanent, temporary, beneficial and adverse effects were considered against the current situation through existing information, data and reports, where applicable.
- 4.2.3 This planning chapter recognises that the EIA process as underpinned by the EIA Regulations aims to provide the determining authority with sufficient information regarding the "...likely significant environmental effects..." of a development to enable it to lawfully determine a planning application. Likely environmental effects previously predicted within the ES have been reconsidered and where it has not been possible to precisely quantify effects, qualitative assessments have been



undertaken, based on available knowledge and professional judgement.

4.2.4 The review of the individual chapters below looks to consider whether there is any material change arising from the proposed s73 application and in turn whether the conclusions of the ES would need to be revisited.

4.2.5 The ES comprised the following elements:

- Non-Technical Summary
- Volume 1
  - o Chapter 1 Introduction
  - o Chapter 2 EIA Methodology
  - o Chapter 3 Alternatives and Design Evolution
  - o Chapter 4 The Proposed Development
  - o Chapter 5 Construction
  - o Chapter 6 Socio-Economics
  - o Chapter 7 Transport and Access
  - o Chapter 8 Noise and Vibration
  - o Chapter 9 Air Quality
  - o Chapter 10 Buried Heritage (Archaeology) Built Heritage
  - o Chapter 11 Ecology
  - o Chapter 12 Landscape and Visual Impact Assessment
  - o Chapter 13 Water Resources and Flood Risk
  - o Chapter 14 Effects Interactions
  - o Chapter 15 Residual Effects and Conclusion
  - o Glossary of Terms and Abbreviations





- Volume 2: Technical Appendices
  - Appendix 2.1: EIA Scoping Report
  - Appendix 2.2: EIA Scoping Opinion
  - Appendix 2.2: Phase I Environmental Risk Assessment -Appended to the EIA Scoping Report
  - Appendix 6.1: Legislative and Planning Policy Context
  - Appendix 6.2: Baseline Conditions
  - Appendix 7.1: Transport Assessment (TA)
  - Appendix 8.1: Legislative and Policy Context
  - Appendix 8.2: Noise and Survey Results
  - Appendix 8.3: Construction Noise Calculations
  - Appendix 8.4: Road Traffic Noise Calculations
  - Appendix 8.5: SoundPLAN Computer Model Output – Site Activity – Peak Hour
  - Appendix 9.1: Glossary
  - Appendix 9.2: Legislative and Planning Policy Context
  - Appendix 9.3: Construction Dust Assessment Procedure
  - Appendix 9.4: EPUK & IAQM Planning for Air Quality Guidance
  - Appendix 9.5: Professional Experience
  - Appendix 9.6: Modelling Methodology
  - Appendix 9.7: Construction Mitigation
  - Appendix 10.1: Site Gazetteer
  - Appendix 10.2: Setting Assessment Methodology
  - Appendix 10.3: Legislative and Planning Policy Context



- Appendix 10.4: Site Walkover
  - Appendix 10.5: Plates and Figures
  - Appendix 10.6: Written Scheme of Investigation
  - Appendix 11.1: Preliminary Ecological Appraisal
  - Appendix 11.2: Bat Survey Report
  - Appendix 11.3: Great Crested New Survey Report
  - Appendix 11.4: Legislative and Planning Policy Context
  - Appendix 12.1: Drawings and Photographs
  - Appendix 12.2: Legislative and Planning Policy Context
  - Appendix 12.3: Assessment Methodology
  - Appendix 12.4: Photography Methodology
  - Appendix 13.1: Flood Risk Assessment
  - Appendix 13.2: Legislative and Planning Policy Context
- 4.2.6 Chapter 1 covers details of the site, planning history, planning policy context and location of information within the ES. These elements are unaffected by the proposed changes.
- 4.2.7 Chapter 2 sets out the methodology for the EIA; this remains unchanged.
- 4.2.8 Chapter 3 describes the background to the development and details the site opportunities, constraints and considerations that influences the scheme. It provides an illustration of the evolution of the design leading to the outline approval proposals. The principles of this chapter remain unchanged.
- 4.2.9 Chapter 4 detailed the proposed development. The s73 application represents a further stage of the design evolution, whereby detailed design requirements have necessitated an increase in floor heights, resulting in an increase in overall building height parameters. There is no impact on floorspace parameters. Table 4.1 of Chapter 4 currently states:



<b>Table 4.1 – Maximum Building Heights</b>				
	<b>M AOD (Top of Roof Level)</b>	<b>Metres above Ground</b>	<b>Storeys</b>	<b>Maximum Floorspace (m2 GEA)</b>
<b>Zone A</b>	85.75	20	(4 storeys)	5,460
<b>Zone B</b>	83.0	16	(3 storeys)	7,740
<b>Zone C</b>	82.50	16	(3 storeys)	7,740
<b>Zone D</b>	85.50	16-20m	(3-4 storeys)	14,390
<b>Zone E</b>	82.00	16m	(3 storeys)	11,610
<b>Zone F</b>	85.00	20m	(4 storeys)	13,060

4.2.10 The s73 application seeks to update the table as follows (renamed as Table A):

<b>Table A – Maximum Building Heights</b>		
	<b>Building Height (metres)</b>	<b>Height AOD (metres)</b>
<b>Zone A</b>	21.00	87.80
<b>Zone B (Previously Zones B &amp; C under 17/02534/OUT)</b>	21.00	88.75
<b>Zone D</b>	21.00	87.40
<b>Zone E</b>	21.00	87.50
<b>Zone F</b>	21.00	87.80

4.2.11 Chapter 5 describes the proposed construction programme and key activities for construction works. There are no changes to this chapter.

4.2.12 The remaining chapters of the ES review the range of environmental impacts. Each chapter is addressed



in turn below. Firstly, a summary of the original findings is presented, followed by the conclusions of the review. The reviews have been undertaken by experts relevant to each chapter and letters confirming their findings are set out in Appendix B. The overall findings of the compliance review are finally set out in a conclusions section.

### 4.3 Chapter 6 – Socio Economics

4.3.1 This chapter of the original ES assessed two potential schemes:

- Option A: The Proposed Development provides a total of 49,000m<sup>2</sup> (NIA) of B1a Use floorspace; and
- Option B: The Proposed Development provides a total of 36,750m<sup>2</sup> (NIA) of B1a Use floorspace and 12,250m<sup>2</sup>.

4.3.2 The ES stated:

#### Mitigation and Monitoring

##### *“Construction*

*6.89 No adverse socio-economic effects that require mitigation are predicted during the construction phase of the Proposed Development (Option A and Option B).*

*6.90 The delivery of training opportunities will be monitored during the construction phase. This monitoring could take the form of an Employment and Skills Plan agreed between Cherwell District Council and the main contractor for the building project.*

##### *Operation*

*6.91 All of the permanent socio-economic effects identified in this chapter for Option A and Option B will be beneficial and so no mitigation measures are proposed.*

*6.92 The delivery of training opportunities will be monitored during the operational phase. This monitoring could take the form of an Employment and Skills Plan agreed between Cherwell District Council and key employers at the office park.”*

#### Conclusions

##### *“Construction phase*

*6.105 The construction phase will generate three different temporary socio-economic effects. All*



three of these temporary socio-economic effects will be beneficial for Option A and Option B.

<b>Table 6.7 – Construction Phase – Temporary Socio-Economic Effects for the Proposed Development (Option A and Option B)</b>					
<b>Temporary effect</b>	<b>Scale of the effect</b>	<b>Significance</b>	<b>Mitigation measures</b>	<b>Residual effects</b>	
Construction employment	624 person years	Moderate beneficial –	Not required	None	
Gross value added	£42.2 million	Moderate beneficial –	Not required	None	
Construction training	Not quantified	Minor to moderate beneficial –	Not required	None	

*Completed Development*

6.106 Once it is operational and fully occupied, the Proposed Development (Option A and Option B) will generate five different permanent socio-economic effects. All five will be beneficial effects which will be enjoyed in perpetuity.

6.107 The Proposed Development (Option A and Option B) will create a major new employment hub which will make a very significant contribution to the delivery of jobs and economic growth for the local, district and regional impact areas for the assessment.

6.108 The gross, on site employment of 3,769 to 4,900 full-time equivalent permanent jobs created by Option A represents an increase of between 7.5% and 9.8% in the number of full-time jobs throughout Cherwell District Council.

6.109 The gross, on site employment of 3,030 to 3,981 full-time equivalent permanent jobs created by Option B represents an increase of between 6% and 8% in the number of full-time jobs throughout Cherwell District Council



<b>Table 6.8 –Operational Phase – Permanent Socio-Economic Effects for the Proposed Development (Option A and Option B)</b>				
<b>Temporary effect</b>	<b>Scale of the effect</b>	<b>Significance</b>	<b>Mitigation measures</b>	<b>Residual effects</b>
<b>Option A</b>				
<b>Employment effects</b>				
<i>Permanent jobs</i>	<i>3,769 to 4,900 full-time equivalent permanent jobs</i>	<i>Major beneficial</i>	<i>-</i>	<i>Major beneficial –</i>
<i>Net additional permanent jobs</i>	<i>3,307 to 4,300 full-time equivalent net additional jobs</i>	<i>Major beneficial</i>	<i>-</i>	<i>Major beneficial –</i>
<b>Economic effects</b>				
<i>Gross value added</i>	<i>£178.2 million to £231.7 million</i>	<i>Major beneficial</i>	<i>-</i>	<i>Major beneficial –</i>
<i>Additional local spending</i>	<i>£3.67 million to £4.77 million</i>	<i>Moderate beneficial</i>	<i>-</i>	<i>Moderate beneficial –</i>
<b>Training opportunities</b>				
<i>Training and skills development opportunities</i>	<i>Not quantified</i>	<i>Moderate beneficial</i>	<i>-</i>	<i>Moderate beneficial –</i>
<b>Option B</b>				
<b>Employment effects</b>				
<i>Permanent jobs</i>	<i>3,030 to 3,981 full-time equivalent permanent jobs</i>	<i>Major beneficial</i>	<i>-</i>	<i>Major beneficial –</i>



<i>Net additional permanent jobs</i>	<i>2,658 to 3,493 full-time equivalent net additional jobs</i>	<i>Major beneficial</i>	<i>-</i>	<i>Not required</i>	<i>Major beneficial</i>	<i>-</i>
<b><i>Economic effects</i></b>						
<i>Gross value added</i>	<i>£143.2 million to £188.2 million</i>	<i>Major beneficial</i>	<i>-</i>	<i>Not required</i>	<i>Major beneficial</i>	<i>-</i>
<i>Additional local spending</i>	<i>£3 million to £3.9 million</i>	<i>Moderate beneficial</i>	<i>-</i>	<i>Not required</i>	<i>Moderate beneficial</i>	<i>-</i>
<b><i>Training opportunities</i></b>						
<i>Training and skills development opportunities</i>	<i>Not quantified</i>	<i>Moderate beneficial</i>	<i>-</i>	<i>Not required</i>	<i>Moderate beneficial</i>	<i>-</i>

4.3.3 CBRE have reviewed the ES with reference to the proposed changes being sought as part of the current s73 application and have concluded that the proposed changes will have no impact on the content and conclusions of Chapter 6.

#### 4.4 Chapter 7 – Transport and Access

4.4.1 The original ES stated:

Mitigation and Monitoring

*“Construction*

*7.100 No material adverse effects have been identified in the assessment of the construction stage and therefore no further mitigation is identified or considered necessary.*

*7.101 However, a CEMP will be prepared and agreed with CDC in advance of commencement of the Proposed Development. This will include measures to monitor and management of any potential effects of construction traffic associated with the Proposed Development and seek to ensure that construction activity can occur in an efficient and sustainable manner.*



*Completed Development*

7.102 *No material adverse effects have been identified in the assessment of the operational stage, following the mitigation identified, and therefore no further mitigation is identified or considered necessary.*

7.103 *A Framework Workplace Travel Plan has been prepared and submitted alongside the planning application and it is envisaged that a final Workplace Travel Plan would be secured by Condition.*

7.104 *The Travel Plan would seek to encourage travel to the site by sustainable mode of travel and reduce reliance on the private car. To this extent the Travel Plan would seek to reduce the overall vehicle trip attraction of the site”*

Residual Effects

“Table 7.10 below provides a summary of the residual effects of the Proposed Development on the highway network local to the site and mitigation measures to be implemented to address the likely effects.

<b>Table 7.10 Summary of Residual Effects</b>			
<b>Potential Effect</b>	<b>Magnitude of Impact (Pre-Mitigation)</b>	<b>Mitigation</b>	<b>Residual Effect Significance</b>
<b>Construction</b>			
<i>Severance (Lakeview Drive)</i>	<i>Minor Adverse</i>	<i>Construction Environmental Management Plan</i>	<i>Negligible</i>
<i>Delay</i>	<i>Negligible</i>	<i>Construction Environmental Management Plan</i>	<i>Negligible</i>
<i>Amenity</i>	<i>Negligible</i>	<i>Construction Environmental Management Plan</i>	<i>Negligible</i>
<i>Fear and Intimidation</i>	<i>Negligible</i>	<i>Construction Environmental Management Plan</i>	<i>Negligible</i>





<i>Accidents and Safety</i>	<i>Negligible</i>	<i>Construction Environmental Management Plan</i>	<i>Negligible</i>
<b>Completed Development</b>			
<i>Severance (Lakeview Drive)</i>	<i>Negligible</i>	<i>Travel Plan</i>	<i>Negligible</i>
<i>Delay</i>	<i>Moderate Adverse</i>	<i>Proposed Highways Works</i> <i>Travel Plan</i>	<i>Negligible</i>
<i>Amenity</i>	<i>Negligible</i>	<i>Not required</i>	<i>Negligible</i>
<i>Fear and Intimidation</i>	<i>Negligible</i>	<i>Not required</i>	<i>Negligible</i>
<i>Accidents and Safety</i>	<i>Negligible</i>	<i>Not required</i>	<i>Negligible</i>

Conclusions

*“7.109 This chapter has considered the potential environmental effects of the Proposed Development in relation to traffic and transportation.*

*7.110 Methodologies were determined for determining both the construction and operational traffic effects of the Proposed Development on highway network local to the site and significance factors were determined with regard to delay, severance, intimidation and safety.*

*7.111 It has been demonstrated that during the construction phase the Proposed Development would result in a negligible residual effect on the highway network local to the site. The construction works would be managed through a CEMP which would encourage construction activity to be undertaken in an efficient and sustainable manner and minimise any effect on the highway network local to the site.*

*7.112 With regard to the operation of the Proposed Development, it has been demonstrated that the Proposed Development is likely to result in a negligible residual effect on the highway network local to the site.*

*Furthermore, the Proposed Development of a Travel Plan will promote sustainable travel choices at the site and reduce reliance on the private car, reducing the effect of the Proposed Development on the local highway network.”*



4.4.2 I-Transport have reviewed the ES with reference to the proposed changes being sought as part of the current s73 application and have concluded that, as the proposed changes will not affect the overall development quantum proposed across the site, the conclusion of Chapter 7 of the ES remain valid.

4.4.3 The development proposed by the s73 application is expected to have a negligible residual effect upon the surrounding transport and highway networks, once the proposed mitigation measures have been taken into account.

## 4.5 Chapter 8 – Noise and Vibration

4.5.1 The original ES stated:

### Mitigation and Monitoring

#### *“Construction*

*8.84 In general, noise from construction activity would be best controlled by the following process:*

- *Determine the likely extent of construction works (where, when, duration);*
- *Determine noise emission levels by reference to BS 5228;*
- *Agree noise amelioration measures with the local authority (amelioration and management control) and/or noise limits;*
- *Prepare a construction works method study and environmental management plan in agreement with the local authority, to include hours of working and agreed traffic routes; and*
- *Obtain prior consent under the Control of Pollution Act 1974 where necessary and/or appropriate.*

*8.85 The contractors will take note of, and act on, the advice in BS 5228. Equipment such as breakers and compressors and mobile plant such as excavators and road works equipment, will be expected to conform with the appropriate EC directive noise limit. Best practice techniques and machinery will be employed at all times. Construction phase mitigation measures would be implemented through a Construction Environmental Management Plan (CEMP) to be secured through a planning condition.*

*8.86 In day-to-day operations, it is assumed that no activity will be undertaken outside of daytime hours which could be expected to give rise to noise noticeably above current prevailing background noise levels at nearby properties. To allow for short term noisy operations, any one -hour period*



*during the working day should not exceed 75dB LAeq,1hr on the site boundary.*

*8.87 Given the expected minor, medium-term effects only during the phases closes to the receptors in a 8 to 9 construction programme, it is not considered that mitigation measures beyond the general measures set out would be necessary.*

*Construction Traffic*

*8.88 Effects are assessed as negligible, so no mitigation is proposed.*

*Completed Development*

*Site Activity*

*8.89 Effects are assessed as negligible, so no mitigation is proposed.*

*Mechanical Services Plant and Machinery*

*8.90 It is a typical requirement that the noise level from commercial plant should not exceed the existing background sound level. This would represent a low impact, and therefore, a negligible effect. This will be imposed by way of a planning condition if necessary to limit the plant noise emissions from the Proposed Development as a whole.*

*8.91 Measures such as selection of intrinsically quiet plant, engineering noise control (attenuators to ventilation plant and louvred screening, for example) can easily be introduced as part of the design and roof top plant rooms can be screened as an integral part of the architectural approach during submission of any reserved matters application.*

*Road Traffic*

*8.92 Effects are assessed as negligible, so no mitigation is proposed.”*

Residual Effects

*“Table 8.10 shows the assessed residual effects.*



<i>Table 8.10 Summary of Residual Effects</i>			
<i>Intended End Use</i>	<i>Likely Effect, Geographic Scale and Duration (Pre Mitigation)</i>	<i>Residual Effect, Geographic Scale and During (Post Mitigation)</i>	<i>Residual Effect Significance</i>
<i>Construction</i>			
<i>Construction Activity</i>	<i>Negligible - Minor</i>	<i>Negligible</i>	<i>Negligible</i>
<i>Construction Traffic</i>	<i>Negligible</i>	<i>Negligible</i>	<i>Negligible</i>
<i>Completed Development</i>			
<i>Site Activity</i>	<i>Negligible</i>	<i>Negligible</i>	<i>Negligible</i>
<i>Mechanical Services Plant</i>	<i>Moderate*</i>	<i>Negligible</i>	<i>Negligible</i>
<i>Road Traffic</i>	<i>Negligible</i>	<i>Negligible</i>	<i>Negligible</i>

*\*an assumed risk, were all plant to be installed with no inherent mitigation of any kind"*

Conclusions

*"8.98 With the exception of a minor short-term effect from early construction phases and an assumed worst-case risk of a moderate effect (pre-mitigation) from mechanical services noise the Proposed Development is predicted to have a generally negligible noise effect before mitigation.*

*8.99 Mitigation measures will reduce all effects to negligible.*

*8.100 Cumulative effects are assessed to be negligible.*

*8.101 The Proposed Development, therefore, will have a negligible residual and cumulative effect on the surrounding noise environment."*

- 4.5.2 SRL have reviewed the ES with reference to the proposed changes being sought as part of the current s73 application and have concluded that the proposed development will have no impact on the content and conclusions of Chapter 8 of the ES.



## 4.6 Chapter 9 – Air Quality

### 4.6.1 The original ES stated:

#### Mitigation and Monitoring

##### *“Mitigation Included by Design*

*9.72 The EPUK/IAQM guidance advises that good design and best practice measures should be considered, whether or not more specific mitigation is required. The Proposed Development incorporates the following good design and best practice measures:*

- adoption of a Dust Management Plan (DMP) or Construction Environmental Management Plan (CEMP) to minimise the environmental impacts of the construction works; and*
- provision of a detailed travel plan setting out measures to encourage sustainable means of transport (public, cycling and walking).*

##### *Recommended Mitigation*

##### *Construction*

*9.73 Measures to mitigate dust emissions will be required during the construction phase of the development in order to minimise effects upon nearby sensitive receptors.*

*9.74 The site has been identified as Low Risk during earthworks, construction and for trackout, as set out in Table 9.11. Comprehensive guidance has been published by IAQM12 that describes measures that should be employed, as appropriate, to reduce the impacts, along with guidance on monitoring during demolition and construction<sup>28</sup>. This reflects best practice experience and has been used, together with the professional experience of the consultant who has undertaken the dust impact assessment and the findings of the assessment, to draw up a set of measures that should be incorporated into the specification for the works. These measures are described in Appendix 9.7.*

*9.75 Where mitigation measures rely on water, it is expected that only sufficient water will be applied to damp down the material. There should not be any excess to potentially contaminate local watercourses.*

##### *Completed Development*



9.76 The assessment has demonstrated that the Proposed Development will not cause any exceedances of the air quality objectives and that the overall effect of the Proposed Development will be ‘not significant’. It is, therefore, not considered appropriate to propose further mitigation measures for this Proposed Development.

9.77 Measures to reduce pollutant emissions from road traffic are principally being delivered in the longer term by the introduction of more stringent emissions standards, largely via European legislation (which is written into UK law).”

Residual Effects

<i>Table 9.15 Summary of Residual Effects</i>			
<i>Intended End Use</i>	<i>Likely Effect, Geographic Scale and Duration (Pre Mitigation)</i>	<i>Residual Effect, Geographic Scale and During (Post Mitigation)</i>	<i>Residual Effect Significance</i>
<i>Construction</i>			
<i>Dust Soiling</i>	<i>Low risk of impacts Local Impacts Medium term (8 years)</i>	<i>Negligible Local Impacts Medium term (8 years)</i>	<i>Not significant</i>
<i>Dust Impacts on Human Health</i>	<i>Low risk of impacts Local Impacts Medium term (8 to 9 years)</i>	<i>Negligible Local Impacts Medium term (8 to 9 years)</i>	<i>Not significant</i>
<i>Completed Development</i>			
<i>Road traffic impacts on air quality at existing receptors</i>	<i>Negligible to Minor Adverse Local Impacts Permanent</i>	<i>Negligible to Minor Adverse Local Impacts Permanent</i>	<i>Not significant</i>



Conclusions

*“9.83 The construction works have the potential to create dust. During construction it will therefore be necessary to apply a package of mitigation measures to minimise dust emissions. With these measures in place, it is expected that any residual effects will be ‘not significant’.*

*9.84 The operational impacts of increased traffic emissions arising from the additional traffic on local roads, due to the Proposed Development, have been assessed. Concentrations have been modelled for four worst-case receptors, representing existing properties where impacts are expected to be greatest. In the case of nitrogen dioxide, a sensitivity test has also been carried out which considers the potential under-performance of emissions control technology on modern diesel vehicles.*

*9.85 It is concluded that concentrations of PM10 and PM2.5 will remain below the objectives at all existing receptors in 2026, whether the Proposed Development is developed or not. This conclusion is consistent with the outcomes of the reviews and assessments prepared by CDC, which show that exceedances of the PM10 objective are unlikely at any location.*

*9.86 In the case of nitrogen dioxide, the annual mean concentrations remain below the objective at all existing receptors in 2026, whether the Proposed Development is developed or not and taking account of the worst case sensitivity test.*

*9.87 The additional traffic generated by the Proposed Development will affect air quality at existing properties along the local road network. The assessment has demonstrated that the increases in concentrations of PM10 and PM2.5 at relevant locations, relative to the objectives, will be 2% at most (when rounded) and the impacts will all be negligible. In the case of nitrogen dioxide, the percentage increases are predicted to range from 1% to 4% for the official predictions, and from 1% to 6% for the worst-case sensitivity test. Future concentrations and predicted impacts are expected to lie between the two sets of results, and effects at receptor locations have been judged as ‘not significant’.*

*9.88 The overall operational air quality effects of the development are considered ‘not significant’. This conclusion, which takes account of the uncertainties in future projections, in particular for nitrogen dioxide, is based on the concentrations being below the objective for nitrogen dioxide”*

- 4.6.2 Air Quality Consultants have reviewed the ES with reference to the proposed changes being sought as part of the current s73 application and have concluded that, overall, the proposed amendments do not change the findings of the air quality assessment set out in the ES. There will be no change to the assessment of road traffic emissions impact nor its conclusions. There will be no material change to the



assumptions or inputs to the construction phase assessment and therefore its conclusions will not change.

## 4.7 Chapter 10 – Buried Heritage (Archaeology) Built Heritage

### 4.7.1 The original ES stated:

#### Mitigation and Monitoring

*“10.72 The NPPF14 and associated guidance, as well as local planning policies (all outlined in Appendix 10.3) require a mitigation response that is designed to eliminate, reduce or compensate for the effects of the Proposed Development on the heritage assets within the site.*

*10.73 Before mitigation there is potential for a moderate impact, which is considered significant, upon identified Mesolithic, prehistoric and Roman finds and features found within the site (site 180). The assessment has also identified potential for previously unrecorded finds and deposits or prehistoric (including paleoenvironmental) to medieval periods to survive within the site. As such, a programme of strip, map and record will take place. This will be focused on areas of known archaeology highlighted within the evaluation. An archaeological watching brief will also take place on topsoil stripping in areas not included in the strip, map and record. This will allow the identification, assessment and recording of any further surviving remains in advance of construction of the Proposed Development.*

*10.74 Before mitigation a minor impact, the effect of which is not considered significant is predicted, upon the ridge and furrow (site 285) in the east of the site, the circular cropmark (site 286) on the northern boundary of the site and the extant and buried field boundaries (site 287) across the site. This effect is not considered significant. The quality / preservation of the ridge and furrow and field boundaries on site is not considered to be of sufficient importance to warrant recording through topographical survey. The existing aerial photographs described within this assessment provide a permanent record of these features.*

*10.75 The exact scope of any further investigations and / or mitigation would need to be agreed with Oxfordshire County Archaeological Services on behalf of the planning authority.*

*10.76 This assessment found that no significant effect upon the setting of heritage assets is predicted. Consequently, no mitigation is considered necessary.”*





Residual Effects

<b>Table 10.7 Residual effects on Heritage Assets post-mitigation</b>					
<b>Site No.</b>	<b>Site Name</b>	<b>Cultural Heritage Importance</b>	<b>Mitigation</b>	<b>Magnitude of Direct Change from Proposed Development post-mitigation</b>	<b>Residual effect</b>
180	Mesolithic Flint scatter with Later Prehistoric and Roman features	Local	Strip, map and record / watching brief	Marginal	Negligible
285	Ridge and Furrow	Negligible	Strip, map and record / watching brief	Marginal	Negligible
286	Circular cropmark from aerial photography	Negligible	Strip, map and record / watching brief	Marginal	Negligible
287	Field boundaries (extant and buried)	Negligible	Strip, map and record / watching brief	Marginal	Negligible

4.7.2 Bidwells have reviewed the ES with reference to the proposed changes being sought as part of the current s73 application and have concluded that, there will be no impact on the content or conclusions of Chapter 10.

**4.8 Chapter 11 – Ecology**

4.8.1 The original ES stated:

Mitigation and Monitoring

*“Pollution Prevention*

*11.29 An appropriate pollution prevention and control method statement will be produced to control construction activities. This will include (but not be limited to), dust, run-off and chemical spills.*



11.30 In addition to a standard pollution CEMP, the plan will include avoiding illuminating the bat corridors between March and October (bat activity will be very limited November – February).

#### Site Preparation

11.31 All retained trees and hedgerows will be protected in accordance with BS 5837:2012. If works are required to trees for health and safety or to clear overhanging branches, these will be subject to individual bat tree assessments to ensure that bat roosts are not directly affected. Fencing in accordance with BS 5837: 2012 will also protect, at least initially, arable margins and most habitat suitable to support reptiles.

11.32 Before any works in areas that may support reptiles begin (arable margins, log piles, any other ruderal, scrub or tall grassland habitats other than arable crop) the area will be cleared of vegetation in a staged manner. The vegetation will be cut to 200 mm, left over night, then cut to ground level. Movement of operators with brush cutters will be from west to east so that any animals disturbed will move away from the site into the flood plain area (which will not be developed).

11.33 The large mammal hole will be monitored for 21 days prior to construction. Monitoring may be using a camera trap, or with hair traps and sand (to capture paw prints). If no badger activity is observed, the hole can be soft closed (filled with loose soil) without a licence. If badgers are recorded a Natural England licence will be obtained to lawfully close the sett with a staged closure.

#### Completed Development

##### Scheme Design

11.34 In order to retain flight corridors for bats across the site to the wider landscape an east – west and north-south bat corridor has been identified (this has been included in the scheme design evolution based on the outline plan below). The corridors will include a vegetated path along hedge and ditches which will be subject to careful control of lighting and will be approved by a suitably qualified ecologist.

11.35 Where external lighting (e.g. street lights or security lights) are required in proximity to the bat corridor, they will be designed to include appropriate height, cowling or other deflection devices to minimise light spill to a maximum of 1 lux at ground level within the dark corridor. Should and buildings be situated within 20m of a dark corridor, further screening (such as evergreen hedges or fencing) will be provided to maintain the dark corridor. The lighting scheme will be approved by a suitably qualified ecologist.



11.36 To compensate for the loss of arable margin habitats and provide habitat for reptiles and nesting skylark, a strip of wildflower meadow will be created between the site and the flood zone to the south east (green area of the plan). A management plan for the meadow will be produced to set out preparation, control, monitoring, responsibility for intervention and maintenance. This will be agreed by a suitably qualified ecologist.

11.37 The meadow will include three 3x3m skylark plots 24m from each other and from buildings. Plots will be managed to provide areas of lower / more sparse vegetation within the sward.

11.38 Two log pile habitats (using logs from the piles within the site) will be created to provide habitat for invertebrates and hibernating reptiles. It is unlikely that all of the material from the existing log piles will be used, but to maximise the use of space the log piles will include a 3 x 4m wide and 2m deep pit, filled with logs to a height of 2m.

11.39 The landscape strategy will include a water feature which includes no less than 600m<sup>2</sup> of shallow margins planted with native aquatic and semi-aquatic species. The landscape strategy will be agreed by a suitably qualified ecologist.

#### Monitoring

11.40 The following monitoring will be required to assess the success of mitigation and compensation and identify whether modifications to the proposed measures is required. All monitoring will be undertaken by a suitably qualified ecologist.

- Trees and hedgerows – prior to construction an arborist will inspect protective fencing;
- Badgers – monitor mammal hole for 21 days three months prior to development;
- Bats – monitor bat activity to ensure that bat corridors have been successful, static detector surveys in spring, summer and autumn every other year during construction and for one year after construction. Use method as for baseline surveys to allow comparison;
- Birds – monitor use of skylark plots every other year during construction and for one year after construction; and
- Habitats – the meadow will be monitored regularly during preparation and establishment (year 1) whilst there is a risk of weeds encroaching (frequency will depend on timing of sowing meadow and condition of soil), annually for three years, then every other year until one year after construction is complete”.



Residual Effects

<b>Table 11.4 Summary of Residual Effects</b>	
<b>Feature</b>	<b>Residual Effect (Post Mitigation)</b>
<b>Construction</b>	
<i>Field Margins</i>	<i>Temporary loss of habitat until new habitat established, Local level significance reducing to no significant impact over approximately 1 year</i>
<i>Hedgerows</i>	<i>None</i>
<i>Trees</i>	<i>None</i>
<i>Ditches</i>	<i>Temporary loss of habitat until new habitat established, Local level significance reducing to no significant impact over approximately 3 years</i>
<i>Log Pile</i>	<i>Temporary loss of habitat until new habitat established, Local level significance reducing to no significant impact over approximately 1 year</i>
<i>Reptiles</i>	<i>Temporary disturbance and loss of habitat until new habitat established, adverse effect of local level significance reducing to no significant impact over approximately 3 years</i>
<i>Birds – nesting in hedgerows</i>	<i>Temporary disturbance during construction (over 8-9 years), adverse significant effect at site level only</i>
<i>Birds – skylark</i>	<i>Temporary disturbance and loss of habitat until new habitat established, adverse effect of local level significance reducing to not significant impact over 8-9 years</i>
<i>Birds – Red kite</i>	<i>Temporary disturbance over 8-9 years, adverse effect significant at site level only.</i>
<i>Badgers</i>	<i>Destruction of outlier sett. Potential disturbance of badger if occupied whilst being closed under licence, not significant in EIA terms, included for legal protection.</i>



Bats	<i>Reduced foraging habitat over fields (most significantly Serotine and Nyctalus bats), but limited effect on other species and commuting bats. Permanent adverse effect, significant at a site level only.</i>
<i>Operation</i>	
Field margins	<i>No further impact</i>
Hedgerows	<i>None</i>
Trees	<i>None</i>
Ditches	<i>None</i>
Log Pile	<i>No further impact</i>
Reptiles	<i>No further impact</i>
Birds – nesting in hedgerows	<i>Disturbance through transport noise, presence of people and lighting (from buildings, streetlight and car parks), likely to change species present, but not reduce number of birds. Permanent adverse effect significant at site level only.</i>
Birds – skylark	<i>No further impact</i>
Birds – Red kite	<i>No further impact</i>
Badgers	<i>No further impact</i>
Bats	<i>No further impact</i>

Conclusions

*“11.46 The application site is a large arable field with trees, hedges and ditches. The site is not of sufficient ecological value to warrant whole scale protection from development. However, the site does support nesting birds (including skylark) and is used by commuting and foraging bats. The assessment includes proposals to ensure that habitat loss is compensated, and that bats can continue to move through the site through bat corridors. In time one of these corridors may become less used by bats due to development of land outside of the site, but the proposed north-south corridor may become more important in time. No long-term adverse effects of the Proposed Development are significant above a site level.”*

4.8.2 FPCR have reviewed the ES with reference to the proposed changes being sought as part of the current



s73 application and have concluded that the proposed changes will have no impact on the content and conclusions of Chapter 11 of the ES.

## 4.9 Chapter 12 – Landscape and Visual Impact Assessment

### 4.9.1 The original ES stated:

#### Mitigation and Monitoring

*“12.119 Landscape and visual measures will be incorporated at detailed design stage to prevent or reduce construction and operational effects as an integral part of the design development process. These measures have been taken into account in the preceding assessment of potential landscape and visual effects.*

*12.120 These features include the following elements:*

- *Retaining all of the existing trees and hedges along the western, eastern and southern boundary of the site;*
- *New native trees and shrub screen planting to reinforce existing boundaries which needs to be developed as part of an overall landscape design strategy for the site The landscape strategy plan will need to be agreed with the local planning authority through a reserved matter planning condition;*
- *Trees and hedges within the site to define the plots and boundaries and filter the mass of the buildings which will need to be developed as part of an overall landscape design strategy for the site. The landscape strategy plan will need to be agreed with the local planning authority through a reserved matter planning condition;*
- *Material, form and details of the dwellings that complement the character of the existing surrounding built form will need to be agreed with the local planning authority; and*
- *The elevation and massing of the buildings that complement the adjacent built development.*

*12.121 The Illustrative Masterplan (See Figure 12.3 below) provides an example of how the site could be developed using the parameters that have been set for the building height, massing, landscape strategy and with the retention of the existing boundary features.*

*12.122 New tree planting as agreed through a reserved matter planning condition would typically consist of native and indigenous species suitable for the location and having considered the future size and spread of the particular species.*



12.123 These typically would include the following species: hazel (*Corylus avellana*), oak (*Quercus robur*), field maple (*Acer campestre*), rowan (*Sorbus aucuparia*), beech (*Fagus sylvatica*), holly (*Ilex aquifolium*) elm (*Ulmus minor Atinia*) and hornbeam (*Carpinus betulus*).

12.124 New hedge planting would also consist of native and indigenous species suitable for the location and be chosen to achieve dense screen hedge even in the winter months.

12.125 These typically would include the following species: hazel (*Corylus avellana*), hawthorn (*Crataegus monogyna*), holly (*Ilex aquifolium*) and hornbeam (*Carpinus betulus*).

12.126 The planting will be important in conserving and enhancing the character of the surrounding landscape”.

Residual Significant Impacts

“12.127 The Proposed Development includes design parameters as identified above that prevent or reduce the landscape and visual impacts and form an integral part of the project. Visual impacts will be mitigated through a landscaping strategy developed at detailed design stage and secured through a planning condition. Therefore, no further measures are considered necessary.

12.128 The level of impacts would remain unchanged from those identified in the preceding assessment and would not increase further over time.

12.129 Table 12.2 below details the residual visual and landscape effects as a result of the Proposed Development.

<b>Table 12.2: Residual Landscape and Visual Effects</b>				
<b>Description of Residual Effect</b>	<b>Geographic Scale of the Effect</b>	<b>Scale and Nature of Effect</b>	<b>Significant of Residual Effect</b>	<b>Duration of Effect</b>
<b>Residual Effects during the Demolition and Construction Phase</b>				
<b>Landscape Effects</b>				
Landscape Character	Local	Minor to moderate - adverse	Significant	Temporary



<i>Topography and Drainage</i>	<i>Local</i>	<i>Minor to moderate adverse</i>	<i>Significant</i>	<i>Temporary</i>
<i>Vegetation</i>	<i>Local</i>	<i>Minor to moderate adverse</i>	<i>Significant</i>	<i>Temporary</i>
<b>Visual Effects</b>				
<i>Short Distance Views from in and around the Site (Views 1-3) – Workers</i>	<i>Local</i>	<i>Minor to moderate adverse</i>	<i>Significant</i>	<i>Temporary</i>
<i>Short Distance Views from in and around the Site (Views 1-3) – Pedestrians</i>	<i>Local</i>	<i>Minor to moderate adverse</i>	<i>Significant</i>	<i>Temporary</i>
<i>Short Distance Views from in and around the Site (Views 1-3) – Residents</i>	<i>Local</i>	<i>Moderate adverse</i>	<i>Significant</i>	<i>Temporary</i>
<i>Medium Distance Views around the Site (Views 4,5,7-8, 11) (construction/farm/land Localworkers, and residents with a view from the completed Kingsmere Estate and from the emerging Graven Hill development area)</i>	<i>Local</i>	<i>Minor to moderate adverse</i>	<i>Significant</i>	<i>Temporary</i>
<i>Long Distance Views around the Site (Views 6,9-10) (farm/land workers and recreational walkers)</i>	<i>Local</i>	<i>Moderate adverse</i>	<i>Not Significant</i>	<i>Temporary</i>
<b>Residual Effects once the Proposed Development is Completed and Occupied</b>				





<b>Landscape Effects</b>				
<i>Landscape Character (0-15 years)</i>	<i>Local</i>	<i>Moderate adverse</i>	<i>Significant</i>	<i>Temporary (up to 15 years)</i>
<i>Landscape Character (after 15 years)</i>	<i>Local</i>	<i>Neutral adverse</i>	<i>Not significant</i>	<i>Long-term</i>
<i>Topography and Drainage (0-15 years)</i>	<i>Local</i>	<i>Minor / neutral adverse</i>	<i>Not significant</i>	<i>Temporary (up to 15 years)</i>
<i>Topography and Drainage (after 15 years)</i>	<i>Local</i>	<i>Minor / neutral adverse</i>	<i>Not significant</i>	<i>Long-term</i>
<i>Vegetation (0-15 years)</i>	<i>Local</i>	<i>Minor adverse</i>	<i>Not significant</i>	<i>Temporary (up to 15 years)</i>
<i>Vegetation (after 15 years)</i>	<i>Local</i>	<i>Neutral to minor beneficial</i>	<i>Not significant</i>	<i>Long-term</i>
<b>Visual Effects</b>				
<i>Short Distance Views from in and around the Site (Views 1-3) – Workers (0-15 years)</i>	<i>Local</i>	<i>Minor adverse</i>	<i>Not Significant</i>	<i>Temporary (up to 15 years)</i>
<i>Short Distance Views from in and around the Site (Views 1-3) – Workers (after 15 years)</i>	<i>Local</i>	<i>Neutral beneficial</i>	<i>Not Significant</i>	<i>Long-term</i>
<i>Short Distance Views from in and around the Site (Views 1-3) – Pedestrians, motorists and cyclists (0-15 years)</i>	<i>Local</i>	<i>Minor adverse</i>	<i>Not Significant</i>	<i>Temporary (up to 15 years)</i>
<i>Short Distance Views from in and around the Site (Views 1-3) – Pedestrians,</i>	<i>Local</i>	<i>Minor adverse</i>	<i>Not Significant</i>	<i>Long-term</i>



<i>motorists and cyclists (after 15 years)</i>				
<i>Short Distance Views from in and around the Site (Views 1-3) – Residents (0-15 years)</i>	<i>Local</i>	<i>Minor to moderate - adverse</i>	<i>Significant</i>	<i>Temporary (up to 15 years)</i>
<i>Short Distance Views from in and around the Site (Views 1-3) – Residents (after 15 years)</i>	<i>Local</i>	<i>Minor adverse</i>	<i>Not Significant</i>	<i>Long-term</i>
<i>Medium Distance Views around the Site (Views 4,5,7-8, 11) Workers (0-15 years)</i>	<i>Local</i>	<i>Neutral</i>	<i>Not Significant</i>	<i>Temporary (up to 15 years)</i>
<i>Medium Distance Views around the Site (Views 4,5,7-8, 11) Workers (after 15 years)</i>	<i>Local</i>	<i>Neutral - beneficial</i>	<i>Not Significant</i>	<i>Long-term</i>
<i>Medium Distance Views around the Site (Views 4,5,7-8, 11) Pedestrians, motorists and cyclists (0-15 years)</i>	<i>Local</i>	<i>Neutral</i>	<i>Not Significant</i>	<i>Temporary (up to 15 years)</i>
<i>Medium Distance Views around the Site (Views 4,5,7-8, 11) Residents (0-15 years)</i>	<i>Local</i>	<i>Neutral</i>	<i>Not Significant</i>	<i>Temporary (up to 15 years)</i>
<i>Long Distance Views around the Site (Views 6,9-10) - Workers (0-15 years)</i>	<i>Local</i>	<i>Neutral</i>	<i>Not Significant</i>	<i>Temporary (up to 15 years)</i>
<i>Long Distance Views around the Site (Views 6,9-10) – Pedestrians, motorists and cyclists (0-15 years)</i>	<i>Local</i>	<i>Neutral</i>	<i>Not Significant</i>	<i>Temporary (up to 15 years)</i>



<p><i>Long Distance Views around the Site (Views 6,9-10) – Residents (0-15 years)</i></p>	<p><i>Local</i></p>	<p><i>Neutral</i></p>	<p><i>Not Significant</i></p>	<p><i>Temporary (up to 15 years)</i></p>
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Conclusions

*“12.143 Any development will change the character of a location to some degree. However, with the correct siting, design, architectural and landscape treatment, the development can provide a positive enhancement to the existing site, with positive impacts on the physical and visual character and quality of the surrounding landscape.*

*12.144 The site is located to the south of Bicester adjacent to the A41 and occupies an area of approximately 13.1 hectares (ha) and consists of an area of arable field with hedgerows and mature tree bordering the western, and southern boundary and a new access road to the northern boundary.*

*12.145 The visual appraisal concludes that the site is not visually prominent within the wider landscape nor is it widely perceptible from the built up areas of Bicester Town. The topography of the site and that of the wider landscape is flat with areas of gently undulating countryside and, as a result views towards the site from near or middle distance views are mainly screened by intervening vegetation. Views from the southern edge of Bicester are screened by vegetation or buildings particularly Bicester Village and the elevated section of the A41.*

*12.146 Views towards the site from further to the east are screened either by intervening vegetation or landform. Graven Hill is an effective barrier in curtailing views from the southeast. There will be some limited views from the emerging residential development on Graven Hill (Bicester 2) but these are seen in the context of existing built development and screen by vegetation. Views towards the site from further to the south from the villages of Chesterton and Wendlebury are effectively screening by either landform or intervening vegetation. There are some local views from the east and south east direction towards the development these are from the recently constructed Kingsmere residential estate and are generally from frontage buildings only.*

*12.147 The Proposed Development would create a new business park for Bicester, which would also have open space and associated parking. The new business park parameters are shown on the architect’s plans and would be located within a sensitively planned and extensive landscape proposal.*

*12.148 Access to the business park will be afforded from the A41 via the recently constructed Lakeview Drive which also serves the new Tesco’s foodstore.*



12.149 *The results of the visual assessment and preparation of the ZVI plans of the Proposed Development Zones demonstrate that only limited filtered and partial views of the upperparts of the development zones are visible from the surrounding area, in particular from the south and east of the site which are being developed for housing at present.*

12.150 *The overall landscape objective is one of integration and the creation of a high quality office buildings set in a landscaped park. This will need to be achieved through a landscape design and management plan agreed with the local planning authority and submitted as a reserved matter planning condition.*

12.151 *The Proposed Development has been informed by the desirability to protect the intrinsic features of the site and to ensure that the Proposed Development is sensitively integrated into the existing landscape setting.*

12.152 *The landscape strategy adopted for Proposed Development will provide a high quality landscape at the entrance to the town of Bicester. The Proposed Development will provide a strong sense of place with a high quality landscape that will comprise of connected open spaces, pedestrian and public transport linkages and ecological enhancements.*

12.153 *The key benefits provided by the landscape and masterplan strategy can be summarised as follows:*

- *The integration of the Proposed Development by providing a carefully considered and comprehensive landscape setting, thereby minimising the effects of new buildings and car parking on the existing character of the site;*
- *The retention and enhancement of existing boundary vegetation along the western, eastern and southern boundaries of the site, including the provision of landscape buffer planting along the northern boundary of the site;*
- *The introduction of trees and hedgerow planting to provide green connections between existing habitats at the perimeter of the site and beyond; and*
- *The Proposed Development will be built to current sustainable requirement and reflect the best in architecture and urban design.*

*It is considered that the Proposed Development would be acceptable in landscape and visual terms and would not conflict with the aims and objectives of the landscape and environment policies within the Local Plan. The Proposed Development would offer opportunities to significantly enhance the setting and appearance of the site, including the diversification and protection of existing habitats*



*benefiting both local ecology and landscape amenity.”*

- 4.9.2 Bidwells have reviewed the ES with reference to the proposed changes being sought as part of the current s73 application and have found that the conclusions of Chapter 12 of the ES will not be altered by the proposed changes.
- 4.9.3 Regarding the landscape effects, as the nature of the development and expected construction activities are unchanged and the extent of the developable area is also not substantially different, all impacts identified in the original Landscape and Visual Impact Assessment chapter of the ES (LVIA) are considered valid for the new proposal.
- 4.9.4 The analysis of the visual effects of the revised scheme has been informed by the production of technical visualisations. The conclusions of the LVIA on the receptors associated with viewpoints 4,6,7,9 and 10 (i.e. no significant effects) is unchanged as the intervening distance and or new developments to the east of the site fade and or obstruct the views. For the remaining viewpoints (5,8 and 11) the conclusions of the LVIA also remain, with no significant effects on medium-distance views and a significant, albeit temporary (0-15 years) effect on receptors in the residential area. The increased height will not cause any additional impacts as it is still subservient to the visible residential context. Regarding the local workers and road users receptors, the change in the composition of the experienced view is noticeable regardless of the increased height, which will not cause additional impact.
- 4.9.5 The conclusions regarding cumulative effects will also remain unchanged as the additional height will not alter the relationship with the assessed consented scheme.

#### **4.10 Chapter 13 – Water Resources and Flood Risk**

- 4.10.1 The original ES stated:

Mitigation and Monitoring

*“Construction*

*13.100 The contractor will develop a Construction Environmental Management Plan (CEMP) to cover the construction site works. It will include mitigation measures to protect the water environment. This will set out how construction activities will be undertaken in accordance with good practice guidance, including the Pollution Prevention Guidelines (PPG) formerly published by the EA, particularly ‘PPG1 General guide to the prevention of water pollution’, ‘PPG2 Above ground oil storage tanks’, ‘PPG 5 Works in, near or liable to affect watercourses’, and ‘PPG 6 Working at construction and demolition sites’, and other good construction guidance such as CIRIA ‘Guidance*



C532 control of water pollution from construction sites'...

Completed Development

[Details set out in] Table 13.9 Summary of supplementary operational mitigation measures"

Residual Effects

<b>Table 13.10 Summary of Residual Effects</b>				
<b>Intended End Use</b>		<b>Likely Effect, Geographic Scale and Duration (Pre Mitigation)</b>	<b>Residual Effect, Geographic Scale and Duration (Post Mitigation)</b>	<b>Residual Effect Significance</b>
<b>Construction</b>				
<i>Garden Centre Pond – water quality</i>	<i>Dust and debris</i>	<i>Localised minor, temporary</i>	<i>Negligible</i>	<i>Negligible</i>
<i>Langford Brook – water quality</i>	<i>Increased sediment loads</i>	<i>Localised moderate, temporary</i>	<i>Minor</i>	<i>Minor adverse</i>
	<i>Accidental release of hydrocarbons</i>	<i>Localised moderate, temporary</i>	<i>Negligible</i>	<i>Negligible</i>
	<i>Accidental release of hazardous materials</i>	<i>Localised moderate, temporary</i>	<i>Negligible</i>	<i>Negligible</i>
	<i>Dust and debris</i>	<i>Localised minor, temporary</i>	<i>Negligible</i>	<i>Negligible</i>
	<i>Leak or breakage of the temporary sewerage system</i>	<i>Localised moderate, temporary</i>	<i>Negligible</i>	<i>Negligible</i>
<i>Water services infrastructure – drainage sewer</i>	<i>Increased sediment loads</i>	<i>Localised minor, temporary</i>	<i>Negligible</i>	<i>Negligible</i>



(surface water capacity)				
Site users (construction workers and plant)	Flood risks to site workers	Major – site wide, temporary	Negligible	Negligible
<b>Completed Development</b>				
Langford Brook – water quality	Pollutants contained in surface water	Localised minor, permanent	Negligible	Negligible
Water services infrastructure (surface water) – capacity	Decreased flood risk	Localised minor, permanent	Minor	Minor adverse
Water services infrastructure (supply)	Increased water demand	Localised major, permanent	Minor	Minor adverse
Water services infrastructure (foul)	Increased foul water discharge	Localised minor, permanent	Minor	Minor adverse
Site users	Increased flood risk	Localised minor, permanent	Negligible	Minor adverse

Conclusions

“13.104 Construction activity could potentially cause temporary but significant effects on water quality. With the suggested mitigation, the effects to all nearby water bodies that could be affected are considered to be nonsignificant (negligible and minor adverse).”

13.105 Although there will be an increase in water demand and capacity required for foul drainage, the Proposed Development will need to meet water efficiency standards through a number of measures. This will assist in reducing potable water and foul water demand, through design and construction. Furthermore, the foul water sewerage system passing through the site has been designed with consideration of development on the proposed site, so has sufficient capacity to manage the needs of the Proposed Development.”



4.10.2 Curtins have reviewed the ES with reference to the proposed changes being sought as part of the current s73 application and have concluded that the proposed changes will have no impact on the content and conclusions of Chapter 13 of the ES.

**4.11 Chapter 14 – Effects Interactions**

4.11.1 The original ES stated:

Effect Interaction of Individual Events - Construction

*“14.5 Table 14.1 presents the inter-project cumulative effects assessment throughout the construction stage of the Proposed Development, and the potential for effect interactions. The results presented in the table are discussed in more detail below.*

<b>Table 14.1: Effect Interactions of Individual Effects - Construction</b>		
<b>Sensitive Receptor Group</b>	<b>Residual Effects</b>	<b>Potential for Effect Interactions and so Combined Effects?</b>
<i>Occupants of Neighbouring and Local Residential Properties</i>	<i>Landscape and Visual (Short Distance Views from in and around the Site (Views 1-3) – Residents): moderate adverse  Landscape and Visual (Medium Distance Views around the Site (Views 4,5,7-8) (construction/farm/land workers, and residents with a view from the completed Kingsmere Estate)): minor to moderate adverse</i>	<i>No  The effects relating to views from residents during the construction period do not interact with each other, and there is therefore no potential for effect interactions between landscape and visual on occupants of neighbouring and local residential properties</i>
<i>Occupants of Neighbouring and Local Commercial Properties and Businesses</i>	<i>Socio-Economics (gross value added from construction workforce spending): moderate beneficial  Landscape and Visual (Medium Distance Views around the Site (Views 4,5,7-8) (construction/farm/land workers, and residents with a view from the completed Kingsmere</i>	<i>No  Construction workforce spending and views experienced by workers/occupants of neighbouring and local commercial properties and business, do not interact with each other, and there is therefore</i>





	<i>Estate)): minor to moderate adverse Landscape and Visual (Long Distance Views around the Site (Views 6,9-10 (farm/land workers and recreational walkers)): negligible to minor adverse</i>	<i>no potential for effect interactions between landscape and visual and socio-economics on occupants on neighbouring and local commercial properties and businesses</i>
<i>Demolition and Construction Site Workers</i>	<i>Socio-Economics (construction employment): moderate beneficial Socio-economics (construction training): minor to moderate beneficial Landscape and Visual (Short Distance Views from in and around the site (views 1-3) – workers): minor to moderate adverse</i>	<i>YES in terms of Socio-Economics effects on demolition and construction site workers</i>
<i>Flora and Fauna</i>	<i>Ecology (field margins): adverse Ecology (ditches): adverse Ecology (log pile): adverse Ecology (reptiles): adverse Ecology (birds nesting in hedgerows): adverse Ecology (birds - skylark): adverse Ecology (birds – red kite): adverse Ecology (bats): adverse</i>	<i>YES in terms of Ecology effects on flora and fauna</i>
<i>Local Highway Network</i>	<i>No effects of minor, moderate or major significance identified</i>	<i>N/A</i>
<i>Public Transport Network and Pedestrians</i>	<i>Landscape and Visual (Short Distance Views from in and around the Site (Views 1-3) – Pedestrians): minor to moderate adverse</i>	<i>No No effects to interact with</i>
<i>Local Air Quality</i>	<i>No effects of minor, moderate or major significance identified</i>	<i>N/A</i>
<i>Water Resources</i>	<i>Water Resources and Flood Risk (Langford Brook –</i>	<i>No No effects to interact with.</i>



	<i>Water Quality (Increased Sediment Load)): minor adverse</i>	
<i>Buried Heritage (Archaeology) and Built Heritage</i>	<i>No effects of minor, moderate or major significance identified</i>	<i>N/A</i>
<i>Landscape</i>	<i>Landscape and Visual (landscape character): minor to moderate Landscape and Visual (topography and drainage): minor to moderate Landscape and Visual (vegetation): minor to moderate adverse</i>	<i>YES in terms of landscape and visual effects on the landscape character/topography and drainage and vegetation</i>
<i>Local and Long Distance Views</i>	<i>Landscape and Visual (Short Distance Views from in and around the Site (Views 1-3) – Residents): moderate adverse Landscape and Visual (Medium Distance Views around the Site (Views 4,5,7-8) (construction/farm/land workers, and residents with a view from the completed Kingsmere Estate)): minor to moderate adverse Landscape and Visual (Long Distance Views around the Site (Views 6,9-10) (farm/land workers and recreational walkers)): negligible to minor adverse</i>	<i>YES with respect to all Landscape and Visual effects on local and long distance views experienced by residents/construction/farm/land workers and recreational walkers).</i>
<i>Existing Utilities Infrastructure</i>	<i>No effects of minor, moderate or major significance identified</i>	<i>N/A</i>

14.6 Table 14.1 identifies that there is potential for effect interactions to take place during the construction phase of the Proposed Development, for the following resources / receptors / receptor groups:

- Demolition and Construction Site Workers;



- Flora and Fauna
- Landscape; and
- Local and Long Distance Views”

Explanation of the Potential for and Significance of Combined Cumulative Effects

*“14.7 The moderate beneficial effect on construction employment and the minor to moderate beneficial effect on construction training (Socio-Economic effects) have the potential to interact to create a beneficial environment for demolition and construction workers. The increased skills gained by the workers from the construction training will in turn have a beneficial effect on employability.*

*14.8 There is the potential for adverse Ecology effects on flora and fauna to interact with each other during the demolition and construction period. The adverse effects on the field margins, ditches and log pile will in turn have an effect on the flora and fauna on site. Mitigation measures are proposed, which will help to minimise adverse effects. These include the clearing of any areas that may support reptiles in a staged manner (arable margins, log piles, any other ruderal, scrub or tall grassland habitats other than arable crop) prior to the commencement of any works in these areas. The vegetation will be cut to 200 mm, left over night, then cut to ground level. Movement of operators with brush cutters will be from west to east so that any animals disturbed will move away from the site into the flood plain area (which will not be developed). Such mitigation will help to minimise effects on flora and fauna.*

*14.9 There is the potential for effects on short, medium and long distance views (Landscape and Visual effects) to interact to cause a nuisance to sensitive receptors (residents/construction/farm/land workers and recreational walkers). It is anticipated that there will be effects to short and medium distance views on residents, and effects to medium and long distance views experienced by construction/farm/land workers and recreational walkers. Where crossovers in effects experienced by sensitive receptors occur, it is likely that these receptors will be experience nuisance by the effects to the views. These effects are temporary in nature, and upon construction of the Proposed Development (aftertime), the landscape setting around the Proposed Development and additional native screen planting will mature overtime so that views of the buildings and structures will be limited if not obscured, therefore minimising adverse effects experienced by sensitive receptors.”*

Combined Effect of Individual Effects – Once Proposed Development is Completed and Occupied

*“14.10 Table 14.2 presents a review of the potential for intra-cumulative effects arisings once the Proposed Development is completed and operational. The potential effect interactions are then discussed further, below Table 14.2.*



<b>Table 14.2: Effect Interactions of Individual Effects - Operation</b>		
<b>Sensitive Receptor Group</b>	<b>Residual Effects</b>	<b>Potential for Effect Interactions and so Combined Effects?</b>
<i>Occupants of Neighbouring and Local Residential Properties</i>	<i>Air Quality (road traffic impacts on air quality at existing receptors): negligible to minor adverse Landscape ((Short Distance Views from in and around the Site (Views 1-3) – Residents (0-15 years)): minor to moderate adverse Landscape ((Short Distance Views from in and around the Site (Views 1-3) – Residents (after 15 years)): minor adverse</i>	<i>YES Air quality and landscape and visual effect have the potential to interact to have an effect on occupants of neighbouring and local residential properties.</i>
<i>Occupants of Neighbouring and Local Commercial Properties and Businesses</i>	<i>Socio-Economics (gross value added): major beneficial Socio-Economics (permanent jobs): major beneficial Socio-Economics (net additional permanent jobs): major beneficial Socio-economics (training and skills development opportunities): moderate beneficial Landscape ((Short Distance Views from in and around the Site (Views 1-3) – Workers (0-15 years)): minor adverse</i>	<i>YES There is the potential for Socio-Economic effects to interact with each other, and for Socio-Economic effects and Landscape and Visual effects to interact to have an effect on the occupants of neighbouring and local commercial properties and businesses</i>
<i>Flora and Fauna</i>	<i>Ecology (birds nesting in hedgerows): adverse</i>	<i>No No effects to interact with</i>
<i>Local Highway Network</i>	<i>Air Quality (road traffic impacts on air quality at existing receptors): negligible to minor adverse</i>	<i>No No effects to interact with</i>



<i>Public Transport Network and Pedestrians</i>	<i>Landscape ((Short Distance Views from in and around the Site (Views 1-3) – Pedestrians, motorists and cyclists (0-15 years)): minor adverse Landscape ((Short Distance Views from in and around the Site (Views 1-3) – Pedestrians, motorists and cyclists (after 15 years)): minor adverse</i>	<i>No Due to the differing time periods in which the landscape and visual effects occur, there is no potential for these effects to interact to have an effect on the public transport network.</i>
<i>Local Air Quality</i>	<i>Air Quality (road traffic impacts on air quality at existing receptors): negligible to minor adverse</i>	<i>No No effects to interact with</i>
<i>Built Heritage</i>	<i>No effects of minor, moderate or major significance identified</i>	<i>N/A</i>
<i>Landscape</i>	<i>Landscape (landscape character 0-15 years): moderate adverse Landscape (vegetation 0-15 years): moderate adverse Landscape (vegetation after 15 years): moderate adverse</i>	<i>No These landscape and visual effects have the potential to interact to have an effect on the landscape.</i>
<i>Existing Utilities Infrastructure</i>	<i>Water Resources and Flood Risk (water services infrastructure (supply) – increased water demand): minor adverse Water Resources and Flood Risk (water services infrastructure (surface water) – capacity – (decreased flood risk)): minor adverse Water Resources and Flood Risk (water services infrastructure (foul) – increased foul water drainage)): minor adverse</i>	<i>YES there is the potential for water resources effects (water services infrastructure, surface water and increased foul water drainage) to interact to have an effect on existing utilities</i>

14.11 Table 14.2 shows that there is potential for a series of potential effect interactions to take place once the Proposed Development is complete and occupied, for the following resources / receptors / receptor groups:

- Occupants of Neighbouring and Local Residential Properties;
- Occupants of Neighbouring and Local Commercial Properties and Businesses; and



- Existing Utilities and Infrastructure

14.12 When the potential for combined effects is considered, the receptor groups identified above are potentially affected by intra-cumulative effects.”

4.11.2 Given the findings of the reviews of Chapter 6 – 13, it is considered that the findings of Chapter 14 remain unchanged.

## 4.12 Chapter 15 – Residual Effects and Conclusions

4.12.1 The original ES stated:

### Residual Effects During Construction

“15.4 Table 15.1 below provides a summary of the residual effects likely to arise as a result of the construction of the Proposed Development. Those effects which are considered to be ‘Significant’ in the context of the EIA Regulations<sup>1</sup> (moderate and major effects) are in bold and shaded yellow.”

### Residual Effects Once the Proposed Development is Completed and Operational

“15.5 Table 15.2 below summarises the residual effects which have been identified by the individual technical assessments as likely to arise as a result of the operation of the Proposed Development. Those effects which are considered to be ‘Significant’ in the context of the EIA Regulations<sup>1</sup> are in bold.”

4.12.2 Tables 15.1 and 15.2 have been reviewed, with commentary added concerning the outcome of the s73 review.



<i>Table 15.1 Residual Effects during the Construction Phase of the Proposed Development</i>						<b>S73 ES Review</b>
<b>Topic Area</b>	<b>Description of Residual Effect</b>	<b>Geographic Scale of the Effect</b>	<b>Scale and Nature of Effect</b>	<b>Significance of Residual Effect</b>	<b>Duration of Effect</b>	<b>Commentary</b>
Socio-Economic	Construction Employment	Local	Moderate beneficial	Significant	Short term	No change
	Gross Value Added	Local	Moderate beneficial	Significant	Short term	No change
	Construction Training	Local	Minor to Moderate - beneficial	Significant	Short term	No change
Transportation and Access	Severance (Lakeview Drive)		Negligible	Not significant	N/A	No change
Noise and Vibration	Construction Activity	Local	Negligible	Not significant	N/A	No change
	Construction Traffic	Local	Negligible	Not significant	N/A	No change
Air Quality	Dust Soiling	Local	Negligible	Not significant	N/A	No change
	Dust Impacts on Human health	Local	Negligible	Not significant	N/A	No change
Buried Heritage (Archaeology) and Built Heritage	Site no. 180 (Mesolithic Flint scatter with Later Prehistoric and Roman features)	Local	Negligible	Not significant	N/A	No change



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	<i>Site No. 285 (Ridge and Furrow)</i>	<i>Local</i>	<i>Negligible</i>	<i>Not significant</i>	<i>N/A</i>	<i>No change</i>
	<i>Site No. 286 (Circular cropmark from aerial photography)</i>	<i>Local</i>	<i>Negligible</i>	<i>Not significant</i>	<i>N/A</i>	<i>No change</i>
	<i>Site No. 287 (Field boundaries (extant and buried))</i>	<i>Local</i>	<i>Negligible</i>	<i>Not significant</i>	<i>N/A</i>	<i>No change</i>
<i>Ecology</i>	<i>Field Margins</i>	<i>Local</i>	<i>Adverse</i>	<i>Significant</i>	<i>Temporary</i>	<i>No change</i>
	<i>Hedgerows</i>	<i>Local</i>	<i>Negligible</i>	<i>Not significant</i>	<i>Temporary</i>	<i>No change</i>
	<i>Trees</i>	<i>Local</i>	<i>Negligible</i>	<i>Not significant</i>	<i>Temporary</i>	<i>No change</i>
	<i>Ditches</i>	<i>Local</i>	<i>Adverse</i>	<i>Significant</i>	<i>Temporary</i>	<i>No change</i>
	<i>Log Pile</i>	<i>Local</i>	<i>Adverse</i>	<i>Significant</i>	<i>Temporary</i>	<i>No change</i>
	<i>Reptiles</i>	<i>Local</i>	<i>Adverse</i>	<i>Significant</i>	<i>Temporary</i>	<i>No change</i>
	<i>Birds – nesting in hedgerows</i>	<i>Site Level</i>	<i>Adverse</i>	<i>Significant</i>	<i>Temporary</i>	<i>No change</i>
	<i>Birds – skylark</i>	<i>Local</i>	<i>Adverse</i>	<i>Significant</i>	<i>Temporary</i>	<i>No change</i>
	<i>Birds – Red kite</i>	<i>Site Level</i>	<i>Adverse</i>	<i>Significant</i>	<i>Temporary</i>	<i>No change</i>
	<i>Badgers</i>	<i>Site Level</i>	<i>Negligible</i>	<i>Not significant</i>	<i>Temporary</i>	<i>No change</i>





	<i>Bats</i>	<i>Site Level</i>	<i>Adverse</i>	<i>Significant</i>	<i>Permanent</i>	No change
<i>Landscape and Visual Impact Assessment</i>	<i>Landscape Effects</i>					
	<i>Landscape Character</i>	<i>Local</i>	<i>Minor to moderate - adverse</i>	<b><i>Significant</i></b>	<i>Temporary</i>	No change
	<i>Topography and Drainage</i>	<i>Local</i>	<i>Minor to moderate - adverse</i>	<b><i>Significant</i></b>	<i>Temporary</i>	No change
	<i>Vegetation</i>	<i>Local</i>	<i>Minor to moderate - adverse</i>	<b><i>Significant</i></b>	<i>Temporary</i>	No change
	<i>Visual Effects</i>					
	<i>Short Distance Views from in and around the Site (Views 1-3) – Workers</i>	<i>Local</i>	<i>Minor to moderate - adverse</i>	<b><i>Significant</i></b>	<i>Temporary</i>	No change
	<i>Short Distance Views from in and around the Site (Views 1-3) – Pedestrians</i>	<i>Local</i>	<i>Minor to moderate - adverse</i>	<b><i>Significant</i></b>	<i>Temporary</i>	No change
	<i>Short Distance Views from in and around the Site (Views 1-3) – Residents</i>	<i>Local</i>	<i>Moderate - adverse</i>	<b><i>Significant</i></b>	<i>Temporary</i>	No change



	<i>Medium Distance Views around the Site (Views 4,5,7-8, 11) (construction/farm/land local workers, and residents with a view from the completed Kingsmere Estate)</i>	<i>Local</i>	<i>Minor to moderate - adverse</i>	<b>Significant</b>	<i>Temporary</i>	No change
	<i>Long Distance Views around the Site (Views 6,9-10) (farm/land workers and recreational walkers)</i>	<i>Local</i>	<i>Negligible to minor - adverse</i>	<i>Not significant</i>	<i>Temporary</i>	No change
<i>Water Resources and Flood Risk</i>	<i>Garden Centre Pond - Dust and debris</i>	<i>Local</i>	<i>Negligible</i>	<i>Not significant</i>	<i>Temporary</i>	No change
	<i>Langford Brook - Water Quality (Increased sediment loads)</i>	<i>Local</i>	<i>Minor adverse</i>	<i>Not significant</i>	<i>Temporary</i>	No change
	<i>Langford Brook - Water Quality (Accidental release of hydrocarbons)</i>	<i>Local</i>	<i>Negligible</i>	<i>Not significant</i>	<i>Temporary</i>	No change
	<i>Langford Brook - Water Quality (Accidental release of hazardous materials)</i>	<i>Local</i>	<i>Negligible</i>	<i>Not significant</i>	<i>Temporary</i>	No change
	<i>Langford Brook - Water Quality (Dust and debris)</i>	<i>Local</i>	<i>Negligible</i>	<i>Not significant</i>	<i>Temporary</i>	No change



Langford Brook - Water Quality (Leak or breakage of the temporary sewerage system)	Local	Negligible	Not significant	Temporary	No change
Water Services Infrastructure – Drainage Sewer (Surface Water Capacity)	Local	Negligible	Not significant	Temporary	No change
Site Users (Construction Workers and Plant) – Flood Risk to Site Workers	Local	Negligible	Not significant	Temporary	No change

<b>Table 15.2 Residual Effects once the Proposed Development is Complete and Occupied</b>						<b>S73 ES Review</b>
<b>Topic Area</b>	<b>Description of Residual Effect</b>	<b>Geographic Scale of the Effect</b>	<b>Scale and Nature of Effect</b>	<b>Significance of Residual Effect</b>	<b>Duration of Effect</b>	<b>Commentary</b>
Socio-Economic	<i>Employment Effects</i>					
	Permanent jobs	Regional	Major beneficial	Significant	Long-term	No change
	Net additional permanent jobs	Regional	Major beneficial	Significant	Long-term	No change
	<i>Economic Effects</i>					
	Gross Value Added	Regional	Major beneficial	Significant	Long-term	No change
<i>Training Opportunities</i>						



	<i>Training and skills development opportunities</i>	<i>Local</i>	<i>Moderate beneficial</i>	<i>Significant</i>	<i>Long-term</i>	No change
<i>Transportation and Access</i>	<i>Severance (Lakeview Drive)</i>	<i>Local</i>	<i>Negligible</i>	<i>Not significant</i>	<i>Permanent</i>	No change
	<i>Delay</i>	<i>Local</i>	<i>Negligible</i>	<i>Not significant</i>	<i>Permanent</i>	No change
	<i>Amenity</i>	<i>Local</i>	<i>Negligible</i>	<i>Not significant</i>	<i>Permanent</i>	No change
	<i>Fear and Intimidation</i>	<i>Local</i>	<i>Negligible</i>	<i>Not significant</i>	<i>Permanent</i>	No change
	<i>Accidents and Safety</i>	<i>Local</i>	<i>Negligible</i>	<i>Not significant</i>	<i>Permanent</i>	No change
<i>Noise and Vibration</i>	<i>Site Activity</i>	<i>Local</i>	<i>Negligible</i>	<i>Not significant</i>	<i>Permanent</i>	No change
	<i>Mechanical Services Plant</i>	<i>Local</i>	<i>Negligible</i>	<i>Not significant</i>	<i>Permanent</i>	No change
	<i>Road Traffic</i>	<i>Local</i>	<i>Negligible</i>	<i>Not significant</i>	<i>Permanent</i>	No change
<i>Air Quality</i>	<i>Road traffic impacts on air quality at existing receptors</i>	<i>Local</i>	<i>Negligible to Minor Adverse</i>	<i>Not significant</i>	<i>Permanent</i>	No change
<i>Ecology</i>	<i>Field Margins</i>	<i>Local</i>	<i>Negligible</i>	<i>Not significant</i>	<i>Permanent</i>	No change
	<i>Hedgerows</i>	<i>Local</i>	<i>Negligible</i>	<i>Not significant</i>	<i>Permanent</i>	No change
	<i>Trees</i>	<i>Local</i>	<i>Negligible</i>	<i>Not significant</i>	<i>Permanent</i>	No change
	<i>Ditches</i>	<i>Local</i>	<i>Negligible</i>	<i>Not significant</i>	<i>Permanent</i>	No change



	Log Pile	Local	Negligible	Not significant	Permanent	No change
	Reptiles	Local	Negligible	Not significant	Permanent	No change
	Birds – nesting in hedgerows	Site Level	Adverse	<b>Significant</b>	Permanent	No change
	Birds – skylark	Local	Negligible	Not significant	Permanent	No change
	Birds – Red kite	Site Level	Negligible	Not significant	Permanent	No change
	Badgers	Site Level	Negligible	Not significant	Permanent	No change
	Bats	Site Level	Negligible	Not significant	Permanent	No change
Landscape and Visual Impact Assessment	Landscape Effects					
	Landscape Character (0-15 years)	Local	Moderate adverse	<b>Significant</b>	Temporary (up to 15 years)	No change
	Landscape Character (after 15 years)	Local	Neutral adverse	Not significant	Long-term	No change
	Topography and Drainage (0-15 years)	Local	Minor / neutral adverse	Not significant	Temporary (up to 15 years)	No change
	Topography and Drainage (after 15 years)	Local	Minor / neutral adverse	Not significant	Long-term	No change
	Vegetation (0-15 years)	Local	Minor adverse	Not significant	Temporary (up to 15 years)	No change



	<i>Vegetation (0-15 years)</i>	<i>Local</i>	<i>Neutral to minor - beneficial</i>	<i>Not significant</i>	<i>Long-term</i>	No change
<i>Visual Effects</i>						
	<i>Short Distance Views from in and around the Site (Views 1-3) – Workers (0-15 years)</i>	<i>Local</i>	<i>Minor adverse</i>	<i>Not significant</i>	<i>Temporary (up to 15 years)</i>	No change
	<i>Short Distance Views from in and around the Site (Views 1-3) – Workers (after 15 years)</i>	<i>Local</i>	<i>Neutral beneficial</i>	<i>Not significant</i>	<i>Long-term</i>	No change
	<i>Short Distance Views from in and around the Site (Views 1-3) – Pedestrians, motorists and cyclists (0-15 years)</i>	<i>Local</i>	<i>Minor adverse</i>	<i>Not significant</i>	<i>Temporary (up to 15 years)</i>	No change
	<i>Short Distance Views from in and around the Site (Views 1-3) – Pedestrians, motorists and cyclists (after 15 years)</i>	<i>Local</i>	<i>Minor adverse</i>	<i>Not significant</i>	<i>Long-term</i>	No change



Short Distance Views from in and around the Site (Views 1-3) – Residents (0-15 years)	Local	Minor to moderate - adverse	Significant	Temporary (up to 15 years)	No change
Short Distance Views from in and around the Site (Views 1-3) – Residents (after 15 years)	Local	Minor adverse	Not significant	Long-term	No change
Medium Distance Views around the Site (Views 4,5,7-8) Workers (0-15 years)	Local	Neutral	Not significant	Temporary (up to 15 years)	No change
Medium Distance Views around the Site (Views 4,5,7-8) Workers (after 15 years)	Local	Neutral - beneficial	Not significant	Long-term	No change
Medium Distance Views around the Site (Views 4,5,7-8) Pedestrians, motorists and cyclists (0-15 years)	Local	Neutral	Not significant	Temporary (up to 15 years)	No change
Medium Distance Views around the Site	Local	Neutral	Not significant	Temporary (up to 15 years)	No change



	<i>(Views 4,5,7-8) Residents (0-15 years)</i>					
	<i>Long Distance Views around the Site (Views 6,9-10) - Workers (0-15 years)</i>	<i>Local</i>	<i>Neutral</i>	<i>Not significant</i>	<i>Temporary (up to 15 years)</i>	<i>No change</i>
	<i>Long Distance Views around the Site (Views 6,9-10) – Pedestrians, motorists and cyclists (0-15 years)</i>	<i>Local</i>	<i>Neutral</i>	<i>Not significant</i>	<i>Temporary (up to 15 years)</i>	<i>No change</i>
	<i>Long Distance Views around the Site (Views 6,9-10) - Residents (0-15 years)</i>	<i>Local</i>	<i>Neutral</i>	<i>Not significant</i>	<i>Temporary (up to 15 years)</i>	<i>No change</i>
<i>Water Resources and Flood Risk</i>	<i>Langford Brook - Water Quality (Pollutants contained in surface water)</i>	<i>Local</i>	<i>Negligible</i>	<i>Not significant</i>	<i>Permanent</i>	<i>No change</i>
	<i>Water Services Infrastructure (Surface Water) Capacity (Decreased Flood Risk)</i>	<i>Local</i>	<i>Minor adverse</i>	<i>Not significant</i>	<i>Permanent</i>	<i>No change</i>
	<i>Water Services Infrastructure (Supply) – Increased Water Demand</i>	<i>Local</i>	<i>Minor adverse</i>	<i>Not significant</i>	<i>Permanent</i>	<i>No change</i>
	<i>Water Services Infrastructure (Foul)</i>	<i>Local</i>	<i>Minor adverse</i>	<i>Not significant</i>	<i>Permanent</i>	<i>No change</i>





	<i>– Increased Foul Water Drainage</i>					
	<i>Site Users – Increased Flood Risk</i>	<i>Local</i>	<i>Negligible</i>	<i>Not significant</i>	<i>Permanent</i>	No change

**4.13 Conclusion**

4.13.1 The review of the original ES has demonstrated that the development proposed by the s73 application has no impact over and above that already assessed for the proposed height amendments, as shown Table A below.

<b>Table A – Maximum Building Heights</b>		
	<b>Building Height (metres)</b>	<b>Height AOD (metres)</b>
<b>Zone A</b>	21.00	87.80
<b>Zone B (Previously Zones B &amp; C under 17/02534/OUT)</b>	21.00	88.75
<b>Zone D</b>	21.00	87.40
<b>Zone E</b>	21.00	87.50
<b>Zone F</b>	21.00	87.80

4.13.2 It is demonstrated above that the proposed amendments to Conditions 4, 30 and 34 would have no effect on significance or harm outside of the original EIA findings.

4.13.3 No separate EIA is required and the proposed development does not require any alternative mitigation measures.



## 5.0 Planning Case and Planning Balance

### 5.1 Introduction

5.1.1 The determination of the planning application by Cherwell District Council falls to be determined in accordance with planning law as set out in Section 38(6) of the Planning and Compulsory Purchase Act 2004; Section 70(2) of the Town and Country Planning Act 1990 and the Government’s planning policies in the National Planning Policy Framework (referred to as ‘the NPPF’ hereafter).

5.1.2 For reasons set out below, it is considered that the proposed development is in accordance with the development plan and so should be granted planning permission ‘without delay’ in accordance with s38(6) of the Planning and Compulsory Purchase Act 2004 and the presumption in favour of sustainable development in Paragraph 11(c) of the NPPF.

### 5.2 Relevant Development Plan policies and key issues for determination arising

#### Policy objectives for the delivery of economic growth in Cherwell and in Bicester, in particular

5.2.1 Enabling the economic growth of Bicester in a location which has already been accepted as appropriate for employment based growth is what is being proposed by the development subject of this planning application.

#### Employment strategy

5.2.2 One of the strategic objectives (SO 1) of the Local Plan is *“To facilitate economic growth and employment and a more diverse local economy with an emphasis on attracting and developing higher technology industries”*.

5.2.3 The site of the Bicester Business Park as a whole was granted outline planning approval, reflecting its allocation as part of land allocated through Policy Bicester 4: Bicester Business Park of the Local Plan for a new business park. This policy provides for the creation of former Class B1a development, i.e. offices, and related development.

5.2.4 Policy Bicester 4 was seen as part of the means to achieving strategic objective SO 1 of the Local Plan. The Council’s ability to achieve the objective relies on the granting and delivery of planning permissions. The s73 application seeks to increase the approved height parameters for the buildings, to account for taller floor to floor heights to meet end user requirement for ‘lab enabled’ development and the need for higher finished land levels required to meet modern drainage and SUDs standards. It therefore provides the opportunity to secure early delivery of the scheme and its associated benefits, compared to the fallback position of the outline planning permission (17/02534/OUT).



5.2.5 This is affected by market trends for employment development and a need for the Council to achieve a balance between providing a range of employment sites that attracts inward investment and for there to be availability of suitable housing to support new people coming into the area to take up jobs.

### 5.3 Planning Balance

5.3.1 This section of this Planning Statement provides an assessment of the planning balance having regard to the matters considered in Section 4 above. The factors that weigh against the grant of planning permission have been considered, as appropriate, against those in favour of granting planning permission in the table below:

Issue	Weighting
Investment into Bicester	Very Positive +
Delivery of additional employment floorspace	Very Positive+
Proposed use accords with extant planning permission	Very Positive+
Economic Operational – creation of high quality jobs	Very Positive +
Economic Operational – spend in the community	Very Positive +
Policy Compliance – Development Plan	Very Positive +
Policy Compliance – NPPF	Very Positive +
Site Accessibility	Very Positive +
Design	Very Positive +
Provision of construction phase employment opportunities	Positive +
Drainage	Neutral
Highways	Neutral

5.3.2 As demonstrated in the above table, there are no negative factors that should weigh against the grant of planning permission.

5.3.3 In addition to this, there are several economic, social and environmental benefits arising from the proposed development (NPPF Paragraphs 7-9), that are rated as ‘very positive’ and ‘positive’ and carry significant weight in the planning balance. These include investment in Bicester, along with the provision of new employment floorspace and the economic benefits to the local economy both through job creation associated with the proposed development and the construction stage. As such, there are



no factors identified that would weigh against the grant of planning permission.

**KEY:**

Scale		
Positive ↓ Negative	Very Positive	Dark Green
	Positive	Medium Green
	Moderate	Light Green
	Limited	Blue
	Very Limited	Light Blue
	Neutral	White
	Very Limited	Light Pink
	Limited	Yellow
	Moderate	Orange
	Negative	Red
	Very Negative	Dark Red



## 6.0 Summary and Conclusion

### 6.1 Introduction

6.1.1 This s73 planning application to amend Conditions 4, 30 and 34 of planning approval 17/02534/OUT is submitted to Cherwell District Council as the Local Planning Authority by Peveril Securities Ltd and Sladen Estates Ltd (the Applicant). It is aimed at delivering sustainable employment development and job creation on the Bicester Arc Site. The proposed development description is:

*“The erection of a business park of up to 60,000 sq.m (GEA) of flexible Class B1(a) office / Class B1(b) research & development floorspace; associated vehicle parking, landscaping, highways, infrastructure and earthworks. Variation of Condition 4 (approved plans and documents), Condition 30 (highway design) and Condition 34 (employment floor space limit) of previously approved planning permission no. 17/02534/OUT”*

6.1.2 The s73 application does not seek amendments that would alter this description of development and allows the permitted scheme to come forward in accordance with the key planning policy objectives of the adopted Cherwell Local Plan 2011-2031 (Part 1). It will deliver economic growth at Bicester and remains compliant with the Environmental Impact Assessment and findings of the ES.

6.1.3 The benefits that will be delivered through the grant of planning permission are significant and relate to the following areas:

1. The grant of permission for the initial employment building on the site will attract further interest and greater investment.
2. The proposal will deliver between 2,600 and 4,000 FTE jobs on-site.
3. A scheme with a construction value of £111m, which will generate the equivalent of 62.4 permanent construction jobs.
4. The ability to demonstrate to the employment market that the Bicester Arc site is ‘underway’ which will attract end users to the town as competition to Oxford.

6.1.4 The benefits that the development will bring in terms of providing a catalyst for larger scale economic development at Bicester Arc and the implementation of long intended employment growth on the site are very significant. Given the strong favourable balance of benefits and compliance with the development plan, Cherwell District Council is requested to grant approval of this s73 application ‘without delay’ in accordance with s38(6) of the Planning and Compulsory Purchase Act 2004 and the presumption in favour of sustainable development in Paragraph 11(c) of the NPPF.



Appendix A – Design Principles



Appendix B – Statement of Conformity Reviews

