

**Case Officer:** Laura Bell

**Recommendation:** Approve

**Applicant:** Albion Land

**Proposal:** Discharge of Condition 20 (Biodiversity enhancement technical note) of 21/03177/F (APP/C3105/W/22/3304021)

**Expiry Date:** 11 October 2023

**Extension of Time:** N/A

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## **1. APPLICATION SITE AND DESCRIPTION OF APPROVED DEVELOPMENT**

- 1.1. The application site relates to a parcel of land that forms the third phase of an employment scheme on the site known as Axis J9 Business Park, which itself forms part of the proposed Eco Town (North West Bicester).
- 1.2. Planning permission was allowed on appeal for employment development comprising use classes E(g)(iii), B2 and/or B8) comprising 5 units within 3 buildings and associated parking and servicing, landscaping and associated works.

## **2. CONDITIONS PROPOSED TO BE DISCHARGED**

- 2.1. Condition 20 (Biodiversity enhancement technical note).

## **3. RELEVANT PLANNING HISTORY**

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

<b>Application: 21/03177/F</b>	Appeal Allowed (Against Refusal)	15 July 2022
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Full planning application for employment development (Use Classes E(g)(iii), B2 and/or B8) comprising 5 units within 3 buildings and associated parking and servicing, landscaping and associated works

<b>Application: 23/01040/DISC</b>	Permitted	15 August 2023
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Discharge of Condition 5 (Construction Environmental Management Plan) of 21/03177/F

**Application: 23/01033/DISC**

Discharge of Condition 9 - (route of service connections) of 21/03177/F

<b>Application: 23/01955/NMA</b>	Permitted	29 September 2023
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Non-material amendment to 21/03177/F - Application to amend the wording of condition 8 to reflect the required Tree Protection and Retention Plan

#### **4. RESPONSE TO PUBLICITY**

4.1 N/A

#### **5. RESPONSE TO CONSULTATION**

5.1. CDC Ecology: I have received additional information regarding my initial comments on this application.

I have now received the original metric which is satisfactory.

I understand the LEMP with detailed management information is to follow under a separate condition and therefore that will need to be assessed with reference to the information provided here to ensure the applicants can reach their intended BNG targets within the technical note.

The applicant's ecologist has discussed with me that the applicant will not commit to integrated bird provisions within the buildings as per the Ecological appraisal and that maintenance free swift boxes are unsuitable due to flightlines. As it stands the pole mounted options are the most suitable available alternative in this context.

Given the above I consider the condition can now be discharged.

#### **6. APPRAISAL**

6.1. Condition 20 states:

*Full details of the proposals to provide a biodiversity net gain of 5.5% and enhance biodiversity as referred to within paragraphs 10.6.30, 10.6.31 and 10.6.32 of the Environmental Statement including the position and type of each proposed enhancement measure shall be submitted to and approved in writing by the Local Planning Authority prior to the development reaching slab level. Thereafter, the biodiversity enhancement measures approved shall be carried out prior to occupation and retained in accordance with the approved details.*

6.2. The amended technical note is considered to be acceptable by CDC's Ecologist and can therefore be discharged.

6.3. The original application was EIA development. This application is not a 'subsequent application' as it is not a pre-commencement requirement. The information submitted pursuant to the discharge of this condition was not included within the Environmental Statement submitted with the application although it will support the development of the site to the satisfaction of the local planning authority in consideration of the environmental impacts. For these reasons, the EIA is considered adequate for the purposes of considering the information provided for this condition and it has been taken into account in considering this submission.

#### **7. RECOMMENDATION**

That Planning Condition 20 of 21/03177/F be discharged based upon the following:

Condition 20

Ecology Technical Note: Condition 20, Axis J9, Bicester (Ref 10706\_R01\_Biodiversity Enhancements Tech Note\_Condition 20\_GS), dated issued 4 September 2023.

For the avoidance of doubt, drawing number 10706 within this document is approved only insofar as it shows the provision of biodiversity enhancement measures. There is no implied approval for the layout shown on this plan relating to land to the east which does not form part of this planning application site area.

Case Officer: Laura Bell

DATE: 19 December 2023

Checked By: Caroline Ford

DATE: 21 December 2023

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